

Prime Minister Abe Engages in Deception in Germany.

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Prime Minister Abe Shinzo of Japan had an interview with Frankfurter Allgemeine Zeitung (FAZ), an influential daily newspaper in Germany, which was the first country he visited among a scheduled itinerary of six European countries, on April 30. During the interview, he made comments such as, “Because the situation in Asia was entirely different from Europe after World War II, Japan cannot easily follow the same way that Germany restructured itself, post-war,” “Although in a different way than Germany, Japan entered into peace agreements by compromising with surrounding nations and established a standard on compensation issues conforming to such agreements,” and “Japan supported Asian countries after the war in the form of development cooperation.”

Abe seems to have wanted to emphasize that Japan had resolved the apology issue or compensation issue by entering into peace agreements with surrounding nations after World War II, and that the compensation issue is all complete as Japan proportionately compensated regional nations to the extent of past damages caused by Japan, as well as engaging in economic cooperation initiatives with those countries.

Firstly, Abe has elaborately avoided the essence of this dispute. What Asian countries such as Korea or China really want from Japan is sincere self-reflection on their past invasion and occupation of our countries, just as Germany did in their respective part of the world. In particular, Japan should correct its diplomatic attitude of mentioning territorial issues against the will of other nations and refrain from justifying past invasion activities by revising its laws and textbooks, doing so underneath the veil of economic cooperation. Abe has engaged in deception in Germany by avoiding these core underlying issues.

Abe's statement seems to have been made out of an objective to counter Korea's position regarding the compulsory draft issue, which will be raised in the director level meeting between Korea and Japan. The deceptive comments by Abe in Germany was a repeat of the allegation that ‘the right of action issue has all expired, individually and nationally, by the Korea-Japan Treaty of 1965.’ However, recently, the courts of Korea and China started to rule decisions ordering Japanese corporations to provide compensation in damage compensation claims for damages from the

compulsory draft during the Japanese colonization period. It can be interpreted that Abe may have made the statements in Germany to prevent the proliferation and validation of the decisions made by Korean and Chinese courts.

At the core of the compensation issue is the expiration of personal right of action. However, there was a response by the Japanese Congress on August 27, 1991 that the personal right of action has not expired. At the time, Yanai Shunji, the Treaty Director of the Ministry of Foreign Affairs of Japan, stated that, "The right of action between the two nations was ultimately completely resolved through the Korea-Japan Treaty of 1965. However, the Treaty meant that the two countries abandoned their diplomatic protection rights, which each held as a nation, but did not mean that the personal right of action itself, based on domestic law, had expired." This would mean that when an individual exercises a right of action against another nation or company, the country in which the individual belongs to cannot exercise its diplomatic protection right, however, there is no issue in an individual alleging his or her right of action.

Hence, numerous lawsuits are being filed in Japan to this day, alleging that the act of Koreans filing lawsuits by alleging a personal right of action is unlawful. Based on the above, the theory that the personal right of action issue has expired, which is alleged by the Abe administration, seems to only be a result of its conservative shift to deny the positions held by past administrations of Japan.

The perception that 'Korea is a country that does not comply with the Korea-Japan Treaty of 1965, and is a country that is not reliable' is proliferated in Japan, based on the statement made by a Korean court ordering Japanese corporations to pay compensation. Such perception is a result of the false propaganda fueled by the Abe administration. Of course, there are many complicated matters regarding the right of action issue, such as the past positions maintained by former Korean administrations, however, Korean judiciary bodies may approve of the personal right of action, just as the response by Japan in 1991, which would be deemed a legal judgment. In view of the timing of Abe's deceptive comments in Germany, public relations efforts seem necessary to help resolve the awareness that the personal right of action has not expired, not only in Korea and Japan, but also internationally.