

(Unofficial Translation)

**Report on the Review of the Korea-Japan
Agreement of December 28, 2015
on the Issue of “Comfort Women” Victims**

December 27, 2017

**Task Force on the Review of the Korea-Japan Agreement
on the Issue of “Comfort Women” Victims**

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I. Launch of the Task Force on the Review of the Korea-Japan Agreement on the Issue of “Comfort Women” Victims

On December 28, 2015, the Foreign Ministers of the Republic of Korea (hereinafter “Korea”) and Japan announced at a Joint Press Conference the details of the bilateral agreement (hereinafter the “Agreement”) on the issue of “comfort women” victims of the Japanese military (hereinafter the “comfort women issue”). This announcement seemed to bring a closure to what had been a key diplomatic issue between Korea and Japan as well as a matter of global attention.

However, public criticism began to be voiced immediately after the announcement of the Agreement. Over time, it became clear that there was opposition to it on the part of the majority of the Korean people and a notable backlash was seen from the victims, concerned groups, and civil society. In particular, presidential candidates of the major parties pledged to annul or renegotiate the Agreement in their campaigns during the 2017 presidential election, held following the impeachment of then-President Park Geun-hye.

The Moon Jae-in administration was inaugurated on May 10, 2017 in Korea and, on July 31, the Ministry of Foreign Affairs of Korea (MOFA) established the “Task Force on the Review of the Korea-Japan Agreement on the Issue of “Comfort Women” Victims (hereinafter the “Task Force”) directly under the Minister to review and assess the process and substance of the Agreement. Headed by Mr. Oh Tai Kyu, the nine-member Task Force consisted of experts in various fields, including Korea-Japan relations, international relations, international law, and human rights.

<Task Force Members>

Chair	Mr. Oh Tai Kyu	Former President, Kwanhun Journalists Club; Former Head of the Editorial Board, <i>The Hankyoreh</i>
Deputy Chairs	Dr. Sun Mira	Chairperson, Korea Human Rights Foundation
	Mr. Cho Sei Young	Professor, Dongseo University
Non-government Members	Dr. Kim Eun Mee	Professor, Graduate School of International Studies, Ewha Womans University
	Dr. Sohn Yul	Professor, Graduate School of International Studies, Yonsei University
	Dr. Yang Kee Ho	Professor, Department of Japanese Studies, Sungkonghoe University

MOFA Members	Ms. Paik Ji-ah	President, Institute of Foreign Affairs and National Security
	Mr. You Ki Jun	Deputy Director-General, International Legal Affairs Bureau
	Mr. Hwang Seung Hyun	Professor, Korea National Diplomatic Academy

Following the announcement of the Agreement, members of civil society, political community, media and academia have expressed suspicions and criticisms with respect to the lack of victims’ input, possibility of behind-the-scenes promises, and the phrase “final and irreversible resolution” among others. The Task Force has endeavored to address those questions and concerns.

The period reviewed by the Task Force ranges from the 1st Director–General-level Meeting on the Comfort Women Issue on April 16, 2014, to the announcement of the Agreement on December 28, 2015. Accounts and developments in and outside of Korea before and after the above-mentioned period were also examined for a more accurate understanding of the matter. The Task Force members met more than twenty times and also conducted intensive daily discussions for half a month. Materials provided by MOFA accounting for the negotiations were first reviewed, and with that as a basis, additional necessary documents were requested to MOFA and examined accordingly. The Task Force mainly reviewed documents produced by MOFA and also considered materials originating from the Presidential Office and the National Intelligence Service (NIS) that had been forwarded to or maintained by MOFA. In cases where those documents and materials were lacking, the Task Force interviewed major individuals involved in the negotiations.

The Task Force has carefully considered the process and assessed the substance of the Agreement based on the following criteria.

First is the “victim-centered approach.” Restoring the victims’ honor and dignity and healing their psychological wounds in a “perpetrator vs. victim” framework lies at the very heart of resolving the comfort women issue. In the course of providing remedy for the victims, their participation is of primary importance, and the government has a responsibility to collect and reflect the intents and positions of the victims as it engages in diplomatic negotiations.

Second, the comfort women issue as wartime sexual violence is a crime against humanity and a universal human rights issue. The international community has exerted consistent and systematic efforts to address the wartime sexual violence issue, and has developed international norms for remedies. In that regard, the comfort women issue should be viewed not only in the Korea-Japan bilateral context, but in the international context as well.

Third, unlike in the past, modern-day diplomacy should not be left exclusively in the hands of government officials, but must proceed with public involvement. Furthermore, a genuine resolution of issues of great public attention such as the comfort women issue can only be achieved through democratic procedures and processes in close communication with the public.

Fourth, the comfort women issue has major implications not only for Korean-Japanese relations, but also for Korea's overall diplomacy. Thus, it is important to craft a negotiating strategy that takes into account the overall foreign policy based on close communication and cooperation among relevant authorities and officials who are involved in the negotiations.

In this report, the Task Force examines and provides an assessment of the course of events, which lead to the Agreement in four phases: (1) substance of the Agreement; (2) structure of the Agreement; (3) a victim-centered resolution; and (4) policy-making process and system.

This report does not cover how the Agreement should be handled by the government in the future since the Task Force's mandate is limited to the review and assessment of the accounts and substance of the Agreement.

<Task Force Meetings>

Main Sessions (12 times in Total)		Supplementary Sessions (10 times in Total)	
Inauguration and initial session	July 31		
2 nd Session	August 25		
3 rd Session	September 1	1 st supplementary session to 3 rd Session	September 7
4 th Session	September 15	1 st supplementary session to 4 th Session	September 22
5 th Session	September 29		
6 th Session	October 13	1 st supplementary session to 6 th Session	October 17
7 th Session	October 27	1 st supplementary session to 7 th Session	November 6
8 th Session	November 10	1 st supplementary session to 8 th Session	November 14
9 th Session	November 24	1 st supplementary session to 9 th Session	December 1
		2 nd supplementary session to 9 th Session	December 2
		3 rd supplementary session to 9 th Session	December 6

10 th Session	December 8	1 st supplementary session to 10 th Session	December 15
		2 nd supplementary session to 10 th Session	December 18
11 th Session	December 22		
12 th Session	December 26		

* The Task Force also held intensive daily discussions from December 1 to December 16.

II. Background of the Agreement

1. Prior to the Director-General-Level Consultations (up to April 2014)

In August 1991, the first public testimony of a victim, Kim Hak-soon, sparked public debates over the comfort women issue not only in Korea and Japan, but also in the international community.

