

## Q1. What is “forced labourers (choyoko)”?

A. During the Asia-Pacific War, Japan forcefully mobilized approximately 800,000 Korean people from Korea, which was under Japanese colonial rule, in such forms as “recruitment,” “official mediation,” and “conscription.” The government developed the “labour mobilization plan,” and private corporations used the power of authorities to systematically mobilize labour. This is what is meant by the mobilization of Koreans. “Forced labourers (choyoko)” refer to those who were forcefully mobilized. “The History of Mitsubishi Corporation” (Mitsubishi Shashi) also records “12,913 forced labourers from the (Korean) Peninsula” (as of August 1945). At the labour sites, there were widespread practices of unpaid wages, forced savings, bondage, surveillance, abuse and mistreatment. The International Labour Organization (ILO) recognized that the Japanese forced labour was in violation of the Forced Labour Convention, and recommended that the Japanese government provide relief to the victims. Prime Minister Abe refers to the forced labourers as “workers from the Korean Peninsula,” an expression that whitewashes the history of forced mobilization.

## Q2. What is the “Forced Labour Ruling” in Korea?



A. The Republic of Korea Supreme Court’s ruling of 2018 regarded the forced labour as anti-humanitarian and illegal acts committed by Japanese firms that were directly connected to an illegal colonial rule and a war of aggression, and recognized the right of the victims to claim solatium for the damages that resulted from the forced labour (the “right to claim solatium for forced labour”). Regarding the argument that this issue was settled by the Japan-Republic of Korea Claims Agreement (Agreement on the Settlement of Problems concerning Property and Claims and on Economic Co-operation between Japan and the Republic of Korea, 1965), the court concluded that the 1965 Claims Agreement settled the civil and financial debts and liabilities between the two nations, so the Agreement was not applicable to the victims’ individual rights to claim reparations for the anti-humanitarian and illegal acts

committed against them. This was why the court ordered Nippon Steel Corporation and Mitsubishi Heavy Industries to pay reparations to the forced labour victims in this ruling.

## Q3. How about the Japanese government’s argument that the matter was “settled completely and finally”?

A. The Claims Agreement does have such a reference. The Japanese government made the Republic of Korea government give up the “right to claim” in exchange for their “Economic Co-operation.” However, it was the “right of diplomatic protection” that this Agreement extinguished in accordance with international law. The right of the individual to make a claim cannot be extinguished through an agreement between nations. The Japanese government has repeatedly stated likewise. At the House of Councillors Budget Committee on August 27, 1991, Yanai Shunji, then director of the Ministry of Foreign Affairs Treaties Bureau, said that the Claims Agreement “did not extinguish the right of individuals to make claims in domestic legal terms.” At the House of Representatives Foreign Affairs Committee on November 14, 2018, Kono Taro, then Minister of Foreign Affairs said, “I am not saying that individuals’ right to claim was extinguished...” Owada Hisashi, who was a career diplomat at the Treaties Bureau of the Ministry of Foreign Affairs involved with the negotiation for the 1965 Claims Agreement, said that some rights to make a claim could not in theory be extinguished, even if there were a political will to do so. There has not yet been a resolution regarding reparations for the “illegal acts.”

## Q4. Reparations were supposed to be settled with the 500 million US dollars that Japan paid the Republic of Korea. Japan has to pay more?

A. No, reparations are yet to be settled. The Japanese government, claiming that Japan’s colonial rule of Korea was “legal,” had refused to pay reparations to the Republic of Korea.

The 500 million US dollars that Japan provided to the Republic of Korea (\$300 million in grants and \$200 million in loans) under the Claims Agreement was “Economic Co-operation,” not “reparations.” Moreover, Japan provided “products of Japan and the services of Japanese people” over the course of ten years. There was no cash payment. The treaty stipulated that the “aforesaid supply and loans must serve the economic development of the Republic of Korea.” With this restriction, the funds could not be used toward reparations for victims of forced labour. In fact, the Japanese economic aid of 500 million dollars to the Republic of Korea was a big opportunity for Japanese corporations once more to advance their business interests in Korea. In the end, it was a profitable deal for Japan.



## Q5. Still, isn’t the Republic of Korea government responsible?

A. It is true that in Japan-Republic of Korea negotiations leading up to the 1965 Claims Agreement, the government of the Republic of Korea asked for a lump sum payment where compensation was concerned, and said that it would handle the payment to individuals. But the Japanese government did not pay any cash to the government of the Republic of Korea after all. Still, the Republic of Korea government provided some form of compensation by legislating the Act Concerning Compensation of Civil Claims against in 1974 and the Act on Support to Victims Mobilized Abroad During the Pacific War in 2007. But they were not reparations for the illegal acts of forced labour. The Japanese government and Japanese firms still have not taken responsibility for their illegal acts of forced labour.

