



2023-01(S)

## Next Steps for ROK-Japan Relations After the March 6 Forced Labor Proposal

---

**Choi Eunmi**, Research Fellow  
The Asan Institute for Policy Studies  
2023.4.20

### 1. Looking Ahead

Korea-Japan relations are at a crossroads after the ROK government's March 6 announcement of a resolution to the 2018 Supreme Court ruling on the forced labor issue. It is not yet clear whether the resolution will be a "stepping stone" or a "stumbling block" in the future of the bilateral relationship. The Korean government's resolution is a decision made in a situation where the Korean and Japanese sides cannot narrow their opinions on the 2018 Supreme Court ruling. It is a difficult, imperfect, but realistic executive solution from the perspective of compensation for the victims that does not undermine judicial decisions. However, the lack of engagement or an apology from the defendant Japanese companies is not acceptable for any reason and can be criticized as such.

Out of a total of 14 plaintiffs (comprising 15 victims), some plaintiffs or their surviving family members have objected to the announced resolution, most notably the three surviving victims. This may lead to further legal disputes in the future. There are differing interpretations of the Korean government's proposed third-party reimbursement for the plaintiffs (which relies upon Article 469 of the Civil Act pertaining to "Performance by Third Persons"). There is no legal consensus, which could lead to a legal battle between the plaintiffs and the established "Foundation for Victims of Forced Mobilization by Imperial Japan." Among these differing interpretations, the Korean government has apparently focused more on the possibility that "The performance of an obligation may also be effected by a third person," and the plaintiffs and victims who oppose it have focused more on the impossibility of this. On the other hand, this solution seems to be a new method with the emergence of the legal term "third-party reimbursement," but it is not very different from that previously proposed by the Korean government in June 2019 and November 2019 in that "the defendant companies do not directly compensate the plaintiff alone." However, it is a big difference that the defendant companies are not clearly mentioned in the resolution.

It is still difficult to predict whether or not this solution will improve Korea-Japan relations. The future of the bilateral relationship will vary depending on what efforts the two countries make from now on and what achievement we can expect on the process. Currently, Korean public opinion is 35% in favor and 59% in opposition of the announced resolution, that is, 6 out of 10 oppose it, but this figure could change significantly in the future. Therefore, this resolution can be the beginning of solving problems that have more tasks awaiting in the future, and the results can vary depending on the efforts of the two countries.

## **2. Future Tasks**

Even though the Korean government announced the resolution to the 2018 Supreme Court ruling on the forced labor issue, there are a lot of tasks ahead.

First, the Korean government should endeavor to heal the wounds and pain of victims and their families. Efforts should be made to heal the hearts and minds of victims and bereaved families who have lived through a long period of suffering. This should include the president directly meeting with the victims and their families to hear their views. Some plaintiffs are in favor of the government's resolution, while others are against it. In particular, the voices of the surviving victims should be taken more seriously and should be presented in a sincere manner.

Second, the Japanese government and defendant companies should respond to the resolutions proposed by Korea with a sincerer attitude and actively participate to improve Korea-Japan relations. The Japanese government should express its apology and reflection in more concrete terms while inheriting the positions of previous governments. If there is a voice against this in Japan, the Japanese government must express strict warnings and restate the government's clear position. The solution proposed by the Korean government is in relation to the three Supreme Court rulings against Nippon Steel and Mitsubishi Heavy Industries, but it does not mean that Japan is not historically responsible. From this perspective, Japanese government officials, experts, and politicians should be thoughtful about their remarks in regard to this issue. It should be kept in mind that public opinion in Korea can vary greatly depending on Japan's remarks and attitudes, not just on Korea's domestic issues. Also, the Japanese defendant companies should apologize and admit in a sincere manner at an appropriate time for their past inhumane acts.

In addition, more active efforts should be made to develop Korea-Japan relations by playing a leading and pivotal role in the "Korea-Japan Future Partnership Fund." The Fund, organized by the Federation of Korean Industries and the Japan Business Federation, should make efforts to connect the future from the past by running various programs to narrow the difference in historical perceptions between the two countries. Since the Fund was newly established while the two countries are seeking a solution to the 2018 Supreme Court's ruling on forced labor, it should be used for the right purpose and in an appropriate manner.

Third, the two governments should make efforts to secure more specific national interests by improving Korea-Japan relations. The resolution is regarded as the result of seeking common interests and future development between the two countries. Therefore, it is necessary to explain what national interests can be achieved by improving Korea-Japan relations. Korea and Japan have a lot of areas to cooperate, such as security, economy, science, technology, society, culture, and global tasks. These cooperative efforts need to be included in a joint statement at a future summit meeting between the two countries.

With the bold decision of the Korean government, Korea-Japan relations are at a new crossroads. Japan should not miss this opportunity and respond swiftly and properly. Korea should take the initiative on past history issues and secure our national interests in various fields in the future through the support of the international society about Korea's decisions and efforts. The direction of Korea-Japan relations is from now on, and this will depend on the efforts of the two countries.

This article is an English Summary of Asan Issue Brief (2023-06).

‘강제징용 대법원 판결 관련 해법 발표(2023.3.6) 이후의 한일관계: 전망과 과제’;

<https://www.asaninst.org/?p=87219>



### **Choi Eunmi**

Center for Regional Studies

**Dr. CHOI Eunmi** is a research fellow at the Asan Institute for Policy Studies. Dr. CHOI received her M.A. and Ph.D. in Political Science from Korea University. Previously, Dr. Choi was a research professor of the Center for Japanese Studies at the Institute of Foreign Affairs and National Security (IFANS) of Korea National Diplomatic Academy (KNDA), a visiting researcher at University of Michigan (USA), Waseda University (Japan) and the Sejong Institute, and a researcher at Ministry of Foreign Affairs of ROK. Her main area of research interest is Korea-Japan Relations, Japanese Diplomacy, and multilateral cooperation in Northeast Asia. Currently, Dr. Choi is a member of the advisory committee to the Ministry of Foreign Affairs, the Ministry of National Defense, and National Security Office.