

# Negotiating in Good Faith: Overcoming Legitimacy Problems in the Japan-South Korea Reconciliation Process

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Abstract: This research paper examines why Japanese-Korean relations concerning history issues have remained poor after “successful” negotiations such as the 1965 Treaty on Basic Relations between Japan and the Republic of Korea? I contend previous treaties and agreements sacrificed reconciliation to fulfill security, economic, and political needs. Although this strategy can allow for a workable relationship, as conditions change between the two stakeholders, the weaknesses of previous agreements lead to future backtracking. Moreover, I contend the 1965 treaty is perceived to be illegitimate because it was non-transparently negotiated between unequal powers; South Korea being the weaker state represented by an authoritarian leader that did not reflect the will of the people and Japan being the stronger state who was the former aggressor. Because the negotiations lacked a neutral third party mediator, Koreans in the present day believe the treaty was not fair or a final settlement. I recommend the US mediate a settlement between the parties to ensure adequate Confidence Building Measures (CBM). Such measures will lower the costs of giving and accepting an apology, increasing the chances of an enduring legitimacy treaty.

Since the 1965 Treaty of Basic Relations between Japan and the Republic of Korea, both nations have engaged in immense bilateral trade, student exchanges, tourism, intermarriage, and regular Track 1, 2, and 3 meetings while their democracies solidified and prospered. In 2015, which marked the 50<sup>th</sup> anniversary of the treaty, Japan and South Korea signed a historic agreement to resolve the conflict women issue “finally and irreversibly.” By most indicators, Japan and South Korea are politically, economically, and culturally interdependent. Yet, the strength of the relationship has regularly been tested by disputes over Japan’s colonial history and subsequent inability to mend relations with its victims. For security specialists and policymakers, the coveted trilateral alliance between the US, Japan, and South Korea seems out of reach.

Japan and South Korea could not be further apart on war memory and reconciliation; many Koreans believe Japan has not sufficiently apologized and many Japanese suffer from “apology fatigue.”<sup>1</sup> According to the 2016 Genron NPO Japan-South Korea Joint Public Opinion Poll, the majority of Koreans and Japanese have a negative opinion of each other, with 75.3% Japanese citing “continued criticism of Japan over historical issues” and 96.3% of Koreans citing “lack of remorse for historical invasion of South Korea” as the source of their animosity.<sup>2</sup> Extreme pockets in South Korea believe Japan has not apologized at all and revisionists in Japan whitewash the nation’s colonial history; both groups have a noticeable presence in domestic politics. The durability of anti-reconciliation forces is perplexing given that the countries signed a normalization treaty, Japan has issued multiple apologies, and noncooperation is not within their strategic interests. Scholars have spent much time elucidating why the history issue has remained an obstacle and have proposed concessions that each side should consider, but have paid little attention to why previous treaties have failed to stick after they were reached.

Hence, this article engages this puzzle by addressing the question, why have relations between Japan and South Korea not improved after “successful” negotiations? I contend that although the 1965 Treaty of Basic Relations between Japan and the Republic of Korea prevented conflict escalation and laid the groundwork for economic cooperation, it did not resolve the “history question” because it is perceived to be illegitimate. The 1965 treaty lacked legitimacy because it was forced through by Korean President Park Chung-hee, an authoritarian leader who was later assassinated. When the treaty was signed, the power disparity between Japan and South Korea was great, providing the perpetrator more leverage than the victim. Since Park was primarily focused on securing capital to jumpstart South Korea’s economy, he silenced opposition and forced through a nontransparent and vaguely worded agreement. Future agreements have sought to address the failings of the original treaty, but have failed due to poor strategic bargaining.

Strategic missteps have plagued the reconciliation process. Since 1965, Japan has engaged in unilateral apologies without consultation with South Korea, thus not addressing the legitimacy problem of the original treaty. Moreover, treaties and agreements have not been designed to address backtracking from either side. Apology fatigue has set in for many Japanese because previous agreements have lacked staying power. The failure of previous apologies to settle the history problem make leaders reluctant to revisit past issues and leading them to believe the other side is not negotiating in good faith.

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<sup>1</sup> “Yomiuri poll finds voters feel Japan has apologized enough but some split on Abe war speech,” *The Japan Times*, last modified August 20, 2015, <http://www.japantimes.co.jp/news/2015/08/20/national/history/yomiuri-poll-finds-voters-feel-japan-apologized-enough-split-abe-war-speech/#.Vnss1IQfWRs>.

<sup>2</sup> The Genron NPO and East Asia Institute, “The 4th Japan-South Korea Joint Public Opinion Poll,” July 2016.

The article proceeds as follows. First, I illustrate why current relations are harmful to Japan, South Korea, and the US. Second, I examine arguments in the literature on why reconciliation has been so difficult. Third, I analyze the historical contexts of how previous agreements and apologies were issued and why they have been ineffective. And fourth, I offer suggestions to crafting an enduring peace agreement.

### **The Importance of Reconciliation**

In recent years, increased attention has been given to the normative dimension of reconciliation. According to the Reconciliation After Violent Conflict Handbook, reconciliation is necessary for building confidence and trust, creating empathy, and even preventing conflict.<sup>3</sup> Although there is not a one-size-fits-all reconciliation model, the process usually includes healing, justice (retributive and restorative), truth-telling, and reparations.<sup>4</sup> In addition to achieving justice for the victims, reconciliation also helps states avoid the consequences of non-cooperation.

Since the comfort women issue became public knowledge in the late 1980s, Japan and South Korea have pursued truth-telling, reparations, apology, and acceptance, but dissatisfaction with the process and results have led both sides to pursue more destructive reconciliation strategies. Over the past decade, Japan and South Korea have engaged in an expensive and embarrassing public relations battle. Each government has been increasingly willing to debate the comfort women issue at the international level, drumming up nationalistic, and often misinformed, support from the general population. This has bled over to other areas of dispute, such as the textbook controversy and Dokdo/Takeshima island dispute, where both sides have sought to mobilize foreigners with propaganda to win the public relations battle.<sup>5</sup> Such strategies fail to reconcile differences as Japan and South Korea speak past one another and are likely to anger the other side. They are also unlikely to garner support from the international community as these issues are complex and context-driven; how colonial history is addressed may be significant to domestic constituents but trivial to outsiders thousands of miles away. Moreover, until one side “wins,” both countries risk losing prestige as embarrassing history is publicized at the international level. For example, as South Korean interest groups were pressuring Prime Minister Abe Shinzo to issue an apology during his April 2015 US visit, the Japanese government mobilized former Minnesota Senator Norm Coleman to front the organization Voices of Vietnam, which called for South Korea to apologize to the thousands of Vietnamese comfort women.<sup>6</sup> Not only do these political games achieve little for either side, it is a grave injustice to the comfort women whose suffering has been used for political purposes.