In March 1993, President Kim Young-sam stated that Korea would no longer demand monetary compensation from Japan, and that the Korean government would directly assist the victims. Instead, President Kim called on the Japanese government to conduct fact-finding investigation on the comfort women issue.¹

The Japanese government issued the Kono Statement in August 1993, acknowledging that the wartime Japanese military had been involved in the establishment and management of the comfort stations, and that the recruitment, transfer, etc. of the “comfort women” were conducted against their will as a whole. On the same day, the Korean government responded by announcing that it would not make the comfort women issue a subject of bilateral diplomatic negotiations between Korea and Japan.

The Japanese government established the Asian Women’s Fund (hereinafter the “AWF”) in July 1995 and made monetary payments to the victims as a humanitarian measure, together with a letter of apology from Japan’s Prime Minister.²

¹ In March 1993, MOFA stated that the Korean government would come up with its own remedial measures and urge Japan to conduct a sincere fact-finding investigation. In June of the same year, the “Act on Support for Stable Living of ‘Comfort Women’ Victims of the Japanese Military during the Japanese Occupation” was passed. The Act provided each victim with five million Korean Won as basic subsistence aid and basic subsistence benefits (150,000 Korean Won per month) and medical benefits were also provided under the National Basic Living Security Act and the Medical Care Assistance Act. In April 1998, the Kim Dae-jung administration further enhanced support for victims by increasing the basic subsistence aid to 43 million Korean Won per person.

² Officially, seven Korean victims were known to have received monetary payments from the AWF but the “Details of Exchanges between Japan and the Republic of Korea Regarding the Comfort Women Issue – From the Drafting of the Kono Statement to the Asian Women’s Fund” released by the Japanese government in June 2014 describes that the AWF paid to each of the 61 Korean victims 2 million Japanese Yen as atonement money and 3 million Japanese Yen for medical and welfare assistance.

The Japanese government's position is that the comfort women issue had already been resolved by the "Agreement between the Republic of Korea and Japan Concerning the Settlement of Problems in Regard to Property and Claims and Economic Cooperation" (hereinafter the "Claims Settlement Agreement") of 1965 and it has no legal responsibility. On the other hand, the Korean government's position is that the comfort women issue as a crime against humanity has not been resolved by the Claims Settlement Agreement which dealt with financial and civil claims and liabilities between the two countries.³

While the two countries maintained divergent positions, the Constitutional Court of Korea ruled in August 2011 that the Korean government's treatment of the comfort women issue was unconstitutional. The Court held that a dispute exists between the two governments on the interpretation of whether the victims' right to demand compensation had been nullified by the Claims Settlement Agreement, and that the Korean government's failure to resolve it by the dispute resolution process⁴ set forth in the Claims Settlement Agreement was unconstitutional. Following the ruling, the Korean government requested twice in September and November 2011, respectively, that Japan engage in a bilateral consultation under Article 3, Section 1 of the Claims Settlement Agreement. However, Japan did not respond.

At the Korea-Japan Summit in December 2011, President Lee Myung-bak called on the Japanese government to show determination to resolve the comfort women issue. Japan informally proposed a humanitarian solution⁵, known as the Sasae Proposal, in March 2012, but the Korean government rejected it on the ground that the acknowledgement of state responsibility was needed. In the latter part of 2012, the two governments pursued behind-the-scenes negotiations on the comfort women issue, but did not achieve any results.

The Park Geun-hye administration that was inaugurated in February 2013 adopted the policy of persuading Japan to take genuine actions and continued to demand the Japanese side to hold working-level consultations on the comfort women issue. However, little progress was made due to the differing views of the two heads of state on understanding history, including the comfort women issue.

³ On August 26, 2005, the "Public-Private Joint Committee on the Follow-up Measures After the Public Release of ROK-Japan Negotiations Documents" announced 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."

⁴ The Claims Settlement Agreement provided that any dispute concerning the interpretation or the implementation of the Agreement shall be resolved initially through diplomatic channels (Article 3, Section 1), and that any dispute which cannot be resolved through diplomatic channels shall be resolved by arbitration (Article 3, Sections 2 and 3).

⁵ A proposal of Japanese Vice Foreign Minister Sasae of Japan in March 2012 comprises of: (1) an apology by the Japanese Prime Minister (2) implementation of humanitarian measures such as medical expenses funded with the Japanese governmental budget; and (3) visits to victims by the Japanese Ambassador to Korea.

2. Efforts to Resolve the Issue through Director-General-Level Consultations (from April 2014 to February 2015)

The Nuclear Security Summit was held in The Hague, Netherlands on March 24-25, 2015. The United States sought to improve Korea-Japan relations from the perspective of Korea-U.S.-Japan cooperation, and a separate Korea-U.S.-Japan trilateral summit was held on March 25. In the process, Korea and Japan agreed to launch Director-General-level consultations to deal with the comfort women issue.

Twelve rounds of bilateral Director-General-level consultations on the comfort women issue were held from April 16, 2014 until the day before the announcement of the Agreement on December 28, 2015 between the Director-General for the Northeast Asian Affairs of MOFA and the Director-General for the Asian and Oceanian Affairs Bureau in the Ministry of Foreign Affairs of Japan, and there were closed-door consultations in between.

<Dates and Venues for Korea-Japan Director-General-level Consultations on the Comfort Women Issue >

Date	Session	Venue	Date	Session	Venue
April 16, 2014	1 st	Seoul	March 16, 2015	7 th	Seoul
May 15, 2014	2 nd	Tokyo	June 11, 2015	8 th	Tokyo
July 23, 2014	3 rd	Seoul	September 18, 2015	9 th	Tokyo
September 19, 2014	4 th	Tokyo	November 11, 2015	10 th	Seoul
November 27, 2014	5 th	Seoul	December 15, 2015	11 th	Tokyo
January 19, 2015	6 th	Tokyo	December 27, 2015	12 th	Seoul

As both sides repeated their respective positions even after Director-General-level consultations commenced and little progress was made on the issue, voices began to emerge on both sides that high-level, behind-the-scenes consultations were necessary by raising the level of negotiating representatives to the extent they could directly communicate with their respective heads of state.

