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The Japanese Government's Post-war Settlements and Recognition of History

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The Japanese Government's Post-war Settlements and Recognition of History*

Keywords: Japanese-Korean relations; colonialism; Postwar reparations; World War II.

1 Introduction

Seventy-three years ago, Korea gained independence from Japanese colonial rule in 1945 and normalized its diplomatic relations with Japan fifty-two years ago in 1965. Since restoring diplomatic ties, the two countries have experienced conflicts surrounding historical issues¹ and efforts have been made to resolve them. Nevertheless, disparity in recognizing such historical issues has instead grown between Korea and Japan. A clear indication of that disparity was revealed

* This paper is a revision of and addition to Nam Sang-gu, '일본의 '전후처리'와 식민지 문제' [Issues with Japan's 'Postwar Settlement' and Colonial Rule], *한일관계사연구* [Historical Research on Korea-Japan Relations], 2010, vol. 36, pp. 291-315 and Nam Sang-gu, '역사 문제와 한일관계' [Historical Issues and Korea-Japan Relations], [in:] Lee Won-deok, Kimiya Tadashi (eds) *한일관계사 1965-2015: 정치* [Korea-Japan Relations 1965-2015: Politics], Seoul: Yeoksa gonggan, 2015, pp. 379-410.

1 Historical issues between Korea and Japan basically originated from Japan's forced annexation of Korea in 1910. They primarily revolve around how Japan recognized its colonial rule over Korea, how it made reparations or provided compensation for the damages from the colonial rule, and how Korea perceives Japan's reactions to the issues raised. These historical issues tend to surface through matters involving the Japanese military comfort women, visits to the Yasukuni Shrine by Japanese politicians including the Prime Minister, distorted descriptions published in Japanese history textbooks and remarks made by Japanese politicians that distort history.

through the results of an opinion poll² the newspapers *Dong-A Ilbo* in Korea and *Asahi Shimbun* in Japan jointly conducted in 2015 – 50 years after the diplomatic relations between the two countries had become normalized. According to the poll results, 95% of the Korean respondents answered ‘no’ when asked whether they thought issues concerning the past, including Japanese colonial rule, have been resolved, as opposed to 49% of the Japanese respondents who answered ‘yes’ to the same question. Regarding the Japanese government’s apology for colonial rule, only 1% of the Korean respondents answered ‘yes’ when asked whether they thought Japan has apologized enough, which is starkly different from Japan, where 65% of the respondents gave the same answer, marking a 10% increase from the previous poll results in Japan five years earlier. On the matter of reparations for the colonial rule, 89% of the Korean respondents agreed that Japan should reconsider reparations to the victims of the colonial rule, whereas 69% of the Japanese respondents disagreed with the same suggestion.

Such disparity in recognition also exists between the two countries’ governments. At a press conference on 17 August 2017, when asked whether the matter of forcibly conscripted labourers can be considered as settled through the 1965 Korea-Japan Claims Settlement Agreement, the Korean President Moon Jae-in said, “Korea’s Constitutional and Supreme Court has already ruled that victims of wartime forced labour still have the right to make individual claims against Japanese companies”, to which the Japanese government expressed its disagreement.³ Furthermore, at the March First Independence Movement Day ceremony in 2018, President Moon said, “A genuine resolution of unfortunate history is to remember it and learn a lesson from it. Japan must be able to squarely face the truth of history and justice with the universal conscience of humanity. I hope Japan will be able to genuinely reconcile with its neighbours on which it inflicted suffering and will walk the path of peaceful coexistence and prosperity together. I do not demand any special treatment from Japan. I just hope that as the geographically closest neighbouring country, it will be able to move forward toward the future together based on sincere

2 *Dong-A Ilbo*, 18 June 2015.

3 *Yonhap News*, 17 August 2017.

self-reflection and reconciliation.” His point is that the Japanese government needs to sincerely reflect upon its past for the sake of reconciliation and cooperation. Yet, the Japanese government’s position is that it has faithfully been apologizing and expressing remorse for its past actions.

This paper aims to review the reality of the Japanese government’s post-war settlements and recognition of history, which is a precondition for historical reconciliation between Korea and Japan. Reviewing post-war settlements will focus on ① whether the Japanese government paid reparations/compensation for colonial rule and wars of aggression and ② whether the matter of making individual claims has been settled. Reviewing the Japanese government’s recognition of history will focus on ① what the government’s official position is on its past colonial rule and wars of aggression, namely whether it has officially made apologies and shown contrition, and ② whether the 1995 statement by former Japanese Prime Minister Murayama, widely considered as representative of the Japanese government’s official recognition of history, is being upheld.

2. Official views on the Japanese government’s post-war settlements and recognition of history

On 12 August 2005, the Japanese government created a section called ‘History Issues Q&A’ on its Ministry of Foreign Affairs website, which includes the argument that Japan has made war reparations in a ‘method generally accepted by the international community at the time.’⁴

4 Japanese Ministry of Foreign Affairs website ‘History Issues Q&A’, <http://www.mofa.go.jp/mofaj/area/taisen/qa/index.html>.

Q1. How does the Government of Japan recognize the history concerning the previous war?

Q2. Is it true that Japan has not formally apologized to the countries of Asia that suffered during the previous war involving Japan?

Q3. What kind of reparations did Japan make to the countries and people who suffered during the previous war?

Q4. Although issues of reparations have been settled on a governmental level, are there not still outstanding issues concerning claims by individuals?

Q5. What is the view of the Government of Japan concerning the comfort women issue?

Q6. What is the view of the Government of Japan on the incident known as the ‘Nanjing Massacre’?

Q7. What is the view of the Government of Japan on the International Military Tribunal for the Far East (IMTFE)?

Q8. Compared to Germany, are the measures taken by Japan on issues concerning its past insufficient?