The animosity between Japan and South Korea also risks weakening relations with the US. Although the official US position on history disputes is neutrality, top officials have become

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<sup>3</sup> David Bloomfield, Teresa Barnes, and Luc Huyse (eds.), *Reconciliation After Violence Conflict: A Handbook* (Sweden: Bulls Tryckeri AB Halmstad, 2003), <http://www.un.org/en/peacebuilding/pbso/pdf/Reconciliation-After-Violent-Conflict-A-Handbook-Full-English-PDF.pdf>. The handbook is made available on the Peace Building Support Office section of the UN website.

<sup>4</sup> David Bloomfield, Teresa Barnes, and Luc Huyse (eds.), *Reconciliation After Violence Conflict: A Handbook*.

<sup>5</sup> Korea Ministry of Foreign Affairs, Dokdo, <http://dokdo.mofa.go.kr/eng/>; Japan Ministry of Foreign Affairs, Takeshima, <http://www.mofa.go.jp/region/asia-paci/takeshima/>; 2014 Foreign Students' Korean Speech Contest about the Dokdo in Daegu University, <https://www.youtube.com/watch?v=AjyuC5VjkEg>.

<sup>6</sup> Jeff Kingston, “‘Japan lobby’ takes the gloves off in PR battle,” *The Japan Times*, last modified October 31, 2015, <http://www.japantimes.co.jp/opinion/2015/10/31/commentary/japan-lobby-takes-gloves-off-pr-battle/#.Vn3cVDYfWRu>.

more willing to criticize allies. In 2015, Under Secretary of State Wendy R. Sherman remarked, “nationalist feelings can still be exploited, and it’s not hard for a political leader anywhere to earn cheap applause by vilifying a former enemy. But such provocations produce paralysis, not progress. To move ahead, we have to see beyond what was to envision what might be. And in thinking about the possibilities, we don’t have to look far for a cautionary tale of a country that has allowed itself to be trapped by its own history.”<sup>7</sup> Sherman’s assessment led to a backlash in South Korea for what was seen as an embarrassing criticism from an ally.<sup>8</sup> Similarly, after Prime Minister Abe visited the Yasukuni Shrine, the US Embassy in Tokyo released a statement expressing “disappointment that Japan’s leadership has taken an action that will exacerbate tensions with Japan’s neighbors.”<sup>9</sup> Every time the US has commented on disputes, Japan and South Korea question the strength of their alliances and each side wastes precious resources tending to hurt feelings and exercising damage control.

The US’ increased willingness to intervene is reflective of a growing concern over encroachment on its foreign policy by Japanese and Korean special interests. According to Kent Calder, Japan and South Korea have the most lobby groups in the US, at 23 firms and 34 firms, respectively.<sup>10</sup> The Japanese and Korean governments hope that millions of lobbying dollars will help deepen “local understanding of their country’s economic and political circumstances as well as its policy priorities.”<sup>11</sup> The lobby efforts have brought East Asia regional issues into US domestic politics. Prominent politicians such as Rep. Mike Honda, former Secretary of State and presidential candidate Hillary Clinton, and former President Barack Obama have all made statements concerning Japan’s colonial past and regional relations. In addition, China and South Korea have helped finance the construction of comfort women statues in Glendale, New Jersey, and San Francisco, leading to tensions within those communities and drawing the ire of local politicians.<sup>12</sup> These outside interest groups have also sought to influence the content of textbooks in US classrooms. In one case, where the Korean-American community supported by resources from the Korean government pushed for Virginia textbooks to use the term “East Sea” in addition to “Sea of Japan,” Japan mobilized its ambassador, several lobbyists, and the business community to pressure state politicians.<sup>13</sup> Domestic US politics were being shaped by international interest groups. The tension between the sides also impacts the US ability to maneuver in East Asia. In April 2014, Obama added Seoul to his Asia trip to avoid “potential

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<sup>7</sup> Wendy R. Sherman, “Remarks on Northeast Asia,” *Carnegie Endowment for International Peace*, last modified on February 27, 2015, <http://www.state.gov/p/us/rm/2015/238035.htm>.

<sup>8</sup> Seung-woo Kang, “US needs to undo Sherman damage,” *The Korea Times*, last modified on March 3, 2015, [http://www.koreatimes.co.kr/www/news/nation/2015/03/116\\_174519.html](http://www.koreatimes.co.kr/www/news/nation/2015/03/116_174519.html).

<sup>9</sup> Takashi Oshima, “U.S. expresses disappointment at Abe visit to Yasukuni Shrine,” *The Asahi Shimbun*, last modified on December 27, 2013, [http://ajw.asahi.com/article/behind\\_news/politics/AJ201312270048](http://ajw.asahi.com/article/behind_news/politics/AJ201312270048).

<sup>10</sup> Kent. E. Calder, *Asia in Washington: Exploring the penumbra of transitional power* (Washington DC: Brookings Institution Press, 2014).

<sup>11</sup> Kent. E. Calder, *Asia in Washington: Exploring the penumbra of transitional power*, 92.

<sup>12</sup> Brittany Levine, “Buena Park reconsiders comfort women status after Glendale fuss,” *The Los Angeles Times*, last modified July 29, 2013, <http://www.latimes.com/local/lanow/la-me-ln-buena-park-comfort-women-20130729-story.html>.

<sup>13</sup> Laura Vozella, “Va. Textbook bill on alternative Sea of Japan name heads toward a partisan showdown,” *The Washington Post*, last modified on January 29, 2014, [https://www.washingtonpost.com/local/virginia-politics/va-textbook-bill-on-alternative-sea-of-japan-name-heads-toward-a-partisan-showdown/2014/01/29/9d0ee046-888d-11e3-a5bd-844629433ba3\\_story.html](https://www.washingtonpost.com/local/virginia-politics/va-textbook-bill-on-alternative-sea-of-japan-name-heads-toward-a-partisan-showdown/2014/01/29/9d0ee046-888d-11e3-a5bd-844629433ba3_story.html).

fallout over tensions in the region.”<sup>14</sup> The US did not want to signal to South Korea that it was secondary to Japan, fearing that it would push the ally closer to China. As a result, “President Obama’s visit to Korea was more about delivering a message of commitment and friendship rather than seeking deliverables.”<sup>15</sup> The need to appease allies does not strengthen the East Asia security architecture. The US ability to act freely in the region is compromised and Japan and South Korea do not receive the full attention they feel they deserve, ultimately eroding their autonomy and status as well.