3. Agreement through High-Level Consultations (from February 2015 to December 2015)

(1) Launch of the High-Level Consultations

At the end of 2014, the Korean government decided to hold high-level consultations in parallel to unravel the tangled state in the Director-General level consultations. From this point on, the focus of the negotiations shifted to high-level, behind-the-scenes consultations. As Japan designated the Secretary General of National Security Secretariat as its negotiator, NIS Director Lee Byung-kee served as a negotiator on the Korean side at the instruction of the President⁶.

(2) Interim Agreement through High-Level Consultations

The 1st High-Level Consultation took place in February 2015, and a total of eight rounds of consultations were conducted before the announcement of the Agreement on December 28, 2015. In addition, telephone consultations between the two high-level representative negotiators and consultations among working-level personnel took place from time to time. As the leading government agency on the comfort women issue, MOFA could not participate in person in the high-level consultations. However, the Ministry received from the Presidential Office and reviewed the results of such consultations, and communicated its comments to the Presidential Office.

The Korean side presented the following principal demands at the 6th Director-General Level Consultation held in January 2015 before the 1st High-Level Consultation: the Japanese government's acknowledgement of its responsibility without any qualifier such as "moral"; an official apology of more improved content than before and the guarantee for irreversibility of such apology; and the implementation measures using the Japanese government's budget.

At the 1st High-Level Consultation, the Japanese side presented measures to be taken by the Korean side along with those to be taken by the Japanese side, including confirmation of a final and irreversible resolution; resolution of the issue regarding the "comfort woman" memorial statue in front of the Japanese Embassy in Korea; and refraining from reprobation and criticism in international forums. The Japanese side wanted to divide these measures into disclosed and non-disclosed parts and include both parts in the Agreement.

The two sides resolved most of the pending issues and reached a tentative Agreement at the 4th High-level Consultation on April 11, 2015, about two months after the launch of the first session. The interim Agreement included not only the three key

⁶ Mr. Lee participated as the negotiator in all consultations from beginning to end. He was the NIS Director at the first consultation, and then became Chief of Staff to the President in February 2015, immediately before the second one.

elements of the Japanese government responsibility, apology and financial measures but also the elements of the final and irreversible resolution, the “comfort woman” memorial statue, and refraining from mutual reprobation and criticism in international forums. Also included in the interim Agreement were non-disclosed elements related to the persuasion of the concerned groups, memorial statues in other countries, and the term “sexual slavery.”

(3) Stalemate in the High-Level Consultations, and the Final Agreement

In the process of receiving affirmation from the two countries’ leaders for the interim Agreement of April 2015, Japan wished to add the element that the Korean government would not support initiatives to erect memorial statues in other countries in the non-disclosed part of the Agreement. The Korean side responded that adding such an element was unacceptable since it would constitute a substantive alteration of the already negotiated and agreed subject matter.

Meanwhile, frictions between the two governments increased at the end of June 2015 due to the issue of the inscription of modern Japanese industrial facilities, including the so-called “Battleship Island” on the UNESCO World Heritage List. As a result, consultations on the comfort women issue did not progress any further.

The Korea-Japan-China Trilateral Summit held in Seoul on November 1, 2015 served as an opportunity to resume the suspended high-level consultations. At the Korea-Japan Summit on November 2, the two leaders agreed to resolve the comfort women issue as soon as possible, considering that it was the 50th anniversary of the normalization of Korea-Japan diplomatic relations. President Park Geun-hye showed strong determination to resolve it within the year, and the Agreement was finalized at the 8th High-Level Consultations on December 23, 2015.

The Foreign Ministers of Korea and Japan met in Seoul on December 28, 2015 to confirm the substance of the Agreement, and announced the Agreement at a Joint Press Conference. On the same day, the leaders of the two countries confirmed the substance of the Agreement by telephone. President Park announced a message to the nation on the comfort women issue.

The substance of the final Agreement was identical to that of the interim Agreement except for partial modifications in the parts dealing with memorial statues in other countries and the “comfort woman” memorial statue.

III. Assessment of the Agreement

This section assesses the Agreement in terms of its substance, structure, the victim-centered resolution, and policy-making process and system.

1. Elements of the Agreement

(1) Disclosed Elements

1) The Japanese Government Responsibility

(Remarks of the Japanese Side at the Joint Press Conference)*

The issue of “comfort women” was a matter which, with the involvement of the military authorities of the day, severely injured the honor and dignity of many women. In this regard, the Government of Japan painfully acknowledges its responsibility.

With regard to the responsibility element, expressly stating the Japanese government responsibility without any qualifier may be seen as a step forward compared with the Kono Statement that had no reference to responsibility and the Japanese Prime Minister’s letter at the time of the AWF that had a qualifier (“moral”) to responsibility. The fact that the Agreement includes the Prime Minister’s expression of apology and remorse and the establishment of a foundation to be funded by the Japanese government budget in addition to the phrase, “the Government of Japan painfully acknowledges its responsibility,” may allow for an interpretation that the Japanese government made a *de facto* acknowledgment of its legal responsibility.

Nevertheless, the Japanese government maintains the position that there is no legal responsibility because the comfort women issue has already been resolved by the Claims Settlement Agreement. The Japanese side has uniformly and repeatedly stated such a position throughout the entire process of negotiations and until the telephone conversation between the leaders of the two countries immediately after the Agreement was reached.

The Korean government reasoned that it would be difficult to draw out the acknowledgement of legal responsibility given the Japanese government’s firm adherence to its legal stance, and pursued a practical approach of reaching an outcome that can be interpreted as a *de facto* acknowledgement by the Japanese government of its legal responsibility. The Korean government conducted negotiations based on the viewpoint that “it is desirable to put the victims at the center and seek a creative resolution with a goal to lay out solutions acceptable to the victims rather than to engage in exhaustive legal arguments.”

* Translation note: This is the English translation posted on the official website of MOFA. The English translation posted on the Japanese Ministry of Foreign Affairs is as follows: “*The issue of comfort women, with an involvement of the Japanese military authorities at that time, was a grave affront to the honor and dignity of large numbers of women, and the Government of Japan is painfully aware of responsibilities from this perspective.*”

Acknowledgement of the legal responsibility has been one of the core demands of the victims. An internal review shows that MOFA was also aware of the problem, as it stated in its internal review that the legal responsibility was key to persuading the Korean public and that the mere expression of ‘Japanese government responsibility’ would not be suffice to persuade the Korean public. In anticipation of controversies surrounding this point, the Korean and Japanese sides coordinated in the “instruction to handle the Q&A of the press regarding the announcement” that, when asked about the meaning of the agreed phrase “responsibility”, they would answer as follows: “it is precisely what is stated, nothing more and nothing less, that is, ‘*The issue of “comfort women” was a matter which, with the involvement of the military authorities of the day, severely injured the honor and dignity of many women. In this regard, the Government of Japan painfully acknowledges its responsibility.*’”⁷

The Korean side managed to secure the expression of “painfully acknowledges its responsibility” in the Agreement, which was a more advanced expression than the previous statement of Japan that it “painfully acknowledges its moral responsibilities.” Nevertheless, the Korean side was unable to elicit statements such as “legal” responsibilities or “admission” of responsibilities from the Japanese side. In an effort to make up for them, the Korean side demanded Japan to take measures to win the hearts of the victims, such as visiting victims, but failed to include such measures in the Agreement.