On the purpose for creating such a section online, the Japanese Ministry of Foreign Affairs explained that “the basic facts related to historical issues and the position of the Japanese government have been summarized on the 60th anniversary of the war to widely inform and serve as a reference for people in Japan.”⁵ However, the section’s English translation posted on the Japanese Ministry of Foreign Affairs website in January 2006, followed by its Korean translation that still exists on the website of the current Japanese ambassador to Korea, hints that the Q&A section is aimed at publicizing to foreigners the legitimacy of post-war settlements made by the Japanese government and its recognition of history.

The following is a summary of the Japanese government’s official view toward its post-war settlements and the recognition of history that can be gathered from the ‘History Issues Q&A’ section.

First, regarding reparations and the right to claim them, the Japanese government argues that Δ reparations and claims have been collectively dealt (legally settled) with countries concerned through the San Francisco Peace Treaty and other bilateral peace treaties Δ which means the issue of claims by individuals has been simultaneously dealt with through the aforementioned treaties Δ and since Germany chose to provide personal compensation for Nazi crimes under a post-war situation and a method of settlement different from Japan, which collectively dealt with reparations with the countries concerned, it is therefore inappropriate to make a simple comparison between Japan and Germany. Japan’s post-war settlements are covered either through the San Francisco Peace Treaty, other individual bilateral peace treaties, and separate post-war settlements with the Soviet Union and China. Post-war settlements concerning Korea, North Korea and Vietnam are considered to have been dealt with through the San Francisco Peace Treaty. In particular, the Japanese government argues that according to Article 4 (a) of the San

There were 11 questions and answers as of 2005, but some have since been removed from the current version such as two mentions about paying respects at the Yasukuni Shrine and one about Japanese history textbooks.

5 Ministry of Foreign Affairs of Japan, About the Publication of ‘History Issues Questions & Answers’ on the Ministry of Foreign Affairs website, *Press Release*, 12 August 2017, http://www.mofa.go.jp/mofaj/press/release/17/rls_o812a.html.

Francisco Peace Treaty, the post-war disposition of property of Japan and their claims are the subject of special arrangements between Japan and the areas concerned (meaning this does not apply to Korea because it didn't go to war with Japan). Moreover, issues with Korea regarding property and claims were confirmed to have been settled through the 1965 Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Cooperation, which is what allowed the \$500 million (\$300 million in economic aid and \$200 million in loan) economic cooperation to be carried out for Korea. This implies that although Korea was involved in the disposition of property and claims over the process of becoming separated from Japan, it wasn't entitled to reparations because it wasn't a country Japan went to war with. Such an argument is based on the notion that Japan's colonial rule of Korea had been legal.

Second, regarding Japan's recognition of its past colonial rule and wars of aggression and whether Japan has officially apologized for its wrongdoings, the Japanese government argues that Δ post-war Japanese administrations have continued to maintain feelings of deep remorse and heartfelt apology for Japan's actions during the war Δ and suggests the 1995 Murayama Statement, the 2005 Koizumi Statement and the 2015 Abe Statement as evidence. Yet, after the Abe administration came into power, a comment was added to the 'History Issues Q&A' section saying "We must not let the future generations, who have nothing to do with that war, be predestined to apologize. This is the responsibility of the current generation that is alive at this moment." Meanwhile, some lines were later removed from the section that used to say, "Japan always carries feelings of deep remorse and heartfelt apology for causing tremendous damage and suffering to the people of many countries, particularly to those of Asian nations, through its colonial rule and aggression. Furthermore, such feelings of deep remorse and heartfelt apology, along with the resolve not to repeat such a regrettable past, have been clearly expressed through the Murayama Statement made on 15 August 1995 and several other opportunities so far."⁶

6 There has been much criticism in the Korean media on translating 'お詫びの気持ち' as 'apology' rather than 'feelings of apology'. The use of 'お詫びの気持ち' instead of '謝罪', which is the Jap-

3. The Japanese government's post-war reparations and arrangements with former colonies

3.1. Post-war reparations by Japan

The post-war reparations Japan made through the San Francisco Peace Treaty and other separate treaties with individual countries have been summarized in Table 1 below.

Japan's post-war reparations made during the Cold War were led by the United States. Early on during the post-war occupation of Japan, the United States initially took a firm approach on its policy toward reparations. The final report the Pauley Mission issued in November 1946 recommended that military and industrial facilities should be removed from Japan and used to reconstruct Asian economies since the standard of living for people in Japan was not considered as higher than that of their counterparts in other Asian countries.⁷ Further into the Cold War, however, Japan increasingly began to play a greater role in the security policies of the United States, causing it to turn the Japanese economy's revival into a priority. This can be discerned from the fact that the San Francisco Peace Treaty (signed on 8 September 1951 and effectuated on 28 April 1952) to cover the matter of reparations to be made by Japan promoted 'liberal peace' and failed to include any description about Japan's war responsibilities. In particular, contrary to the reparations made by Germany after World War I, ① the reparations amount demanded through the San Francisco Peace Treaty was affordable for Japan rather than high enough to be considered punitive,⁸ ② reparations were primarily made by providing actual goods or services removed from Japanese facilities rather than

anese word for 'apology' that would be more welcomed by the Korean society, seems to be a choice the Japanese government made in consideration of the domestic sentiment in Japan. Yet, it is necessary to note that 'お詫びの気持ち' is translated as '사죄', the Korean word for apology, in Korean translations of material released by the Japanese embassy in Korea.

- 7 吉田裕 [Yoshida Yutaka], *日本人の戦争観* [Japanese View of the War], Tokyo: Iwanami Shoten, 1995, p. 70.
- 8 The San Francisco Peace Treaty Article 14 (a), covering the matter of claims and property, states that "It is recognized that Japan should pay reparations to the Allied Powers for the damage and suffering caused by it during the war. Nevertheless it is also recognized that the resources of Japan are not presently sufficient, if it is to maintain a viable economy, to make complete reparation for all such damage and suffering and at the same time meet its other obligations."