Since the US expends resources maintaining, as opposed to strengthening, relations among its allies, the “quasi-alliance” is not operating at peak efficiency.<sup>16</sup> This weakness provides the opportunity for other actions in the region to grow and to disrupt regional power balance. In recent years China has sought to strengthen ties with South Korea, putting further pressure on the US to reassure. In addition, China has been increasingly willing to power project, sending armed ships into Japanese territorial waters and constructing artificial islands in the South China Sea. The vaunted US “Pivot to Asia” has been inconsistent and it cannot secure the region alone as it is pulled back into the quagmire of the Middle East and war against ISIS. A functioning trilateral relationship is critical to regional security, now more so than ever given the new Trump administration has called upon Japan and South Korea to carry a heavier security burden.

Lastly, without a comprehensive future-oriented agreement, neither side will achieve what it desires. South Korea wants a genuine apology for the victims of Japanese colonization, most of whom will not live past the end of the decade. Its current strategy of securing piecemeal concessions through shaming has achieved little long term success. For Japan, an ironclad reconciliation agreement will settle issues that have continually resurfaced for 50 years. For example, in 2012, the Supreme Court of Korea ordered Mitsubishi Heavy Industries and Nippon Steel Corporations to compensate victims of forced labor.<sup>17</sup> And in 2014, the Shanghai Maritime Court seized a Mitsui OSK Lines ship over a pre-war debt.<sup>18</sup> Although the government may be protected by the 1965 treaty, Japanese companies will be victimized by growing number of lawsuits and seizures. If future generations in Japan and South Korea are to not to be defined by aggression and victimhood, a more comprehensive agreement must be secured.

## Overcoming Identity

There is a rich literature that examines the troubled reconciliation process. Utilizing public opinion polls and in-depth interviews, Glosserman and Snyder find that national identity, partly built on differing interpretations of history, shapes foreign policy and has made it difficult for the sides to find common ground.<sup>19</sup> They highlight a case in which Koreans laud Ahn Jung-

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<sup>14</sup> Ellen Kim, “President Obama’s visit to South Korea,” *Center for Strategic and International Studies*, last modified on April 29, 2014, <http://cogitasia.com/president-obamas-visit-to-south-korea/>.

<sup>15</sup> Ellen Kim, “President Obama’s visit to South Korea.”

<sup>16</sup> For more on “quasi-alliances,” see Victor Cha, “Abandonment, Entrapment, and Neoclassical Realism in Asia: The United States, Japan, and Korea,” *International Studies Quarterly* 44, 2 (June 2000).

<sup>17</sup> Sarah Kim, “50 years after Korea-Japan pact, some issues won’t go away,” *Korean Joong Daily*, last modified on June 23, 2015, <http://koreajoongangdaily.joins.com/news/article/Article.aspx?aid=3005725>.

<sup>18</sup> Lucy Hornby and Jonathan Soble, “Japanese ship seized in wartime claims row,” *Financial Times*, last modified on April 21, 2014, <http://www.ft.com/intl/cms/s/0/7f68b9e8-c92b-11e3-99cc-00144feabdc0.html#axzz3vMPRFL7X>.

<sup>19</sup> Brad Glosserman and Scott A. Snyder, *The Japan-South Korea Identity Clash* (New York: Columbia University Press, 2015).

guen as a national hero for assassinating Gov. Ito Hirobumi, the Japanese acting governor of occupied Korea.<sup>20</sup> In recent years, China and South Korea have worked together to spread exhibits glorifying this national hero, who the Japanese consider a terrorist. Polling data has consistently shown divergent views of history negatively impacts perceptions of the other. According to the 2015 Genron NPO poll, 52.4 percent of Japanese have an unfavorable opinion of South Korea and 72.5 percent of Koreans have an unfavorable opinion of Japan.<sup>21</sup>

Park Cheol Hee contends negative perceptions of Japanese are a primordial element of Korean identity, one that is intrinsically linked to its colonial past.<sup>22</sup> Several scholars have argued that anti-Japanese sentiment was critical to solidifying Korean identity after the war. Japan, on the other hand, has sought to move past its colonial history, focusing on its democracy, Peace Constitution, contributions to the international community, and economic growth. Kim Mikyoung has attributed these differing attitudes toward history to the Japanese “hollow center” and Korean “han.” The Japanese “hollow center” is a cultural characteristic that allows for flexibility and compromise, whereas the Korean “han” creates “resentment towards inflicted injustice.”<sup>23</sup> “Han” is “acutely aware of power relations between self and the other, and it holds the self accountable for a slight in its honor at the hands of the more powerful.”<sup>24</sup> Robert Kelly has argued that anti-Japanese sentiments are as political as they are ideational, hypothesizing that such attitudes may be due to newer generations of Koreans trying to break free of the nation’s past and the desire to construct a Korean identity.<sup>25</sup> Arguments illustrating the primordial nature of the animosity between Japan and South Korea provide insight on the enduringness of the history problem, but they do not account for why relations ebb and flow. Both states have been able to achieve politically costly and comprehensive treaties and agreements, suggesting that the history problem can be overcome, at least momentarily.

A more pressing question raised by identity-based arguments is whether reconciliation is possible at all? Seventy-five years of identity politics may yield little room for negotiation. Nevertheless, scholars believe that a trilateral “grand bargain” cultivated by the US is at least desirable, although difficult.<sup>26</sup> To achieve reconciliation, Jennifer Lind argues that Japan should avoid denying its past and focus on its postwar identity while its victims should avoid the need to constantly shame Japan.<sup>27</sup> In examining the Sino-Japanese case, Karl Gustafsson argues for strategic shaming, by which victim states do not deny the former aggressors’ new identity, but use the new identity to force compliance. Specifically, Gustafsson contends “China and other states might be able to make Japan more consistently contrite, however, by combining praise with a strategy that highlights identity-behavior disconnect while avoiding denial of Japan’s self-identity.”<sup>28</sup> This strategy creates equity in the reconciliation process: the victim receives an apology and reparations, while not denying the former aggressors’ new identity for domestic

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<sup>20</sup> Glosserman and Snyder, *The Japan-South Korea Identity Clash*, 161.

<sup>21</sup> The Genron NPO and East Asia Institute, “The 3rd Japan-South Korea Joint Public Opinion Poll,” May 2015.

<sup>22</sup> Cheol Hee Park, “Historical Memory and the Resurgence of Nationalism in Korea,” in *East Asia’s Haunted Present*, eds. Tsuyoshi Hasegawa and Kazuhiko Togo (Westport, CT: Praeger, 2008), 191-192.