## Q6. Prime Minister Abe Shinzo and Chief Cabinet Secretary Suga Yoshihide are saying, “A nation-to-nation promise has to be honoured.”

A. What is important is how Japan faces its history of

colonization of Korea. The “Murayama Statement” of 1995 recognized that Japan’s “colonial rule and aggression caused tremendous damage and suffering” and expressed then prime minister’s “deep remorse” and “heartfelt apology.” In 1998, the Republic of Korea and Japan signed the “Japan–ROK Joint Declaration.” Yet, Japan still has not admitted that its colonial rule of Korea was illegal. Neither the Japanese government nor the firms have acknowledged their illegal acts and apologized to the victims of forced labour. Now is the time to admit the illegality of colonial rule and try to restore the dignity of the victims of forced labour. Mere insistence of the “nation-to-nation promise” without such efforts will not narrow the chasm between the two nations or build any kind of trust.

## Q7. Japan-Republic of Korea relations are becoming more complicated than ever. Can we really find a solution?

**A.** Corporations are expected to follow the world standard. The Nippon Steel Corporation’s “Corporate Code of Behaviour” claims that they “comply with laws and rules, and act with high ethical standards,” and “comply with the laws of each country and region, and respect various international norms, cultures, and customs in the process of conducting business.” Mitsubishi Heavy Industries is participating in the United Nation’s Global Compact. The Global Compact says that businesses “should support and respect the protection of internationally proclaimed human rights,” and that “businesses should make sure that they are not complicit in human rights abuses” and “uphold the elimination of all forms of forced and compulsory labour.”

In 1997, Nippon Steel Corporation (called Shin-Nittetsu at the time) reached a settlement with plaintiffs who were families of the deceased victims of forced labour at Kamaishi Steel Mill. At the company’s general shareholders’ meeting in June 2012, a managing director by the name of Sakuma said, “(when the ruling is made) we will have to obey the law anyway.” Mitsubishi Heavy Industries, too, was engaged in multiple

negotiations for about two years after 2010, toward settlements with former members of the Korean Women’s Volunteer Labour Corps who were made to work at a factory in Nagoya.

These corporations are aware of the global standards above, and they are willing to accept court rulings and resolve the issue by dialogue, given the right political environment and conditions being met. These issues can definitely be resolved.

## Q8. Is it possible to resolve the forced labour issue as a whole?

**A.** Where Chinese victims of forced labour are concerned, Kajima Corporation (the Hanaoka settlement), Nishimatsu Construction, and Mitsubishi Material have admitted the facts of forced mobilization, apologized to the victims, and reached settlements by setting up foundations to pay compensation to the victims. In 2000, the German government and corporations in Germany established the “Memory, Responsibility and Future” foundation and paid compensation to 1.7 million victims of war-time forced labour. These are all significant examples of attempts at a wholesome resolution of forced labour issues. Japan, too, can learn from these precedents.

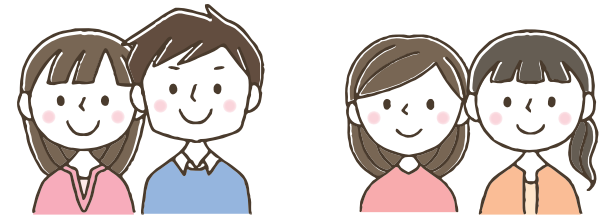
It is estimated that there are several thousand survivors of forced labour in Korea. We should find a wholesome resolution to the problem while these people are still alive. To achieve this goal, the government and civil society of Japan need to work together to come up with solutions that are acceptable to the victims. There is an urgent need to establish foundations to provide relief to forced labour victims.

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# Q & A

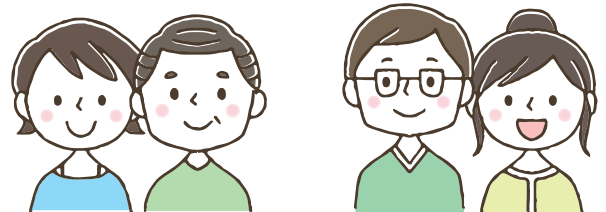
## on the Korean “Forced Labourers” Issue



### What Is the



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