Table 1. Post-war reparations by Japan¹

Country	Colonizer Nation	Post-war Developments	San Francisco Peace Treaty	Diplomatic Relations	Reparations
Allied Nations Including the U.S.			Signed	Restored diplomatic relations through the San Francisco Peace Treaty	Waived rights to claim reparations against Japan, Treaty nations given the right to dispose of Japanese property overseas, Japan paid £4.5m to the Red Cross as compensation to Allied POWs
Korea	Japan	15.8.1945 Gains independence	15.8.1948 Establishes the Republic of Korea's government Uninvited	22.6.1965 Signs Treaty on Basic Relations & Agreement on Property and Claims Problems and Economic Cooperation	Received \$300m grant, \$200m loan over 10yrs, Received \$300m in loans for private trust
China		1.10.1949 Establishes People's Republic of China	Uninvited	29.9.1972 Signs Japan-China Joint Communiqué.	Waived rights to claim reparations against Japan
Soviet Union		28.4.1952 Japan renounces all rights and claims toward southern Sakhalin, the Kurile Islands	Refused to sign	19.10.1956 Signs Soviet-Japanese Joint Declaration	Waived rights to claim reparations against Japan
North Korea	Japan	15.8.1945 Gains independence 9.9.1948 Establishes Democratic People's Republic of Korea	Uninvited	No diplomatic relations established	Challenge of negotiating the normalization of diplomatic relations remains
Taiwan	Japan		Uninvited	28.4.1952 Signs treaty of peace (-29.9.1972) 29.9.1972 Severs diplomatic relations	Waived rights to claim reparations against Japan, Received Japanese munitions factories worth \$20m

¹ The table is based on pages 38 and 39 of the appendix to *ハンドブック戦後補償編集委員会* [Editorial Committee of the Handbook of Postwar Compensation], *ハンドブック戦後補償* [Handbook of Postwar Compensation], Tokyo: 梨の木舎 [Nashinoki-sha], 1992.

Country	Colonizer Nation	Post-war Developments	San Francisco Peace Treaty	Diplomatic Relations	Reparations
Vietnam	France	2.9.1945 Democratic Republic of Vietnam declares independence 23.9.1945 France declares restoration of colonial rule 19.12.1946 Goes to war with France 7.1954 Signs armistice with France	Signed (South Vietnamese government)	13.5.1959 (South Vietnam) Signs reparations and loan agreement (2.1.1960 Effectuated)	Received \$39m compensation over 5yrs, \$7.5m loan over 3yrs, \$9.1m long-term loan 5yrs after agreement came into effect
Laos	France	19.7.1949 Gains independence as Kingdom of Laos (within the French Union) 21.7.1954 Signs a Geneva Accord, which includes the withdrawal of French forces	Signed	15.10.1958 Signs Agreement on Economic and Technical Cooperation (12.1.1960 Effectuated)	16.12.1956 Waivers rights to claim reparations against Japan, Received products and services worth \$3m over 2yrs
Cambodia	France	9.11.1953 Gains independence as Kingdom of Cambodia	Signed	2.3.1959 Signs Agreement on Economic and Technical Cooperation (6.7.1959 Effectuated)	27.11.1954 Waivers rights to claim reparations against Japan, Received products and services worth \$4.5m over 3yrs
Thailand		16.8.1945 Rescinds 1942 declaration of war against the U.S. and Britain		9.7.1955 Signs Settlement of 'Special Yen Problem' with Japan (9.8. Effectuated) 31.1.1962 Signs revised settlement with Japan (9.5. Effectuated)	Received 5.4b Yen plus economic cooperation worth \$28m over 5yrs, Received capital goods and services worth ¥9.6b over 8yrs
Burma	Britain	4.1.1948 Gains independence as the Republic of the Union of Myanmar	Refused to participate	15.11.1954 Signs peace treaty and agreement on reparations and economic cooperation with Japan (16.4.1955 Effectuated) 29.3.1963 Extends agreement with Japan	Received products and services worth \$200m over 10yrs, Received economic cooperation worth \$5m plus a \$100,004,000 grant over 12yrs

Country	Colonizer Nation	Post-war Developments	San Francisco Peace Treaty	Diplomatic Relations	Reparations
Malaysia	Britain	1.2.1949 Britain establishes the Federation of Malaya 31.8.1957 Federation of Malaya gains independence 16.9.1963 Establishes Malaysia		21.9.1967 Signs agreement with Japan (blood debt agreement) (1968.5.7 Effectuated)	Received products and services worth approx. \$1.7m
Singapore	Britain	9.8.1965 Separates from Malaysia to become independent as the Republic of Singapore		21.9.1967 Signs agreement with Japan (blood debt agreement)	Received \$1.7m grant
Philippines	U.S.	7.8.1945 José Laurel declares the dissolution of the Second Philippine Republic 4.7.1946 Gains independence as the Republic of the Philippines	Signed	9.5.1956 Signs reparations agreement & document offering loans for economic development (23.7. Effectuated)	Received services and capital goods worth \$550m over 20yrs, Received loans worth \$250m
Indonesia	Netherlands	17.8.1945 Declares independence as the Republic of Indonesia 27.12.1949 The Netherlands hand over sovereignty	Signed but not ratified	20.1.1958 Signs peace treaty and reparations agreement (15.4. Effectuated)	Received products and services worth \$223.08m over 12yrs, Received loans worth \$400m over 20yrs

cash, and ③ the amount and form of reparations were determined through negotiations with Japan rather than being unilaterally decided by victor nations.⁹ Furthermore, Korea and China were not invited to join the San Francisco Peace Treaty despite having suffered the greatest damage from Japan, while the United States' prevalent hegemony in East Asia at the time left Southeast Asian countries with no choice but to align themselves with American Cold War policies.¹⁰

⁹ Ibid.

¹⁰ In the case of Indonesia, the Indonesian Foreign Minister Subardjo signed the San Francisco Peace Treaty and was assured of compensation by the Japanese Prime Minister Yoshida Shigeru (吉田茂) in a meeting with him on 15 September 1951. However, Indonesia ultimately failed to ratify

Such circumstances have not at all been taken into consideration in the Japanese government's arguments, declaring that there are no outstanding issues left in terms of war reparations including individual rights to claim because they have all been resolved through the San Francisco Peace Treaty and other bilateral treaties.