<sup>23</sup> Mikyoung Kim, “Memory and reconciliation: Culturally embedded memories of Japan and Korea, in *Hiroshima & Peace*, ed. Carol Rinnert, Omar Farouk, and Yasuhiro Inoue (Hiroshima: Keisuisha Co., Ltd., 2010).

<sup>24</sup> Mikyoung Kim, *Memory and reconciliation: Culturally embedded memories of Japan and Korea*, 148.

<sup>25</sup> Robert E. Kelly, “Three hypotheses on Korea’s intense resentment of Japan,” *The Diplomat*, last modified on March 13, 2014, <http://thediplomat.com/2014/03/three-hypotheses-on-koreas-intense-resentment-of-japan/>.

<sup>26</sup> Glosserman and Snyder, *The Japan-South Korea Identity Clash*.

<sup>27</sup> Jennifer Lind, “The perils of apology: What Japan shouldn’t learn from Germany,” *Foreign Affairs*, 88 (2009).

<sup>28</sup> Karl Gustafsson, “How to make former aggressors repent through shaming and praising: the case of Sino-Japanese relations,” *Global Affairs* (May 2, 2015).

political gain. Yet, such strategies are difficult to implement as they require the victim to praise the aggressor. According to the 2016 Genron NPO poll, 49.6% of Koreans perceive Japan's political system as a militarism, higher than other categorizations, such as nationalism (36.5%) and ethnicism (32.6%). 8.5% of respondents perceived Japan's political system as pacifism and 20.7% as a democracy.<sup>29</sup> With such a gap between positive and negative perceptions of Japan's post-war identity, it is unlikely for Korea to unilaterally change its approach towards Japan. Moreover, although these strategies highlight the need to extend an olive branch to the other side, there needs to be a discussion of the bargaining process, communication between stakeholders, and how to prevent backsliding. Due to the immense distrust between South Korea and Japan, unilateral positive gestures by either side are unlikely to be received as intended.

One reason why these previous agreements have not had a lasting impact is because many Koreans do not believe that Japanese apologies are sincere. Jennifer Lind argues that after apologies, there would be strong political backlash among conservatives in Japan, making Koreans question if Japan was truly sorry at all.<sup>30</sup> Sung Pyo Hong builds on this argument and contends that Japanese were never truly sorry for their actions, but instead "Japan's apologies were largely motivated by party-politics competition" and "used apologies as a symbolic measure when setting its future grand strategies."<sup>31</sup> However, sincerity is not a very effective measure of a good apology. First, Korean leaders have routinely argued the Murayama Statement is "good" Japanese apology, suggesting that sincerity is a flexible concept. Second, some Japanese leaders have shown contrition, whereas others have downplayed the impact of Japan's colonialism. How is one to assess Japanese sincerity when there is a myriad of interpretations and feelings concerning of WWII, especially over time? The strength of an agreement cannot be found in its sincerity, but in the terms that force each side to stick to the reconciliation process.

Legal scholars have focused on the importance of reparations. Yamamoto and Lee have proposed the US-Hawaii and US-Japanese Americans reparations cases as models for Korean-Japanese reconciliation.<sup>32</sup> However, these cases do not translate well because they do not consider the power differences between stakeholders. In both US reparations cases, the government legally owed reparations to its citizens, whereas the legality of reparations is still disputed in the South Korea-Japan case. More importantly, as citizens in the US, Hawaiians and Japanese Americans had little power to negotiate with the US government. In 1965, South Korea lacked such negotiating power and thus a treaty was possible. However, since the deal is believed to be illegitimate, especially now that South Korea has much more economic and political power, it is unlikely Koreans would just accept whatever Japan gives them.

The literature has contributed to an understanding the roots of distrust but has not focused enough on why treaties and apologies have not led to better relations. The South Korea-Japan reconciliation process has been flawed because the original 1965 agreement is seen by Koreans as illegitimate and subsequent positive signals have been high-cost unilateral actions with little guarantee of a payoff. Unilateral tit-for-tat and graduated reduction in tension (GRIT) strategies have failed because the other side has few incentives to concede; past treaties and agreements lack punishment mechanisms to prevent both countries from exploiting ambiguous language for

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<sup>29</sup> The Genron NPO and East Asia Institute, "The 4th Japan-South Korea Joint Public Opinion Poll," July 2016.

<sup>30</sup> Jennifer Lind, *Sorry States: Apologies in International Politics* (Ithaca, NY: Cornell University Press, 2008).

<sup>31</sup> Sung Pyo Hong, "The effects of 'apology-backlash' recurrence on Korea-Japan relations," *Korean Social Science Journal*, 2016, 43:45-61, 59.

<sup>32</sup> Erik K. Yamamoto and Sara Lee, "Korean 'comfort women' redress 2012: Through the lens of U.S. civil and human rights reparatory justice experiences," *Journal of Korean Law*, 11 (2012).

political gain. A recognition of the importance of identity is an important first step in the reconciliation process, but to complete the process, an agreement must decrease the costs of issuing and accepting an apology and increase the costs of reversing course.

### **A Flawed Reconciliation Process**

The Japan-South Korea reconciliation process is perplexing in that there has been a major normalization treaty, several follow-up apologies, significant political and economic cooperation, continued cultural exchanges, and an absence of conflict, yet strong feelings of mistrust and overt animosity has remained throughout government and society. How were Japan and South Korea able to reach agreements despite the many obstacles? Moreover, once agreements were reached, why did they fail to settle the history problem? Much attention has been paid to the obstacles to cooperation, but scant attention has been paid to the weaknesses of past agreements, treaties, and statements.

The 1965 Treaty of Basic Relations between Japan and the Republic of Korea agreement laid the groundwork for avoiding conflict, but did not reconcile differing interpretations of history. As a result, the agreement achieved temporary peace, but was doomed to fail when the context changed. Japan settled most of its wartime accounts in the Treaty of San Francisco, where Japan accepted judgments by various courts. Japan paid several of the occupied countries, including Burma, Indonesia, Philippines, and Vietnam for a total of over \$1 billion. As Korea was not a signatory state of the treaty, Japan had to settle with Korea in a separate agreement. The 1965 treaty and related agreements regarding reparations and property were the culmination of 14 years of contentious negotiations. In the settlement, Japan recognized South Korea as the sole “Korea,” renounced its assets on the Korean peninsula, and provided \$800 million in aid, which consisted of “a) an outright grant of \$300 million, to be distributed over a 10-year period; b) a \$200 million loan to be distributed over a 10-year period and repaid over 20 years at 3.5% interest; c) \$300 million in private credits over 10 years from Japanese banks and financial institutions.”<sup>33</sup> With the funds, South Korea “devoted most of Japan's assistance for economic development plans, including the establishment of POSCO and the Gyeongbu Expressway. The government paid 300,000 won per death in compensating victims of forced labor between 1975 and 1977.”<sup>34</sup> Although the treaties addressed many of the core issues stemming from Japanese occupation, they did not settle the history problem because future generations could go back and criticize the 1965 treaties.