2) Apologies by the Japanese Government

(Remarks of the Japanese Side at the Joint Press Conference)*

Prime Minister Abe, in his capacity as Prime Minister of Japan, expresses anew sincere apologies and remorse from the bottom of his heart to all those who suffered immeasurable pain and incurable physical and psychological wounds as “comfort women.”

⁷ “Instruction to handle the Q&A of the press regarding the announcement” also includes the following besides the above-mentioned details.

(Question) Are there any specific projects to be implemented according to this Agreement? What is the estimated scale of budget to accommodate such projects?

(Answer) The government of the Republic of Korea will establish a foundation for the purpose of providing assistance to the “comfort women” victims, and the government of Japan will contribute a lump sum funding to this foundation out of its budget. The two governments will cooperate and implement projects to restore the honor and dignity of the “comfort women” victims and to heal their psychological wounds. In particular, the following measures are being considered: (1) measures to heal psychological wounds that would help restore the honor and dignity of all victims; (2) provision of medical services (including medication); (3) support for health care, recovery and nursing care; and (4) other appropriate measures reflecting the purpose of the foundation. These programs will be implemented within the mutually agreed scope of between the two governments. The scale of funding to be contributed by the Japanese government out of its budget will be adjusted subsequently, and an amount approximately 000 Japanese Yen is assumed roughly.

* Translation note: This is the English translation posted on the official website of MOFA. The English translation on the Japanese Ministry of Foreign Affairs is as follows: “*As Prime Minister of Japan, Prime Minister Abe expresses anew his most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.*”

Prime Minister Abe expressed apologies and remorse in his capacity as Prime Minister of Japan. Although Japanese Prime Minister's letter forwarded to the victims at the time of AWF also contained the expressions “apologies and remorse,” such expressions included in this Agreement can be interpreted as a step forward given that they are expressed in a more official form.

Victims and concerned groups have been demanding the Japanese government’s apology in an “irreversible” way, and the Korean government also demanded during the course of negotiations an apology in a form of the Japanese Cabinet resolution that is irreversible and of higher formality. Nevertheless, it failed to obtain an apology through the Cabinet resolution. Also, in terms of the form, apologies and remorse were not conveyed directly to the victims. In terms of substance, the apology merely repeated the same expression and word arrangements in the Prime Minister's letter for AWF, except for the word “moral” being deleted

3) Monetary Measures by the Japanese Government

(Remarks of the Japanese Side at the Joint Press Conference)*

The Government of Japan has been seriously dealing with this issue, and on the basis of such experience, will take measures with its own budget to heal the psychological wounds of all the former “comfort women.”

More specifically, the Government of the Republic of Korea will establish a foundation for the purpose of providing assistance to the former “comfort women.” The Government of Japan will contribute from its budget a lump sum funding to this foundation. The Governments of Korea and Japan will cooperate to implement programs to restore the honor and dignity and to heal the psychological wounds of all the former “comfort women.”

In regard to monetary measures, unlike the AWF, a foundation⁸ was established in Korea with the money fully funded by the Japanese government with its budget. 36

⁸ Details of the "measures for the establishment of a foundation" as agreed at the high-level consultations were as follows:

- For the purpose of restoring the honor and dignity of all “comfort women” victims of the Japanese military and healing their psychological wounds, the Japanese government will allocate funds using its budget to an appropriate foundation in Korea to use as financial resources for the programs. (The allocation of funds by the Japanese government will be only once.) The activities of the foundation are as follows:

* Translation note: This is the English translation posted on the official website of MOFA. The English translation on the Japanese Ministry of Foreign Affairs is as follows: “*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.*”

out of the 47 surviving victims and the family members of 68 out of the 199 deceased victims have received, or expressed their intent to receive money (100 million Korean Won for each survivor and 20 million Korean Won for each deceased) through this foundation (as of December 27, 2017).

There was no previous occasion where the monetary funding payable to individuals had been secured solely out of the Japanese government budget since Japan maintains the position that the comfort women issue had been resolved by the Claims Settlement Agreement and that Japan had no legal responsibility.⁹

Nonetheless, immediately after the announcement of the Agreement, the Japanese side has stated that the nature of monetary funds allocated to the foundation is not reparation based on any legal responsibility. Some victims and concerned groups have said that such monetary funds are not reparation and could not be accepted. As long as the legal responsibility issue is not completely resolved from the victims' perspective, the comfort women issue is not resolved fundamentally even if the victims received the monetary payments.

The amount to be contributed by the Japanese government was set at 1 billion

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- Purpose: To restore the honor and dignity of all "comfort women" victims of the Japanese military and to heal their psychological wounds
 - Targets: All "comfort women" victims of Japanese military
 - Programs: (1) Measures to restore the honor and dignity of all "comfort women" victims of Japanese military, (2) providing medical services (including the provision of medication), (3) providing health care, recovery and nursing care, and (4) other appropriate measures reflecting the purpose of the foundation
 - Implementation system: The foundation shall conduct the programs within the scope as mutually agreed by the two governments. The foundation shall notify the two governments of the implementation of the programs on a regular basis and, if necessary, there shall be consultations between the two governments.
 - Establishment of the foundation: The Korean government will pursue a way to establish the foundation in the form of a government-registered public interest foundation in accordance with the procedures for establishing a non-profit foundation.
 - Foundation establishment and budget allocation of the Japanese government shall be carried out in the following manner: (1) Launching Preparatory Committee on Establishing the Foundation in Korea, (2) Exchanging a Verbal Note between the two governments, including the program details and implementation methods, (3) Exchanging letters between the Preparatory Committee and the Korean government for delegation of authority for the foundation programs, etc., (4) Exchanging letters between the Preparatory Committee and the Japanese government for the fund allocation, and (5) Allocating the fund allocation by the Japanese government to the foundation.