The Japanese government argues that the matter of individual claims has been cleared through bilateral treaties. However, based on an announcement made on 26 August 2005 by the 'Public-Private Joint Committee on the Follow-up Measures After the Public Release of ROK-Japan Negotiations Documents,' the Korean government has stated that "crimes against humanity where state authorities such as the Japanese government and the military were involved, including the 'comfort women' issue, are not deemed to have been resolved by the Claims Settlement Agreement, and the legal responsibility of the Japanese government remains." This means claims by soldiers and civilian employees of the military may have been settled, but claims by individual Japanese military comfort women victims, forcibly relocated Sakhalin Koreans, and atomic bomb victims have not yet been settled.¹¹ On 30 August 2011, the Korean Constitutional Court ruled

the treaty, which subjected the matter of compensation to a separate negotiation with Japan. Representing his government at the San Francisco Peace Conference, the Indonesian Foreign Minister Subardjo clearly held Japan accountable for its occupation of Indonesia and claimed for compensation. He said that the Indonesian government's intention was not to place Japan and its people under unjust hardship by imposing the heavy burden of compensation on their shoulders. However, based on Japan's conduct during its occupation of Indonesia, he pointed out that the Indonesian government meant to clearly hold Japan accountable for the various hardships and deficiencies Indonesians were suffering from at the time and for delaying Indonesia's reconstruction and revival after the Second World War. He added that Indonesia doubly suffered damages under Japanese occupation. While negotiating, Indonesia initially suggested that Japan offer capital goods and services worth \$17.5 billion as compensation to 4 million victims. However, the Japanese Prime Minister Yoshida Shigeru refused the suggestion under grounds that the amount nearly equaled the gross national product of Japan, which was in violation of Article 14 of the San Francisco Peace Treaty. Indonesia eventually signed the peace treaty and a reparations agreement to be provided with compensation worth 1/80th of what it had initially suggested, which amounted to approximately \$8,946.87 million including products and services worth \$223.08 million as well as loans worth \$400 million over a period of 20 years.

- 11 Over the course of two years since 1975, the Korean government paid 300,000 Korean won per person to a total of 8,552 bereaved family members of forced mobilization victims living in Korea. According to the 'Special Act on Research on Damages from Forced Mobilization and Support to Victims of Forced Mobilization Abroad for the Period of Uprising Against Japan' (enforced since 22 March 2010), the bereaved families of forced mobilization victims currently receive condolence payment (20 million Korean won) and aid for outstanding compensation (at the exchange rate of 2,000 Korean won for 1 Japanese yen), while surviving victims receive condolence

that, regarding the Japanese military comfort women issue, the South Korean government's inaction to take measures according to Article 3 of the 1965 Korea-Japan Treaty on Basic Relations is an unconstitutional omission even when there were apparent disparities between Korea and Japan in legally interpreting the Korea-Japan Claims Settlement Agreement. As for cases against Japanese corporations on compensation for forced labour, the Korean Supreme Court ruled on 24 May 2012 that "claim rights for tort against humanity involving Japanese government power or colonial rule tort damages were not addressed in Claims Agreement. Thus, Plaintiffs' damages claim rights have not expired due to Claims Agreement. ROK's diplomatic protection right was also not abandoned." And by saying on 17 August 2017 that "Korea's Constitutional Court and Supreme Court have already ruled that victims of wartime forced labour still have the right to make individual claims against Japanese companies", the Korean President signified that apart from bilateral treaties, victims of forced labour still individually retain the right to claim compensation against Japanese companies.

The Chinese government is also officially criticizing the Japanese Supreme Court's ruling that the Chinese individuals' right to claim war compensation has been lost under the 1972 Japan-China Joint Communiqué.¹²

Regarding the argument that the Japanese POWs detained in Siberia have become unable to receive compensation for forced labour from the Soviet Union because the Japanese government had waived the right to make claims against the Soviet Union, the Japanese government insisted that individuals retained the right to make claims because "diplomatic protection was waived, but not the individuals' right to claim." So, the argument the Japanese government makes on

payment (from anywhere between 3 to 20 million for the wounded) in addition to medical aid (800,000 Korean won each year).

- 12 On the lawsuit Chinese victims of forced labor filed against Nishimatsu Construction, the Japanese Supreme Court dismissed the claim in April 2007 by ruling that due to the 1972 Japan-China Joint Communiqué, the plaintiffs had no right to seek through the Japanese judicial system compensation for suffering inflicted by wartime Japan. At this, the Chinese Foreign Ministry Spokesman Liu Jianchao (劉建超) claimed on 27 April 2007 that "Japan's Supreme Court's interpretation of the China-Japan Joint Statement is illegal and null."

Japanese war victims' individual right to claim contradicts the government's argument on the same right of non-Japanese war victims.

Moreover, Japanese courts have been ruling that individuals have no right to claim compensation against a foreign state for damage they suffer from war and colonial rule. Specific examples of this include the ruling the Tokyo High Court made on 28 March 2002, which dismissed an appeal claiming compensation for forced labour in the Japanese army by stating that international law does not stipulate on individual rights to make claims against an aggressor nation. On another appeal claiming compensation against Unit 731, the Nanjing Massacre, and indiscriminate bombing, the Tokyo High Court again ruled that according to international law, war victims have no right to make individual claims against a former enemy nation. The ruling also dismissed the appeal on grounds that acknowledging such a right based on humanitarianism would place a burden on a defeated nation and its people, which would then confuse and threaten post-war settlements. The first ruling for the same case (made on 22 September 1999) stated that the issue of compensation by a former enemy nation should be collectively resolved through post-war friendship treaties with the nations concerned because administering justice to compensate for individually-suffered war damages could keep sparks of dispute alive and lead to another war.