First, due to the treaties vagueness and highly politicized conclusion, there was ground for future disputes. Treaties, like institutions, are commonly unambitious agreements because more controversial, and usually, deep-seated issues, are tabled for another time.<sup>35</sup> The treaties did not make clear if the settlements were grant aid from Japan or reparations for colonization. Both sides debate the purpose of the funds and Japan feels like it does not receive enough credit for its

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<sup>33</sup> Mark E. Manyin, “North Korea-Japan Relations: The normalization talks and the compensation/reparations issue,” *CRS Report for Congress*, <http://www.globalsecurity.org/military/library/report/crs/RS20526.pdf>, accessed December 2015; “Treaty on Basic Relations between Japan and the Republic of Korea,” *The World and Japan Database Project*, last modified on June 22, 1965, <http://www.ioc.u-tokyo.ac.jp/~worldjpn/documents/texts/docs/19650622.T1E.html>; Sarah Kim, “50 years after Korea-Japan pact, some issues won’t go away.”

<sup>34</sup> Do Je-hae, “1965 treaty leaves thorny issues unresolved,” *Korea Times*, last modified on June 22, 2015, [http://www.koreatimes.co.kr/www/news/nation/2015/08/116\\_181305.html](http://www.koreatimes.co.kr/www/news/nation/2015/08/116_181305.html).

<sup>35</sup> Arild Underal, *The Politics of International Fisheries Managements: The Case of the Northeast Atlantic* (New York, NY: Columbia University Press, 1980).

role in the Korean economic miracle. Because the grant aid was not explicitly linked to Japan's moral and legal responsibilities, it allowed Japan to focus on South Korea's development after 1965 over the lack of development due to colonization. In a sense, conservative Japanese leaders are claiming Korea's economic miracle as repayment for colonization. Such an interpretation is not supported anywhere in the text of any of the treaties. Similar problems have arisen in the 2015 deal due to vague language, three of which are notable. The agreement states:

“The Government of the ROK acknowledges the fact that the Government of Japan is concerned about the statue built in front of the Embassy of Japan in Seoul from the viewpoint of preventing any disturbance of the peace of the mission or impairment of its dignity, and will strive to solve this issue in an appropriate manner through taking measures such as consulting with related organizations about possible ways of addressing this issue.”

The Japan side walked away from the deal assuming the statue would be removed, but the agreement does not state how and when. Following the announcement, there was strong public backlash in Korea on this condition, especially given that comfort women were not consulted in the deal. In South Korea, 30 percent support the deal, 58 percent believe the deal is not final, and 76 percent believe Abe is not remorseful.<sup>36</sup> Additionally, 74.4 percent Koreans do not support moving the statue.<sup>37</sup> The statue has yet to be removed and Japan is beginning to question if South Korea will meet its end of the bargain. South Korea can claim they technically do not need to remove the statue, there just needs to be an attempt. Moreover, the agreement states:

“The Government of Japan has been sincerely dealing with this issue. Building on such experience, the Government of Japan will now take measures to heal psychological wounds of all former comfort women through its budget. To be more specific, it has been decided that the Government of the ROK establish a foundation for the purpose of providing support for the former comfort women, that its funds be contributed by the Government of Japan as a one-time contribution through its budget, and that projects for recovering the honor and dignity and healing the psychological wounds of all former comfort women be carried out under the cooperation between the Government of Japan and the Government of the ROK.”

Although the Japanese government has a much more direct role in administering these funds in comparison to the Asian Women's Fund, the agreement does not stipulate when the funds would be dispersed. For Japanese, they believed the statue would be removed first, whereas the Korean side believed that part of the agreement was an ongoing process. As a result, the entirety of funds has not been released. The delay in fully implementing the deal has resulted in a third problem, backtracking. The agreement also states:

“The Government of the ROK, together with the Government of Japan, will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations, on the premise that the Government of Japan will steadily implement the measures it announced.”

Following the agreement, Japan and South Korea are disputing the acceptability of a comfort women statue outside the Japanese Consulate in Busan. Japanese believe the statue betrays the spirit of the agreement, whereas Koreans believe Japan has not taken enough action to indicate that they remorse. For many in Korea, the 2015 deal, like the 1965 deal lacks legitimacy as they interpret Japanese pressure as trying to extract more from the Koreans than what is fair.

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<sup>36</sup> “Seoul-Tokyo deal wifely support in Japan: Poll,” *Korea Joongang Daily* (January 12, 2016), <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=3013802&ref=mobile>

<sup>37</sup> “Most Koreans split over Japan's legal responsibility,” *Korea Daily* (January 1, 2016), <http://www.koreadailyus.com/most-koreans-split-over-japans-legal-liability/>

Second, the treaties were not transparently negotiated. Victor Cha contends the initial impetus of the treaty was US pressure, which was motivated by regional power balance concerns.<sup>38</sup> The treaty was extremely unpopular in South Korea and contested in Japan. It was signed in secret, forced through the legislature via the authoritarian power of the Park regime, which had opposition forces arrested. There are several consequences to the turbulent process. For decades, the public did not know how the final settlement was agreed. It was not until 2005 when declassified documents were released in South Korea was it known that Japan did offer compensation for the victims.<sup>39</sup> Park opted instead to utilize the settlement to develop the economy, which did help Koreans generally. The South Korean government did not start to properly compensate the victims of Japanese colonial rule until long after the 1965 treaty by establishing a committee of officials and experts. Since mistrust of Japan is high in South Korea, when Japan argues that all issues concerning its colonial history had been settled, few Koreans would agree.

Third, the deal was signed by an authoritarian leader, whose legacy is increasingly questioned in Korea. Park's legacy is complicated. According to a Gallup Korea poll, Park is remembered as the greatest leader of South Korea since its liberation.<sup>40</sup> However, most of his support is derived from the older generation who call attention to his role in the nation's economic development, which was spurred by Japanese Official Development Aid (ODA). His authoritarian rule has tarnished his legacy for many younger Koreans. Park is perceived to be overly close to Japan, himself commissioned in the Manchukuo Imperial Army. This pro-Japan legacy has plagued even his daughter, former President Park Geun-hye, who was severely criticized in the 2015 comfort women deal.