⁹ "Records of discussions on the establishment of a foundation" as agreed at the high-level consultations include the following:

- With regard to the cash payment, the Japanese negotiating representative agreed to delete the expression "not to include cash payments in consideration of the Korean negotiating representative's remarks that Korea would not consider distributing cash to "comfort women" victims without asking how it was spent and would allow circumstances where cash may be paid depending on designated uses when truly needed.
- With regard to the statement "The foundation will notify the two governments of the implementation of the program on a regular basis and, if necessary, there will be consultations between the two governments," the Japanese representative remarked that in order to agree on such a statement, it should be confirmed that the foundation programs will not be implemented against the intention of the Japanese government. There was a seemingly positive response from the Korean representative.

Japanese Yen without any objective standards. There were no records that the Korean government sought the victims' opinions on the amount of money during the negotiation process.

In addition, as the funds were distributed to the victims and their bereaved families through the foundation established in Korea, the victims were divided into two groups: those who received money and those who did not. Due to such division, the comfort women issue, once a dispute between Korea and Japan, has become a source of internal dispute within Korea.

4) “Final and Irreversible” Resolution

(Remarks of the Japanese Side at the Joint Press Conference)*

Along with what was stated above, the Government of Japan confirms that through today's statement, this issue will be finally and irreversibly resolved on the condition that the above-mentioned measures ('the (2) measures above' at the Foreign Ministers' meeting)¹⁰ are faithfully implemented.

(Remarks of the Korean side at the Joint Press Conference)

The Government of the Republic of Korea takes note of the statement by the Government of Japan and the measures leading up to the statement, and, along with the Government of Japan, confirms that through today's statement, this issue will be finally and irreversibly resolved on the condition that the above-mentioned measures ('the 1.(2) measures above' at Foreign Ministers' meeting) stated by the Government of Japan are faithfully implemented. The Government of the Republic of Korea will cooperate in the measures to be taken by the Government of Japan.

* Emphasis added by the Task Force.

Including the expression “final and irreversible resolution” in the Agreement was quite controversial in Korea after the announcement of the Agreement.

A review of how the term “irreversible” made its way into the Agreement shows that the Korean side first used this term at the 6th Director-General-Level Consultation in January 2015. Noting that an official apology of the Japanese Prime Minister should be made in a form more improved than previously stated, the Korean side demanded a

¹⁰ What was agreed at the high-level consultations was the phrase "Along with what was stated above, on the condition that the (2) measures above are faithfully implemented", but, at the press conference, the Japanese side used the phrase "on the condition that the above-mentioned measures are faithfully implemented." The Korean side, changing from the pre-agreed phrase "on the condition that the 1.(2) measures above stated by the Government of Japan are faithfully implemented" stated "on the condition that the above-mentioned measures stated by the Government of Japan are faithfully implemented" at the press conference.

* Translation note: This is the English translation posted on the official website of MOFA. The English translation on the Japanese Ministry of Foreign Affairs is as follows: “While stating the above, the Government of Japan confirms that this issue is resolved finally and irreversibly with this announcement, on the premise that the Government will steadily implement the measures specified in (2) above.”

formal apology of the Japanese Prime Minister backed by a Cabinet decision to guarantee the “irreversibility” of the apology.

The Korean side made this demand in reference to the opinion of victims’ groups that an apology of Japan must have formality. Noting that Japan had frequently retracted its apology in the past, the victims’ groups had emphasized that, if Japan would apologize, it should be an “irreversible apology.” In April 2014, the victims’ groups claimed “official acknowledgement, apology, and legal restitution to the victims in an irreversible and clear form with respect to crimes and state responsibilities in the “Statement of Korean Civil Society’s Demands to Resolve the Issue of the Comfort Women Issue by the Japanese Military.”

The Japanese side only stated during the initial rounds of Director-General-level consultations that the comfort women issue should be “finally” resolved. Beginning from the 1st High-Level Consultation held immediately after the 6th Director-General-Level Consultation where the Korean side referred to the need for an “irreversible” apology, however, the Japanese side demanded an “irreversible” resolution besides a “final” one.

At the 4th High-Level Consultation on April 2015, an interim Agreement reflecting the demand of Japan was reached. Initially, the Korean side emphasized the irreversibility of an “apology,” but, contrary to this initial intention, the context of irreversibility shifted in the final Agreement to that of the “resolution.”

Shortly after the interim Agreement was reached, MOFA forwarded to the Presidential Office its review opinion that including the expression “irreversible” in the Agreement was expected to meet with opposition in Korea and needed to be deleted. Nevertheless, the Presidential Office did not accept MOFA’s opinion, stating that the effect of “irreversibility” also applies to Japan’s painful awareness of responsibilities and expressions of an apology.

It was the Korean side that initially suggested inserting the phrase ‘on the condition that the Japanese government faithfully implements measures concerning the foundation’ before the term “final and irreversible resolution.” The Korean side proposed this expression to ensure the Japanese government’s performance of its obligation to fund the foundation with the government budget, given that such funding would yet to come when the Agreement was to be announced.

Such a phrase resulted in a controversy over the conditions to the final and irreversible resolution, as it opened the door to an interpretation that the comfort women issue would be resolved finally and irreversibly if the Japanese government merely funded the foundation with its budget. Nevertheless, the Korean government did not make efforts during the course of negotiations to include expressions that would clearly show its intent.

In the end, Korea and Japan have reached an agreement in which the resolution of the comfort women issue is expressly stated as being final and irreversible while the admission of “legal responsibility” is possible only through interpretation. Nonetheless, the Korean government positively assessed the wording and measures of the Japanese side in accordance with the wishes of Japan. The Korean government also noted that it would cooperate with Japan as it implements such measures.

5) The Memorial Statue in Front of the Japanese Embassy in Korea

(Remarks made by the Korean Side at the Joint Press Conference)

The Government of the Republic of Korea is aware of the concern of the Government of Japan over the memorial statue in front of the Embassy of Japan in Seoul with respect to the maintenance of the peacefulness and respectability of its mission, and will make efforts to appropriately address the concern, including through consultations with relevant groups on possible responses.

The Japanese side demonstrated particular interest in the issue of the memorial statue. The Agreement consisted of two parts – one disclosed at the Joint Press Conference and another part that was not disclosed – and the issue of the memorial statue was included in both.