3.2. Discrimination against civilian and colony-born war victims

Table 2 below presents a list of compensations the Japanese government offered to its civilian and colony-born war victims.

After losing the war, the Japanese government only provided compensation for those mobilized for the war, such as soldiers and civilian employees of the Japanese army, the war wounded or dead, and their bereaved families. The government's basic position was that the matter of war damages is something all Japanese nationals must collectively sustain, and based on this, the government claimed that compensation provided to soldiers and civilian employees of the Japanese army was not to compensate for war damages, but for damages from gov-

ernment employment.¹³ Against this compensation policy toward war victims, 112 Tokyo Air Raid victims and their families filed a lawsuit in March 2007 demanding an apology and compensation from their government for unjust discrimination, followed by 18 other victims and families of the Osaka Air Raid who sued their government in December 2008. However, both cases were dismissed.

As for France or Britain, colonial veterans were treated as equal to French and British nationals based on an egalitarian principle toward nationals and non-nationals even after their colonies became liberated.¹⁴ Japan, however, excluded colonial veterans from compensation simply because they were no longer Japanese nationals after the war. Such exclusion was based on the view that compensation for colonial veterans was a matter that should be handled through bilateral treaties. This is why the Japanese government claims that the Korean government should take care of compensation for Koreans who served the Japanese army as a soldier or civilian employee, since all matters related to claims have been settled through the 1965 Korea-Japan Claims Settlement Agreement. Accordingly, the Japanese government offered equal compensation to Korea veterans who became naturalized as Japanese citizens prior to 22 June 1965 when Korea and Japan signed the Treaty on Basic Relations, but not to those who became naturalized Japanese citizens after the treaty was signed. When Japan's exclusion of Koreans and Taiwanese from compensation surfaced as an issue, the UN Human Rights Committee referred to the International Covenant on Civil and Political Rights (Treaty No. 7 of 1979; also known as the 'B Covenant') to urge for the correction of the pension discrimination against Korean and Taiwanese veterans who served in the Japanese army but are no longer Japanese citizens, the Japanese government refused to comply.¹⁵ Japan did eventually provide

13 For research on postwar Japan's compensation to war victims, refer to Nam Sang-gu, '전후 일본의 전쟁희생자 '보상'에 관한 고찰: 전상병자 전몰자유족 등 원호법과 은급법을 중심으로' [A Study on Postwar Japanese War Victim 'Compensation': Mainly on the Relief Law and the Pension Law for the War Wounded and the Bereaved Family], *일본역사연구* [Korean Journal of Japanese History], 2005, vol. 22, no. 22, pp. 117-140.

14 Okuhara Toshio, '欧米諸国における戦争犠牲者の補償制度' [Compensation System for War Victims in Western Countries], *法学セミナー* [Seminar on Legal Studies], August 1992, p. 52.

15 Tanaka Hiroshi, '林水木国家補償請求事件についての意見書' [Opinion on Hayashi Mizuki's Compensation Claim Against the Government], *龍谷大学経済学論集 (民際学特集)* [Ryukoku University Economic Studies (Special Issue on Private Discourse)], 2003, vol. 42, no. 5, p. 31.

Table 2. Japanese government policies toward war victims

Compensation	Policy	Execution Period (Year)	Identity		Nationality Clause	
			Military	Civilian	Applied	Not Applied
War Wounded War Dead	Pension Act	1923-46	○		○	
	Military Assistance Act	1937-46	○		○	
Compensation	War Casualties and Damages Protection Act	1942-46		○	○	
	Act to Assist the War Wounded and Bereaved Families of the War Dead	1952-	○		○	
	Special Act on Pension for Veterans and Bereaved Families of the War Dead	1953-	○		○	
	Act on Special Benefits to Wives of the War Dead	1963-	○		○	
Unrepatriated	Act on Special Assistance to the War Wounded	1963-	○		○	
	Act on the Provision of Special Condolence Benefits to Bereaved Families of the War Dead	1965-	○		○	
	Act on the Payment of Special Benefits to Wives of the War Wounded	1966-	○		○	
	Act on the Payment of Special Benefits to Parents of the War Dead	1967-	○		○	
	Act on Aid to Families of Unrepatriated Persons	1953-	○	○	○	
	Act on Special Measures Toward Unrepatriated Persons	1959-	○	○	○	
	Repatriates' Benefit Act	1957-	○	○	○	
	Act on Special Benefits to Repatriated Persons	1967-	○	○	○	
	Act on Special Funds for Commemorative Projects for Peace	1988-	○	○	○	○
	Act on Medical Aid for Atomic Bomb Survivors	1957-94	○	○	○	○
Atomic Bomb Victims	Act on Special Measures for Atomic Bomb Survivors	1968-94	○	○	○	○
	Atomic Bomb Survivors' Assistance Act	1994-	○	○	○	○
Detainees	Act on Special Measures Related to the Post-war Detainee Issue	2010-13	○		○	
	Act on Condolence Money for Bereaved Families of the Taiwanese War Dead	1987-93	○		●	
Nationals of Former Colonies	Act on Implementing the Payment of Condolence Money (to the Taiwanese)	1988-93	○		●	
	Act on the Payment of Condolence Money to Bereaved Families Deprived of Japanese Nationality Under the Peace Treaty with Japan	2001-04	○		●	