The elder Park promoted the 1965 deal as reparations for Japanese colonial rule, a sentiment that has not held in the public in the present day. A 2013 Pew survey found that 98% of Koreans do not believe Japan has sufficiently apologized for its military actions during the 1930s and 1940s, higher than China.<sup>41</sup> This high number suggests that most Koreans do not believe Japan's aid (a function of the agreement) as an adequate apology. From Japan's perspective, South Korea either does not know, or refuses to credit, the normalization treaty's vital role in the country's economic growth. For example, a Dong-A Ilbo survey found that "89 percent of respondents think that Japan should readjust its position on wartime reparation."<sup>42</sup> The widespread belief is "Japan has refused to pay damages to individuals such as 'comfort women' and forced laborers, saying it settled those issues on a government-to-government basis in the form of economic cooperation under the 1965 Korea-Japan Normalization Treaty."<sup>43</sup> This conclusion misunderstands the original agreement. At the time of the 1965 settlement, the issues of "comfort women" and forced laborers were not known. The treaty stipulated that new issues

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<sup>38</sup> Victor Cha, "Bridging the gap: The strategic context of the 1965 Korea-Japan normalization treaty," *Korean Studies*, 20 (1996).

<sup>39</sup> "Declassified documents could trigger avalanche of lawsuits," *The Chosun Ilbo*, last modified on January 17, 2005, [http://english.chosun.com/site/data/html\\_dir/2005/01/17/2005011761025.html](http://english.chosun.com/site/data/html_dir/2005/01/17/2005011761025.html).

<sup>40</sup> "Park Chung-hee the best leader since 1945: poll," *Yonhap News Agency*, last modified on August 7, 2015, <http://english.yonhapnews.co.kr/national/2015/08/07/84/0301000000AEN20150807006800315F.html>.

<sup>41</sup> Bruce Drake, "Decades after war's end, some of Japan's neighbors still see need for atonement," *Pew Research Center*, last modified on August 15, 2015, <http://www.pewresearch.org/fact-tank/2013/08/15/decades-after-wars-end-some-of-japans-neighbors-still-see-need-for-atonement/>.

<sup>42</sup> Do Je-hae, "1965 treaty leaves thorny issues unresolved."

<sup>43</sup> Do Je-hae, "1965 treaty leaves thorny issues unresolved."

would be addressed bilaterally. In 1994, Japan unilaterally established the Asian Women's Fund (AWF), a public-private organization that provided compensation (\$18,000) and an apology letter signed by the Japanese prime minister and president of the AWF. Over the lifetime of the fund, four different prime ministers signed apology letters to the victims who chose to accept them.<sup>44</sup> The AWF was not without controversy as it was operated by private citizen volunteers and overseen by the government. As a result, many Koreans did not believe the AWF represented an official state apology. Few victims took the offer as they faced significant domestic backlash. Thus, the original treaty failed to inform the public and created a general sense of distrust through misinformation.

Fourth, the treaty was negotiated between two unequal states – Japan was much stronger. Now that Korea is a wealthier country, people can look back and argue that Japan forced Korea into an unfair deal, a general feeling they have as a former colonial state. A *Kyunghyang Shinmun* editorial that surveyed Korean legal experts concluded that the 1965 treaty was “the key factor that left a deep mark.”<sup>45</sup> The power discrepancy between Japan and South Korea in 1964 was great, which is especially problematic when the aggressor country has more economic leverage in the negotiations. The uneven power dynamic erodes the legitimacy of the treaty because it suggests to Koreans that they had little choice in the final settlement. In 1965, Japan's GDP was 30 times greater than that of Korea's, and per capita GDP was 9 times greater (\$10,359 vs. \$1284).<sup>46</sup> To present-day Koreans, the 1965 treaty was one of convenience, not necessarily securing Japanese contrition or justice. *Jungdaehyup*, a comfort woman interest group, has argued: “The Japanese government uses the 1965 peace treaty as a trump card against every request for compensation and apology for victims.”<sup>47</sup> Now that South Korea is much closer to Japan in terms of economic power, it can highlight the vagueness of the 1965 treaty to extract further concessions. According to a February 2014 *Asahi Shimbun* poll, 95% of Koreans polled believe Japan still owes official compensation to the comfort women, a stark contrast to the 26% of Japanese who believe the same.<sup>48</sup> The sentiment of unfairness has lingered and can be seen in the 2015 deal where polls and media highlighted how Korea was defeated again. Following the agreement, a Korean editorial lamented that the deal was a “complete defeat” for Korea.<sup>49</sup> A *Joongang Daily* Poll found that 47.9% of respondents opposed the deal (47.6% supported), but 74.4% of respondents disagreed with Japan's demand for the Korean government to remove the comfort woman statue in front of the Japanese embassy in Seoul.<sup>50</sup> This is a sharp contrast from an NHK Poll that found 64% of Japanese viewed the deal favorably.<sup>51</sup>

The agreement also lacked a neutral third-party mediator. The US did play an important role as a backroom facilitator, but did not work with both nations simultaneously at the negotiation table. A neutral mediator may have been able to help construct confidence-building measures to promote cooperation and prevent cheating. One of the biggest problems since the 1965 treaty was signed is Japanese politicians routinely backtrack from previous apologies.

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<sup>44</sup> Shunichi Takekawa, “Reconciliation Prospects and divided War Memories in Japan,” in *Routledge Handbook of Memory and Reconciliation in East Asia*, ed. Mikyoung Kim (New York, NY: Routledge, 2016), 84.

<sup>45</sup> [http://news.khan.co.kr/kh\\_news/khan\\_art\\_view.html?artid=201506131254561&code=940100](http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201506131254561&code=940100)

<sup>46</sup> The World Bank, <http://www.worldbank.org>, accessed December 2015.

<sup>47</sup> <http://www.tongilnews.com/news/articleView.html?idxno=114953>

<sup>48</sup> <http://mansfieldfdn.org/program/research-education-and-communication/asian-opinion-poll-database/asahi-shimbun-special-public-opinion-poll-040714/>

<sup>49</sup> <http://www.hani.co.kr/arti/international/japan/725606.html>

<sup>50</sup> <http://news.joins.com/article/19357957>

<sup>51</sup> <http://www.yonhapnews.co.kr/bulletin/2016/01/12/0200000000AKR20160112207700073.HTML>

Consequently, one Korean politician remarked, “The Japanese government has made verbal apologies but has not fundamentally acknowledged the illegal and criminal nature of its colonial rule over Korea.”<sup>52</sup> For South Korea to be bound in accepting an apology, Japan needs to be bound to its apologies.