The section regarding the memorial statue included in the non-disclosed part is as follows:

The Japanese side stated, “As the comfort women issue will be finally and irreversibly resolved with this announcement, we would like the Government of the ROK to persuade and not to side with civic groups such as the ‘Korean Council for Women Drafted for Military Sexual Slavery by Japan’ if they express dissatisfaction. We would like to ask the detailed plans of the Government of the ROK on how to relocate the memorial statue in front of the Japanese Embassy in Korea.”

In response, the Korean side stated that, “*On the condition that the measures stated by the Government of Japan are faithfully implemented, the Government of the Republic of Korea confirms that the comfort women issue will be finally and irreversibly resolved through this announcement, and will try to persuade relevant groups if they express opposing views. The Government of the Republic of Korea is aware of the concern of the Government of Japan over the memorial statue in front of the Embassy of Japan in Seoul with respect to the maintenance of the peacefulness and respectability of its mission, and will make efforts to appropriately address the concern, including through consultations with relevant groups on possible responses.*”

From the early phase of the consultations, the Japanese side raised the issue of relocating the memorial statue and expressed hope to include the issue in the disclosed part of the Agreement. The Korean side was concerned about criticism that the issue of the memorial statue was up for negotiations, and objected to including it in the

Agreement. Nevertheless, the Korean side eventually agreed in the course of negotiations to include the issue in the non-disclosed part of the Agreement.

After the two governments debated about the detailed expressions during the consultations, the phrase, “will make efforts to appropriately address the concern, including through consultations with relevant groups on possible responses” became included in the end in both disclosed and non-disclosed parts of the Agreement. The Korean side has explained to the public that this was not an agreement to relocate the memorial statue, and that there was no further commitment beyond the “make efforts” phrase as announced. In particular, when asked by the National Assembly and the media whether there were any further agreements besides what was disclosed to the public, the Korean government continued to respond that there was no such agreement concerning the memorial statue.

Meanwhile, in addition to its remarks on the memorial statue in the disclosed part of the Agreement, the Korean government repeated the same remarks in the context of responding to the Japanese government’s inquiries on the issue in the non-disclosed part of the Agreement, which was hidden from the public’s view. In particular, the remarks by the Korean government in the section of the Agreement not made public, being different from those in the section of the Agreement made public, were in the form of responding to the Japanese government’s inquiry concerning “the Korean government’s detailed plans on how to relocate the memorial statue.”

Although the Korean side kept stating that the government could not intervene and relocate the memorial statue, given that the installation of the statue was led by civic groups, it included this subject in the Agreement. In this regard, the significance of the Agreement was diminished even though the Korean government had not pledged to relocate the memorial statue.

6) Refrain from reprobation and criticism in international forums

(Remarks of the Japanese Side at the Joint Press Conference)*

Also, the Government of Japan, along with the Government of the Republic of Korea, will refrain from mutual reprobation and criticism regarding this issue in international forums, including at the United Nations in the future.

(Remarks of the Korean Side at the Joint Press Conference)

The Government of the Republic of Korea, along with the Government of Japan, will refrain from mutual reprobation and criticism regarding this issue in international forums, including at the United Nations in the future, on the condition that the measures stated by the Government of Japan are faithfully implemented.

* Translation note: This is the English translation posted on the official website of MOFA. The English translation on the Japanese Ministry of Foreign Affairs is as follows: “In addition, together with the Government of the ROK, the Government of Japan will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations.”

With respect to refraining from mutual reprobation and criticism in international forums, the Japanese government continued to request that this element be included in the Agreement, while the Korean government insisted that this element would be resolved naturally when the comfort women issue becomes resolved. In the end, the Korean government agreed to refrain from “mutual” reprobation and criticism “on the condition that the measures stated by the government of Japan are faithfully implemented.”

After the conclusion of the Agreement, the Presidential Office basically instructed MOFA to not make any statements related to the “comfort women” in the international arena. Thus, it caused a misunderstanding that a covenant not to raise the comfort women issue in the international society was reached through the Agreement.

Although the Agreement was to resolve the issues of responsibility, apology and compensation by the Japanese government at the bilateral level, it did not restrict the voices in international forums such as the UN on the comfort women issue as a matter of universal human rights and a lesson in history.

(2) Non-Disclosed Elements

The Agreement included non-disclosed elements in addition to what was disclosed in the remarks made at the Joint Press Conference by the two Foreign Ministers. This arrangement was decided during the high-level consultations at the request of the Japanese side. The non-disclosed elements consisted of four parts: (1) non-disclosed remarks made at the Foreign Ministers’ Meeting; (2) measures on the establishment of a foundation; (3) records of discussions on the establishment of a foundation and (4) instruction to handle the Q&A from the press regarding the announcement.¹¹

The remarks included in the non-disclosed part contained issues that were sensitive in Korea such as the process of persuading concerned organizations like the Korean Council for Women Drafted for Military Sexual Slavery by Japan (hereinafter the “Council”), the “comfort woman” memorial statue in front of the Embassy of Japan in Korea, memorial statues in other countries, and the term “sexual slavery.” The non-disclosed remarks were organized in a form where the Japanese side first made statements and the Korean side responded.

The Japanese side mentioned: (1) *“As the comfort women issue will be finally and irreversibly resolved with this announcement, we would like the Government of the ROK to persuade and not to side with civic groups, such as the Council, if they*

¹¹ Based on the “measures on the establishment of a foundation” and the “records of discussions on the establishment of a foundation” as discussed at the high-level consultations, the “Reconciliation and Healing Foundation” was established and related projects were carried out. The substance of the “measures on the establishment of a foundation” can be found in Footnote 8, page 12, the “records of discussions on the establishment of the foundation in Korea” in Footnote 9, page 13, and the “instruction to handle the Q&A from the press regarding the announcement” in Footnote 7, page 11.

express dissatisfaction. We would like to ask the detailed plans of the Government of the ROK on how to relocate the memorial statue in front of the Japanese Embassy in Korea”; (2) “With regard to setting up memorial statues or monuments related to the ‘comfort women’ in other countries, we believe such movement is inappropriate in light of the fact peoples in foreign countries are hoping for peaceful and harmonious co-existence”; and (3) “We hope the Korean government will not use the term ‘sexual slavery’ in future.”