Policy		Execution Period (Year)	Identity		Nationality Clause		
			Military	Civilian	Applied	Not Applied	Not Specified
Memorialisation	Memorial	National Memorial Service for the War Dead	○	○			○
		Day of Mourning the War Dead and Praying for Peace (August 15)	○	○			○
Honours	Memorial Facilities	Collective enshrinement at the Yasukuni Shrine (Registered as a religious corporation since 1945)	○		◎		
Commemoration		Building Chidorigafuchi National Cemetery for the War Dead, Holds memorial service	○				○
		Building the Battle of Okinawa War Dead Cemetery	○	○			○
	Honours	Conferment of honours to the war dead	○		○		
		Special measure toward pensioners with old honours	○		○		
		Liquor bestowed by the Emperor to the war dead	○		○		
		Periodic delivery of undelivered medals and certificates	○		○		
		Periodic delivery of undelivered honours and certificates	○		○		
		Collection of remains overseas (southern regions)	○				○
Remains Overseas		Collection of remains overseas (Russia)	○		○		
		Building cenotaphs for the war dead overseas	○				○
		Memorial pilgrimage of battlefield's overseas	○		○		
Memorial Hall		Showakan (historical documents by families of war victims)	○	○			○
		Peace Memorial Museum (for soldiers disqualified for pension, detainees in Siberia, and post-war repatriates)	○	○			○
		National Peace Memorial Halls for the Atomic Bomb Victims	○	○			○
		Shokeikan (Hall for historical material on wounded, retired soldiers)	○	○			○

(Note) ◎: Inclusively applied to colony-born nationals, ●: Applied only to colony-born victims

partial compensation to Korean and Taiwanese permanent residents in Japan by enacting in 2001 the 'Act on the Payment of Condolence Money to Bereaved Families Deprived of Japanese Nationality Under the Peace Treaty with Japan.' However, the amount paid as compensation was meagre compared to what was paid to Japanese nationals who suffered identical damages.

4. The Japanese government's recognition of its past colonial rule

4.1. The Japanese government's official recognition of history

What is the Japanese government's official view toward colonial rule and wars of aggression? "How does the Government of Japan recognize the history concerning the previous war?" is the first question to appear in the 'History Issues Q&A' section of the Japanese Ministry of Foreign Affairs website. The answer given says, "Regarding the recognition of the history by the Government of Japan, the so-called 'Murayama Statement' was issued on the 50th anniversary of the end of the war, and the so-called 'Koizumi Statement' was issued on the 60th anniversary. In addition to these statements, a cabinet decision was made to issue a statement by the Prime Minister of Japan on 14 August 2015 on the 70th anniversary of the end of the war. Please see the following links for their contents". Then, through what sort of process were the aforementioned statements drafted and what would their significance be? The Japanese government communicated its recognition of history through statements issued by the Prime Minister or the Chief Cabinet Secretary or bilateral joint statements, and table 3 below provides an overview of the major statements made so far.

The Japanese government's recognition of history has clearly and specifically been heading toward apologizing and expressing remorse since Japan normalized its diplomatic relations with Korea in 1965 and with China in 1972. What is currently considered the Japanese government's official recognition of history is represented in the statement then Prime Minister Murayama Tomiichi released on 15 August 1995. Except for the phrase "following a mistaken national policy", the Murayama Statement's wording imitates that of previously released statements. It is an indication that the statement reflects recognition

Table 3. The Japanese Government's Statements on Historical Issues

Date	Issued by	Format · Subject · Main Point
20.2.1965	Japanese Government & Korean Government	Joint Statement <Colonial Rule> ※ Signed by both countries' Foreign Affairs Ministers "In our two countries' long history there have been unfortunate times, it is truly regrettable and we are deeply remorseful."
29.9.1972	Japanese Government & Chinese Government	Joint Communiqué <Wars of aggression> "The Japanese side is keenly conscious of the responsibility for the serious damage that Japan caused in the past to the Chinese people through war, and deeply reproaches itself"
26.8.1982	Chief Cabinet Secretary	Statement <Distorted Textbook Descriptions> "The Japanese Government and the Japanese people are deeply aware of the fact that acts by our country in the past caused tremendous suffering and damage to the peoples of Asian countries, including the Republic of Korea (ROK) and China."
14.8.1985	Chief Cabinet Secretary	Statement <Past Conducts> ※ Prime Minister Visited the Yasukuni Shrine (8.15) Acknowledged being aware of and expressed deep regret for causing tremendous suffering and damage to many people in Asian countries as a result of Japan's acts in the past.
6.7.1992	Chief Cabinet Secretary	Statement < Japanese Military 'Comfort Women'> Acknowledged the Japanese government's involvement in establishing and managing comfort stations, recruiting women, and supervising those involved in comfort station operations.
4.8.1993	Chief Cabinet Secretary	Statement <Japanese Military 'Comfort Women'> Acknowledged the Japanese government and military authorities' direct and indirect involvement in the establishment and management of comfort stations as well as in the recruitment of comfort women.
15.8.1995	Prime Minister	Statement <Colonial Rule · Wars of Aggression> ※ 50 th Anniversary of the End of the War Expressed deep remorse and offered a heartfelt apology, for "through its colonial rule and aggression, [Japan] caused tremendous damage and suffering to the people of many countries, particularly to those of Asian nations."
8.10.1998	Japanese Government & South Korean Government	Joint Declaration <Colonial Rule> "Japan caused, ..., tremendous damage and suffering to the people of the Republic of Korea through its colonial rule," and "expressed his [the Japanese Prime Minister's] deep remorse and heartfelt apology."
13.8.2001	Prime Minister	Statement <Colonial Rule and Wars of Aggression> ※ Visited the Yasukuni Shrine (8.14) Expressed "profound remorse" for imposing "through its colonial rule and aggression, immeasurable ravages and suffering particularly to the people of the neighbouring countries in Asia."
17.9.2002	Japanese Government & North Korean Government	Joint Declaration <Colonial Rule> "The Japanese side expressed deep remorse and heartfelt apology for causing tremendous damage and suffering to the people of Korea through its colonial rule in the past."
13.8.2005	Prime Minister	Statement <Colonial Rule · Wars of Aggression> ※ 60 th Anniversary of the End of the War Expressed feelings of deep remorse and heartfelt apology for causing tremendous damage and suffering to the people of many countries including Korea. ※ Did not inherit the phrases "following a mistaken national policy, advanced along the road to war" from the Murayama Statement
10.8.2010	Prime Minister	Statement <Forced Annexation · Colonial Rule> ※ 100 Years Since Japan's Forced Annexation of Korea "To the tremendous damage and sufferings that this colonial rule caused, I express here once again my feelings of deep remorse and my heartfelt apology." "The Korean people of that time were deprived of their country and culture, and their ethnic pride was deeply scarred by the colonial rule which was imposed against their will."
15.8.2015	Prime Minister	Statement <Wars of Aggression> ※ 70 th Anniversary of the End of the War Apologized and expressed remorse toward wars of aggression after 1931, but made no apology for colonial rule.