Several follow-up apologies and statements have been issued address the weaknesses of the 1965 treaty. Yet, this approach highlights a problem that has defined the entire reconciliation process, a lack of a long-term coherent strategy. Apologies have been unilateral, ad hoc, and unambitious. Several of the apologies were in fact not apologies, but statements of general contrition in a broader speech, such as the 50<sup>th</sup>, 60<sup>th</sup>, and 70<sup>th</sup> end of war anniversary speech. This was especially problematic in the 70<sup>th</sup> speech where Prime Minister Shinzo Abe prefaced his acknowledgment of Korea’s suffering with a long passage explaining Japan’s reasons for going to war.

South Korea has relied on the strategy of pressuring Japan to include apologies in anniversary statements and important speeches. For example, when Prime Minister Abe delivered a speech to a joint session of Congress in 2015, South Korea expected an apology. When Abe’s speech was not to its satisfaction, Koreans felt that they did not receive US support.<sup>53</sup> But, Abe’s trip to the US had nothing to do with South Korea. Actual apologies, such as the Kono Statement and Murayama Statement, have had less impact than purported. Both statements ambiguously addressed Japan’s war responsibilities and have been questioned numerous times by prominent Japanese politicians. Unilateral apologies are problematic because they incur costs with little guarantee of payoff. In other words, the apologizer can only hope the victim interprets the apology correctly and accepts the apology. Given decades of poor Japanese-Korean relations, this is unlikely. As a consequence, Japan has become increasingly unwilling to issue apologies for fear that they will not improve relations. Lastly, unilateral apologies do not follow a roadmap toward reconciliation; they are statements contingent on unforeseen developments. New apologies do not build upon previous agreements and there are no mechanisms to prevent future actors from violating past apologies.

### **Recommendations for US-led Mediation**

Reconciliation is difficult because negotiators are afraid of taking the initiative in reconciliation efforts; domestic forces raise the costs of giving and accepting apologies. To overcome this dilemma, a coherent long-term strategy aided by a neutral third-party mediator can change the costs of cooperation.

The US can play an important mediating role in ensuring that an agreement is transparent and has appropriate confidence building measures to decrease cheating and increase trust. South Korea does not want to concede all future reparations only to see Japanese politicians backtrack. New developments, such as discovery of the “comfort women” issue may warrant revisiting agreements. Japan does not want to issue another apology and pay reparations only to have South Korea ask for more. As Prime Minister Abe lamented in his speech marking the 70<sup>th</sup> anniversary of the end of WWII, no nation should be prisoner to actions of the past in perpetuity. A reconciliation agreement should be transparently negotiated and must include blunt language that

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<sup>52</sup> Sarah Kim, “50 years after Korea-Japan pact, some issues won’t go away.”

<sup>53</sup> Chang Jae-soon, “(4<sup>th</sup> LD) U.S. welcomes Abe statement despite refusal to offer apology of his own,” *Yonhap News Agency*, last modified on August 15, 2015, <http://english.yonhapnews.co.kr/news/2015/08/14/0200000000AEN20150814005954315.html>.

clearly establishes Japan's war guilt and South Korea's acceptance of the apology and commitment to an eventual final settlement. A US-led fact-finding mission would be a valuable first step to alleviating concerns among Japanese and Koreans of the politicizing of history.

A Korean editorial once argued, "Japan has made, retracted and apologized for such outrageous statements so often that we can hardly distinguish what reflects Japan's true intentions."<sup>54</sup> To ensure a party does not backtrack, an agreement should include language that can be used against the "cheating state." The Murayama Statement was significant not only in that Japan's acknowledged its wrongdoings, but it also included the phrase "It is imperative for us Japanese to *look squarely to our history* [author's emphasis] with the peoples of neighboring Asia and elsewhere. Only with solid basis of mutual understanding and confidence that can be built through overcoming the pain on both sides, can we and the peoples of neighboring countries together clear up the future of Asia-Pacific."<sup>55</sup> When Japanese leaders have taken actions against the spirit of this statement, both South Korea and China have used that language to shame Japan into complying with its previous apology.<sup>56</sup> A similar statement can be included in an agreement to prevent South Korea from backtracking. Additional penalties can include canceling cultural and student exchanges, international shaming, and limited economic pressure. The US can help ensure these stipulations are negotiated fairly by offering insight and a neutral location to meet. The US can help give the reconciliation agreement legitimacy by suggesting concessions that may favor one side or the other. Additionally, the US can mobilize special envoys to Japan and Korea during times of crisis, such as the discovery of controversial historical data or backtracking of one of the stakeholders. By acting quickly during troubled times, the US signals to Japan and South Korea that it is a concerned and responsible ally.

In addition to punishment mechanisms, reconciliation should be future-oriented and highlight positive developments between the two states. There has been meaningful city-level cooperation, such as the Hiroshima Peace Museum's support of an atomic-bomb museum in southern Hapcheon County in South Korea.<sup>57</sup> In 2015 alone, Japan and South Korea hosted over 410 events under the theme "Let's Open a New Future Together."<sup>58</sup> The US can help promote such positive information to the public to help shield politicians from domestic backlash. If each side remains committed to the agreement, then future benefits can kick in, such as South Korean support for Japan's UN Security Council seat or supporting the Peace Constitution's Nobel Prize bid. Japan can construct its own monuments memorializing the victims of war. This approach provides each side agency to avoid shaming while engaging the atrocities of the past. Moreover,

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<sup>54</sup> Jennifer Lind, "Apologies in international politics," *Security Studies*, 537-538 (2009).

<sup>55</sup> "Statement by Prime Minister Tomiichi Murayama on the 'Peace, Friend, and Exchange Initiative,'" Ministry of Foreign Affairs, last modified on August 31, 1994, <http://www.mofa.go.jp/announce/press/pm/murayama/state9408.html>.

<sup>56</sup> "MOFA spokesperson's commentary on Japanese leaders sending offerings to paying tribute at the Yasukuni Shrine, Ministry of Foreign Affairs, last modified on April 22, 2015, <http://www.mofa.go.kr/webmodule/htsboard/template/read/engreadboard.jsp?typeID=12&boardid=302&seqno=315169>; "Japan-China foreign ministers' meeting," Ministry of Foreign Affairs, last modified on August 7, 2015, [http://www.mofa.go.jp/a\\_o/c\\_m1/cn/page22e\\_000742.html](http://www.mofa.go.jp/a_o/c_m1/cn/page22e_000742.html).

<sup>57</sup> "Hiroshima hibakusha area in South Korea to get A-bomb museum," *The Japan Times*, last modified on December 18, 2015, <http://www.japantimes.co.jp/news/2015/12/18/national/history/hiroshima-hibakusha-area-south-korea-get-bomb-museum/#.VoEWyDYfWRs>.