The Korean side responded: (1) *“On the condition that the measures stated by the Government of Japan are faithfully implemented, the Government of the Republic of Korea confirms that the comfort women issue will be finally and irreversibly resolved through this announcement, and will try to persuade relevant groups if they express opposing views. The Government of the Republic of Korea is aware of the concern of the Government of Japan over the memorial statue in front of the Japanese Embassy in Seoul with respect to the maintenance of the peacefulness and respectability of its mission, and will make efforts to appropriately address the concern, including through consultations with relevant groups on feasible countermeasures”; (2) “Although the Korean government is not involved setting up ‘comfort woman’ memorial statues or monuments in other countries, it will try to develop healthy Korea-Japan relations without supporting such movements in accordance with this announcement”; and (3) “The Korean government reaffirms that the only official term of this issue is the ‘issue of the comfort women victims of the Japanese military.’”*

When asked whether there were any agreements besides the disclosed part of the Agreement, the Korean government responded that there was none regarding the memorial statue, but did not mention the fact that there were non-disclosed elements of persuading the Council, memorials in other countries, and the term, “sexual slavery.”

From the beginning of the negotiations, the Korean side accepted keeping non-disclosed elements regarding the concerned groups. This shows that the Agreement was government-centered, and not victim- or people-centered.

The Japanese side requested the Korean government to persuade concerned groups, and explicitly included the Council by name. While the Korean side did not specify the Council, it nevertheless accepted in reality what Japan had hoped for by stating that it would “try to persuade relevant groups.”

Furthermore, the Japanese side attempted to secure the Korean government’s promise not to support setting up monuments in other countries. The Korean side rejected Japan’s demand, noting that it was not involved in setting up such monuments in other countries. At the last stage, however, the Korean side consented to including the phrase “without supporting such efforts.”

The Japanese side also wanted the Korean side not to use the term, “sexual slavery.”

The Korean side objected on the ground that the term, “sexual slavery” is internationally accepted, but ended up reaffirming that the “issue of the comfort women victims of the Japanese military” was the only official term used.

These non-disclosed remarks did not promise that the Korean government would relocate the memorial statue, intervene to prevent setting up memorials in other countries, or refrain from using the term, “sexual slavery,” but they left room for the Japanese side to intervene in those issues.

After the interim Agreement was reached at the 4th High-Level Consultation in April 2015, MOFA identified at an internal meeting the four matters that need to be amended or deleted. They included the two non-disclosed elements of the memorials in, other countries and the term “sexual slavery” and references to the memorial statue both in the disclosed and non-disclosed parts. This shows that MOFA was aware that the non-disclosed elements could have adverse effects.

(3) Nature of the Agreement

The Agreement is an official undertaking that is jointly announced by the Foreign Ministers and endorsed by the leaders of both countries, and thus it is not a treaty but a political agreement in nature.

The governments of Korea and Japan verbally confirmed at the Foreign Ministers’ Meeting what was agreed at the high-level consultations, and announced it at the Joint Press Conference held immediately thereafter. The Agreement was then endorsed by leaders of the two countries in a telephone call as agreed in advance.

As both sides separately posted the announcements on their respective official websites, some discrepancies appeared, with MOFA posting what was announced at the Foreign Ministers' Joint Press Conference whereas the Japanese Ministry of Foreign Affairs posting what was agreed upon in advance. The English translations posted respectively by both sides on their official websites also had differences, which caused further confusion. They all led to suspicions and controversies regarding what was agreed in reality and whether the Agreement as announced was indeed everything that was agreed.

2. Structure of the Agreement

From the perspective of the three key demands made by the victims, i.e., the acknowledgement of responsibility, apology and reparation by the Japanese government, the Agreement may be seen to have made some progress compared to the past, including the AWF. In particular, some noted that this was indeed significant since it was achieved vis-à-vis the Abe government.

It would have been commendable if the Japanese government accepted the three key

demands voluntarily and without making it conditional. However, they were agreed on the condition that the Korean side accepted demands of the Japanese side, including confirming the final and irreversible resolution of the comfort women issue, making efforts for an appropriate resolution of the memorial statue, and refraining from mutual reprobation and criticism in international forums.

Initially, the Korean side demanded countermeasures by proposing measures to be taken by the Japanese side, including history education for future generations and the establishment of a joint history study devoted to fact-finding as stated in the Kono Statement, but ended up conducting negotiations within the framework of the Japanese side. As the Agreement was reached in a form of securing the three key demands in exchange of the measures to be undertaken by the Korean side, even the meaning of what could have been valued as partial progress in the three key demands became diminished.

Furthermore, it was revealed that the Agreement included non-disclosed elements which could place a burden unilaterally on the Korean side. Moreover, such elements could be all interpreted as placing restrictions on the activities of civic groups and the Korean government in international forums. As such, the Agreement that was already seen as unbalanced based on the disclosed elements turned out to be even further one-sided.

3. Victim-Centered Resolution

An important concern raised about the Agreement is whether it incorporates a victim-centered approach and its mandate as has been emphasized by the victims, concerned groups, and the international community such as the UN. The Korean government has approached the comfort women issue as a matter of universal values, such as wartime sexual violence, from the perspective of seeking to protect women's human rights.

A victim-centered approach in the context of wartime women's human rights issues requires that a remedy and reparation should be made with the victims at the center. According to the UN General Assembly Resolution of December 2015, full and effective reparation should be provided as appropriate and proportional as to the gravity of the violation and the circumstances of each case.

President Park Geun-hye emphasized that the comfort women issue must be resolved in such a way that "is acceptable to the victims and to the Korean people" and "is in line with people's expectation and acceptable to the international community." MOFA met with the victims' associations and experts in the non-governmental sector, etc. throughout the country after deciding to launch the Director-General level consultations. In 2015 alone, MOFA contacted the victims and concerned groups on more than 15 occasions.

The victims have repeatedly stated that the three key requirements of the

acknowledgement of responsibility, official apology, and individual compensation by the Japanese government, were more important than anything else in resolving the comfort women issue. Based on the victims' views and advice of the experts, MOFA drew up a negotiation agenda in the Director-General-level and high-level consultations that included the unqualified acknowledgement of responsibility by the Japanese government, an official apology by the Japanese Prime Minister, and individual compensation.

As it participated in the negotiations, MOFA was aware that it was important to persuade the victims' associations as the issue would be set back to where it started if the victims do not accept an agreement even if the Korean and Japanese governments would be able to reach one. During the course of negotiations, MOFA explained from time to time to the victims what was being negotiated. Nevertheless, MOFA did not inform them that there were measures to be undertaken by the Korean side, including the confirmation of the final and irreversible resolution and refraining from reprobation and criticism in international forums. MOFA also failed to seek the victims' views on the amount of reparation. As a result, it failed to secure the victims' understanding and agreement.