of history that the Japanese government had been assembling since 1965. Moreover, in order to be released, the Murayama Statement had to gain unanimous approval from all eight Cabinet members including the then Minister of Economy, Trade and Industry Hashimoto Ryutaro (橋本龍太郎), who belonged to the conservative Liberal Democratic Party and was also head of the Japan Association of War-Bereaved Families. Disapproval from even one of the eight members could have kept the statement from being released. This is what allows the Murayama Statement to be considered an assembly of the Japanese government's recognition of history rather than a reflection of Prime Minister Murayama's personal view of history as a member of the Social Democratic Party.

Japanese Prime Ministers who came after Murayama revealed their own views of history by quoting from the Murayama Statement or stating that they will uphold the statement. Statements issued or jointly issued by the Japanese government continued to wholly inherit the Murayama Statement's wording. However, Prime Minister Koizumi's statement in 2005 left out the phrases "following a mistaken national policy, advanced along the road to war" from the Murayama Statement. And the statement Prime Minister Abe made in 2015 reserved expressions of apology and remorse only for wars of aggression Japan caused since the Manchurian Incident of 1931.

4.2. Recognition of past colonial rule

Negotiations to normalize diplomatic relations between Korea and Japan finally began in 1951, six years after Korea had become liberated from Japanese rule. However, the two countries' recognition of history proved to be fundamentally different when it came to Japan's 35-year-long occupation of Korea. This even caused negotiations to be suspended at one point. The two most controversial issues involved whether Japan's colonial rule over Korea was legal or not and whether such rule contributed to or undermined the growth of Korea. Korea viewed Japanese rule as basically illegal and invalid whereas Japan viewed its rule over Korea as legitimate based on treaties the two countries had concluded. Despite 15 years of negotiating, Japan's view did not change, but the two countries nevertheless managed to look beyond conflicts arising from differences in their views of history and normalize their diplomatic relations. Regarding the legitimacy of co-

lonial rule, Article 2 of the 1965 Korea-Japan Treaty on Basic Relations noted that "It is confirmed that all treaties or agreements concluded between the Empire of Japan and the Empire of Korea on or before 22 August 1910 are already null and void", leaving room for each side to read the article to their own advantage. Korea understood the word 'already' as applicable to all treaties or agreements prior to 1965 when the Treaty on Basic Relations was concluded, but Japan understood the word as applicable to treaties or agreements signed since 1948, when the Republic of Korea's government became established. The Japanese government continues to maintain the argument that Japanese colonial rule was unfair, but not illegal.

Regarding the Japanese government's recognition of its past colonial rule, Shiina Etsaburo (椎名悦三郎), the then Japanese Foreign Minister, visited Korea on 17 January 1965, ahead of signing the Treaty on Basic Relations, and said, "we very much regret and feel deep remorse for the period of calamity that took place within the long history the two countries share." And in a statement he jointly made with the then Korean Foreign Minister Lee Dong-won on 20 February of the same year stipulated that Japan "expresses regret toward its past relations and feels deep remorse." The Japanese Foreign Minister Shiina's comment and statement weren't satisfactory, but the Japanese government seemed to have turned to a new page in its relations with Korea based the acknowledgement that its past colonial rule had been unjust. And the statement Miyazawa Kiichi (宮澤喜一) made on 26 August 1982 as the then Chief Cabinet Secretary noted that "Japan has recognized, in the Japan-ROK Joint Communiqué of 1965, that the past relations are regrettable, and Japan feels deep remorse", and added that "These statements confirm Japan's remorse and determination which I stated above and this recognition has not changed at all to this day."

The first Japanese Prime Minister to specifically use the term 'colonial rule' to officially apologize and express remorse for it was Hosokawa Morihiro (細川護熙). In a speech he addressed to the Japanese National Diet on 23 August 1993, Hosokawa said, "I would thus like to take this opportunity to express anew our profound remorse and apologies for the fact that past Japanese actions, including aggression and colonial rule, caused unbearable suffering and sorrow for so many people." In the 1998 Kim-Obuchi Joint Declaration, the Jap-

anese Prime Minister Obuchi Keizo specifically mentioned that he “regarded in a spirit of humility the fact of history that Japan caused, during a certain period in the past, tremendous damage and suffering to the people of the Republic of Korea through its colonial rule, and expressed his deep remorse and heartfelt apology for this fact.” Kan Naoto (菅直人) of the Democratic Party was the first Japanese Prime Minister to discuss in further detail the matter of colonial rule through an official statement. The statement he released on 10 August 2010 remarked that “As demonstrated by strong resistance such as the Samil independence movement, the Korean people of that time were deprived of their country and culture, and their ethnic pride was deeply scarred by the colonial rule which was imposed against their will under the political and military circumstances.” He further mentioned in the statement that “To the tremendous damage and sufferings that this colonial rule caused, I express here once again my feelings of deep remorse and my heartfelt apology.” Despite having made further progress than the Murayama Statement, the significance of Kan’s statement has not yet been properly appraised because the Democratic Party of Japan failed to take over the country’s administration since then.