<sup>58</sup> "ROK and Japan conduct programs to celebrate the 50<sup>th</sup> anniversary of the normalization of diplomatic relations between the two countries," Ministry of Foreign Affairs, last modified on December 18, 2015, [http://www.mofa.go.kr/ENG/press/pressreleases/index.jsp?menu=m\\_10\\_20&sp=/webmodule/htsboard/template/read/engreadboard.jsp%3FtypeID=12%26boardid=302%26seqno=315961](http://www.mofa.go.kr/ENG/press/pressreleases/index.jsp?menu=m_10_20&sp=/webmodule/htsboard/template/read/engreadboard.jsp%3FtypeID=12%26boardid=302%26seqno=315961).

the US can promote trilateral projects that improve societal relations, such as academic exchanges, sports competitions, and business and scientific cooperation. The US embassies in Japan and South Korea have mainly focused on bilateral relations and has yet to leverage potential trilateral opportunities.

Both governments should take into consideration the role of media in how the reconciliation process is proliferated in society. According to Shinichi Takekawa, “major newspapers in Japan have been active participants in the politicization of war memory.”<sup>59</sup> Takekawa argues the major Japanese newspapers have had differing interpretations of the admittedly convoluted history. Yet, when there is broad agreement on the importance of a statement, there can be much progress in relations. After the 1992 statement, “all five of the newspapers basically accepted the need for Japan’s apologies on the comfort women issue in their editorials.”<sup>60</sup> Positive messaging on both sides about how an agreement is one step in a long process, which will be continued, can help frame the agreement.

Ultimately, reconciliation can only be achieved in South Korea and Japan are fully committed. This requires both sides to face squarely the history; Japan must acknowledge its colonialism and Korea must acknowledge what Japan has done thus far. Therefore, an agreement should have language that references previous agreements while being forward looking. A new treaty should be multi-stepped with built-in language indicating that the issue will be revisited in the future. For example, a deal can specifically provide a timeline where each side will honor the previous commitment and add more cooperation activities. This will help decrease the chance of cheating in the short to mid-term because both sides are expected to go back to the negotiating table. More importantly, it shows that Japan is committed to reconciliation and not use apologies to prevent South Korea from seeking justice and reconciliation.

Therefore, education is critical to ensuring that agreements stick. Both sides are likely to dispute the history of the colonial era, but the actions taken by each side since then are simple facts. The fact that deals have not stuck does not mean that each side has not taken politically costly gestures to try to resolve the history issue. Education of both sides should allow for open discussion of previous agreements, what they accomplished, and what more needs to be done. For Japan, it means acknowledging that previous deals have been inadequate due to the haphazard approach to facing history squarely. For Koreans, it means acknowledging that Japan has provided aid, issued apologies, and have sought to cooperate.

Such an approach is sure to rankle hardcore conservatives who will seek to undermine the deal. However, instead of seeking to create a perfect deal that will settle the issue once and for all, a reconciliation agreement should assume that backtracking is likely and be designed to weather times of disputes and allow for further negotiation.

## Conclusion

In 2012, the South Korean government canceled at the last minute the signing of the General Security of Military Information Agreement (GSOMIA) and Acquisition and Cross-Servicing Agreement (ACSA) due to domestic political pressure.<sup>61</sup> An information sharing agreement was signed eventually, but not before three years and precious time and resources squandered.

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<sup>59</sup> Shinichi Takekawa, “Reconciliation Prospects and divided War Memories in Japan,” 79.

<sup>60</sup> Shinichi Takekawa, “Reconciliation Prospects and divided War Memories in Japan,” 82.

<sup>61</sup> Ralph A. Cossa, (Japan-South Korea relations: Time to open both eyes), *Council on Foreign Affairs*, last modified on July 2012, <http://www.cfr.org/south-korea/japan-south-korea-relations-time-open-both-eyes/p28736>.

Neither side was able to reap any political benefits from an important security agreement. This episode encapsulates the Japan-South Korea relationship; cooperation makes sense, but the history just does not allow it.

Unlike in 1965, Japan and South Korea are relatively similar in political strength and are strong democracies. The leadership will have to listen to the public, but must be able to confront spoilers and treat reconciliation as an ongoing process with a long history and difficult future. However, as long as a framework for rewarding cooperation and punishing cheating is in place, cooler heads should prevail. Over the past two years, Japan and South Korea have met about a dozen times and were able to come to an agreement concerning “comfort women,” as flawed as it is. Future agreements should build upon the positive developments that did result from the agreement. Japan acknowledged the military’s involvement in the “comfort women” system and Prime Minister Abe expressed his “most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences.”<sup>62</sup> The White House enthusiastically supported the agreement stating, “The United States applauds the leaders of the ROK and Japan, two of our most important allies, for having the courage and vision to forge a lasting settlement to this difficult issue. We look forward to deepening our work with both nations on a wide range of regional and global issues, on the basis of mutual interests and shared values, as well as to advancing trilateral security cooperation.”<sup>63</sup>

The US will need to play a role in assisting its allies in the reconciliation process. Ralph Cossa has argued that, “as an ally and trusted friend of both Japan and South Korea, the United States is well situated to play the mediator role, assuming both sides ask for the intervention—the first rule of preventive diplomacy is that outside assistance is voluntarily sought and accepted.”<sup>64</sup>

2020 may be the next best chance for cooperation as Japan hosts the Olympics and the US and South Korea will be under new leadership. A clean slate and international spotlight on the region provide a valuable opportunity for Japan, South Korea, and the US to affirm human rights and highlight the importance of trilateral cooperation.

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<sup>62</sup> “Announcements by Foreign Ministers of Japan and Republic of Korea at the Joint Press Occasion,” Ministry of Foreign Affairs, last modified on December 28, 2015, [http://www.mofa.go.jp/a\\_o/na/kr/page4e\\_000364.html](http://www.mofa.go.jp/a_o/na/kr/page4e_000364.html).

<sup>63</sup> Statement by National Security Advisor Susan E. Rice on Republic of Korea- Japan Agreement on ‘Comfort Women,’” Office of the Press Secretary, last modified on December 28, 2015, <https://www.whitehouse.gov/the-press-office/2015/12/28/statement-national-security-advisor-susan-e-rice-republic-korea-japan>.

<sup>64</sup> Kwanwoo Jun, “No smiles as intelligence-sharing pact begins,” *The Wall Street Journal*, last modified on December 29, 2014, <http://blogs.wsj.com/korearealtime/2014/12/29/no-smiles-as-intelligence-sharing-pact-begins/>.