Following the announcement of the Agreement, the victims' groups protested in a statement that "what the victims, their support groups, and the Korean people yearn is that the Japanese government expressly acknowledge its legal and state responsibility for the war crime of the "comfort women" of the Japanese military, restore the dignity and human rights of the victims by implementing its obligations accordingly, and ensure non-repetition of such tragedy in the future." They also strongly criticized that the phrase, "final, irreversible resolution" and a reference to the memorial statue were included in the Agreement.

The UN Committee on the Elimination of Discrimination against Women (CEDAW) assessed, in its concluding observations in March 2016 on the Japanese government's periodic reports, that "the announcement which asserts that the comfort women issue 'is resolved finally and irreversibly' did not fully adopt a 'victim-centered approach.'" It also advised Japan to take due account of the views of the victims and ensure their rights to truth, justice, and reparations in the implementation of the bilateral agreement¹². The UN Committee against Torture (CAT) has also pointed out that the Agreement lacks a victim-centered approach¹³.

4. Policy-Making Process and System

If the comfort women issue is to be addressed as a diplomatic matter, universal values

¹² CEDAW/C/JPN/CO/7-8(2016)

¹³ In May 2017, CAT recommended to revise the Agreement, pointing out that it does not comply fully with the scope of the general comment No. 3 on the implementation of Article 14 of the "Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment," which stipulates victims' rights and the state's responsibilities (CAT/C/KOR/CO/3-5).

should be pursued, and there should be a balance between bilateral and general foreign relations. A failure to approach carefully the comfort women issue that can be highly-sensitive will impact not only on Korea's bilateral relationship with Japan, but also on its overall foreign relations. The Park Geun-hye administration made the comfort women issue a pre-condition to the improvement of Korea-Japan relations, and this inflexibility created many problems.

President Park Geun-hye led a hardline policy vis-à-vis Japan, remarking at the 2013 ceremony commemorating the March 1st Independence Movement Day that “the positions of a perpetrator and a victim in history do not change even after a thousand years pass.” By tying the comfort women issue to the Korea-Japan Summit, the Korean government paid a high price in areas of national security, economy and culture as well as in historical disputes. Discord at the government level led to overreactions to the other country and excessive competitions in international forums, which also deepened the emotional distance between the peoples of the two countries.

The deteriorating relationship between Korea and Japan became a burden to the U.S. on its strategy in the Asia-Pacific region, which prompted the U.S. to engage in the history-related issues between the two countries. Against such a diplomatic background, the Korean government came to face a situation where it had to resolve the comfort women issue as soon as possible through negotiations with the Japanese government.

The Korean government failed to respond to the comfort women issue as independent from security and economic sectors, and was too preoccupied with “comfort women diplomacy.” Also, to resolve the comfort women issue, the President pursued the strategy of persuading Japan through the U.S. The Korean government repeatedly emphasized at Korea-U.S. summits that the improvement of Korea-Japan relations was not possible due to the Japanese leadership's perspective on history. However, this strategy did not have any effect and led to a sense of “fatigue with history” in the U.S.

The policy decision-making power in the “comfort women” negotiations was excessively concentrated in the Presidential Office. Although the President's hardline approach had the potential to become a burden to foreign relations in general, her key aides were somehow convinced that they should honor the President's determination to persuade Japan by linking the issue to the summit meeting. Moreover, the President gave uncoordinated instructions without sufficient communication, which further limited the flexibility of the negotiators.

The Korean Ministry of Foreign Affairs that is primarily tasked with addressing the issue, sat on the sidelines in the “comfort women” consultations and could not sufficiently interject its views on the key issues. Furthermore, coordinated cooperation and appropriate division of work was also in short supply between the Ministry and the Presidential Office, which led the high-level consultations.

IV. Conclusion

The Task Force has reviewed the process and substance of the Agreement from the perspectives of the victim-centered approach, universal values on history-related issues, democratic elements in diplomacy, and balance in diplomatic policies based on close cooperation and communication among the relevant government offices.

The Task Force has reached four conclusions as follows:

First, the victim-centered approach that has become an internationally accepted norm for wartime women's human rights was not sufficiently incorporated in the course of the "comfort women" consultation process, and the Agreement was reached through give-and-take negotiations as if it were a common diplomatic issue. The Korean government took up the consultations, noting that the issue should be resolved while as many victims were still alive as possible. Nevertheless, the Agreement was concluded reflecting mainly the government's position and without sufficiently listening to, and incorporating, the victims' opinions. As long as a resolution is not accepted by the victims as was the case with the Agreement, the comfort women issue will continue to be raised as an unresolved issue even if the two governments declare that it is "finally and irreversibly resolved."

It is difficult to resolve historical matters such as the comfort women issue in a short period through diplomatic negotiations or political compromises. There should at the same time be an expansion of values and perceptions, as well as history education for future generations from a long-term perspective.

Second, former President Park Geun-hye sought to resolve the comfort women issue by tying it to the overall Korea-Japan bilateral relations as seen in emphasizing that there should be "no summit meeting without progress in the comfort women issue," and ended up further exacerbating the bilateral relations. As the international circumstances changed, the direction then shifted to "concluding the negotiations within 2015," causing confusion in policy. A balanced diplomatic strategy needs to be established so that historical matters, including the comfort women issue, will not strain the overall foreign relations as well as the Korean-Japanese relationship.

Third, diplomacy in modern days should be inclusive of the people. When it comes to an issue like the "comfort women" which is the focus of close public scrutiny, democratic procedures and processes reflecting the public's views are all the more important. However, the high-level consultations were carried out behind closed doors from beginning to end. Aside from the disclosed part of the Agreement, some elements such substance that might be burdensome to the Korean side was not disclosed to the public.

Finally, communications were lacking among the President, those in charge of

negotiations, and the Ministry of Foreign Affairs. As a result, the system of modifying or adjusting the policy directions to accommodate changing environments did not operate properly. The Agreement shows that the policy decision-making process requires seeking a wide range of opinions, close communications, and adequate allocation of roles among relevant authorities.

Diplomacy has counterparts, and thus, it is not always possible to adhere to the initial objectives during diplomatic negotiations. However, even if we take into account such characteristics and challenges of diplomatic negotiations, the Task Force could not help but reach the four conclusions listed above.

/End/