The second Abe administration that subsequently came into power expressed its intention to generally succeed the Murayama Statement. At a New Year’s press conference on 5 January 2015, Prime Minister Abe mentioned that “As I have been saying all along, the Abe Cabinet upholds the position on the recognition outlined by the previous administrations in its entirety, including the Murayama Statement.” However, although the cabinet members of the Abe administration continue to quote from the Murayama Statement, they utterly refrain from publicly using the phrase “through its colonial rule and aggression”. Prime Minister Abe’s address at the National Memorial Ceremony for the War Dead held on 15 August 2013 practically corroded the core of the Murayama Statement by failing to mention that “Japan caused tremendous damage and suffering to the people of many countries, particularly to those of Asian nations” or “express deep remorse” on behalf of the people of Japan, words that had constantly been part of speeches of the sort since Murayama’s day as Prime Min-

ister in 1994 and even until 2007 during the first Abe administration.¹⁶ Moreover, Prime Minister Abe's statement on 14 August 2015 remarked that "More than one hundred years ago, vast colonies possessed mainly by the Western powers stretched out across the world. With their overwhelming supremacy in technology, waves of colonial rule surged toward Asia in the 19th century. There is no doubt that the resultant sense of crisis drove Japan forward to achieve modernization. Japan built a constitutional government earlier than any other nation in Asia. The country preserved its independence throughout. The Japan-Russia War gave encouragement to many people under colonial rule from Asia to Africa. After World War I, which embroiled the world, the movement for self-determination gained momentum and put brakes on colonization that had been underway." Saying so justifies Japan's use of force to colonize Taiwan and Korea under the pretext of joining an international trend, which signals that the Japanese government's recognition of its past colonial rule is regressing.

5. Conclusion

The issues involving Japan's post-war settlements and recognition of history are outlined in Table 4 below. In terms of reparations and compensation, the Japanese government's view that the matter of claims has completely been settled is being met with criticism. Japan's recognition of its past colonial rule and wars of aggression used to lean toward acknowledging and apologizing for its wrongdoings until such recognition began to recently retrograde as expressions of apology and remorse were removed from Prime Minister Abe's statement in 2015.

As made apparent by the Korean President Moon Jae-in's remark on individuals retaining the right to make claims as well as his March First Movement commemoration speech of 2018, the controversies surrounding Japan's recognition of and compensation for its colonial rule are not matters of the past, but of the present. Yet, as reviewed

16 On the Abe administration's recognition of Japan's past, refer to Nam Sang-gu, '아베정권의 역사 인식과 한일관계' [The Recognition of History by the Government of Prime Minister Abe Shinzō and Korea-Japan Relations], *한일관계사연구* [The Korea-Japan Historical Review], 2013, vol. 46, pp. 22-265.

Table 4. Views on colonial rule, post-war settlement, and recognition of history

Issue	Japanese Government's View	Counterview
Did the Japanese government provide reparations/compensation for damages due to colonial rule and wars of aggression?	– Compensation completed through the San Francisco Peace Treaty and other bilateral treaties – Colonial rule not eligible for compensation	– Japan's post-war settlement was led by the United States and carried out in terms favourable for Japan – No reparations/compensation made so far for colonial rule
Has the matter of individual rights to make claims been settled?	– Individual rights to make claims already legally settled	– Individual claims haven't been settled with regard to crimes against humanity and forced mobilization – Forced labour victims retain the individual right to make claims against corporations
What is the Japanese government's official view of colonial rule and wars of aggression? Did the Japanese government officially offer its apology and express contrition?	– Apologies and expression of remorse for aggression (through war and colonial rule) included in the 1995 Murayama Statement, the 2005 Koizumi Statement, and the 2015 Abe Statement	– Japanese government has been inconsistent in its approach toward historical issues – Abe's statement justified Japan's colonial rule prior to the 1930s
Is the 1995 Murayama Statement being inherited as the Japanese government's official recognition of its past?	– Officially inherited by all former administrations	– The second Abe administration recently showing attempts to corrode the core of the Murayama Statement

so far, the Japanese government's view on individual rights to claim indemnity and its backpedalling recognition of the past make it realistically difficult to expect Korea and Japan to be able to narrow the difference between their views.

To create a breakthrough, it is necessary to more broadly research on how the international society has dealt with damages caused by colonial rule. In Korea, Germany is always brought up for comparison when discussing Japan's post-war settlements and recognition of its past. Perhaps it is because the Korean society generally believes that unlike Germany, Japan has not properly apologized and provided compensation to victim nations. Germany's post-war settlements have been used to highlight the many problems in how Japan settled damages from its colonial rule, but the Korean society has been much less interested in learning how Germany exactly ended its colonial occupation or how former colonies handled damages they suffered from occupation once they became liberated. This originated from the Korean society's treatment of Japan's colonial rule as an issue specifically between Korea and Japan rather than as an issue that is part of world history. Therefore, approaching the issue from the perspective of world history will be necessary in order to come up with new ideas for the issue's resolution.

References

- ハンドブック戦後補償編集委員会 [Editorial Committee of the Handbook of Postwar Compensation], *ハンドブック戦後補償* [Handbook of Postwar Compensation], Tokyo: 梨の木舎 [Nashinoki-sha], 1992.
- Japanese Ministry of Foreign Affairs website “History Issues Q&A”, <http://www.mofa.go.jp/mofaj/area/taisen/qa/index.html>.
- Ministry of Foreign Affairs of Japan, ‘About the Publication of “History Issues Questions & Answers” on the Ministry of Foreign Affairs website,’ *Press Release*, 12 August 2017, http://www.mofa.go.jp/mofaj/press/release/17/rls_o812a.html.
- Nam Sang-gu, “아베정권의 역사인식과 한일관계” [The Recognition of History by the Government of Prime Minister Abe Shinzō and Korea-Japan Relations], *한일관계사연구* [The Korea-Japan Historical Review], 2013, vol. 46.
- Tanaka Hiroshi, “林水木国家補償請求事件についての意見書” [Opinion on Hayashi Mizuki’s Compensation Claim Against the Government], *龍谷大学経済学論集 (民際学特集)* [Ryukoku University Economic Studies (Special Issue on Private Discourse)], 2003, vol. 42, no. 5.
- 吉田裕 [Yoshida Yutaka], *日本人の戦争観* [Japanese View of the War], Tokyo: Iwanami Shoten, 1995.