

# Japan's False Arguments

## Concerning Reparations Claims and Its Unwarranted Restriction of Exports to Korea

- 1 The Japanese Government is imposing export restrictions in violation of WTO agreements on the grounds of a false argument that Korea's Supreme Court breached the Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Cooperation between the Republic of Korea and Japan signed on June 22, 1965 (henceforth: the 1965 Claims Agreement).
- 2 The 2018 rulings by the Supreme Court of Korea never violated the 1965 Claims Agreement.
  - \* Korea's Supreme Court ruled that victims of forced labor had the right to claim reparation from Japanese companies as these firms' unlawful acts against humanity – a direct result of the Japanese Government's illegal colonization of the Korean Peninsula and its war of aggression – had not been included within the scope of the 1965 Claims Agreement and thus the victims' right had never been waived.
- 3 Individual victims still retain the right to claim damages in regard to unlawful acts of forced mobilization.
  - \* The 1965 Claims Agreement was concluded in accordance with Article 4 of the 1951 Treaty of Peace with Japan (San Francisco Peace Treaty), which provides that the disposition of property, claims and debts between the Republic of Korea and Japan shall be subject of special agreement between the two countries.
  - \* Even though the 1951 Peace Treaty's Chapter IV, Article 14 stipulates that "the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war," the Republic of Korea, an occupied country rather than part of the Allied Powers, did not signed this Treaty.
- 4 Japan's argument that all reparations were settled is false. Following World War II, the Japanese Government's stance has been that the individual right to claim damages was never waived.
  - \* On November 5, 1965, Etsusaburo Shiina, a former Minister of Foreign Affairs and member of the House of Representatives in the Diet, said he did believe that the expression of renouncing an individual right to claim damages was inappropriate. On August 27, 1991, Shunji Yanai, a former Director General of the Treaties Bureau of the Foreign Ministry and member of the House of Councilors, said the so-called individual right to claim damages itself was not waived in the sense of domestic laws.
- 5 Japan's assertion that its export restrictions have no relevance to the issue of forced labor is not true, and its related statements keep shifting:
  - \* Japan's changing words: "Korea's abandonment of its duty to honor an international agreement" (referring to the alleged breach of the 1965 Claims Agreement)
  - ⇒ when violation of WTO agreements became clear, it raised "a security issue regarding unauthorized shipment of strategic materials to North Korea" ⇒ "as part of the Japanese Government's export control policy"
- 6 The Japanese Government is threatening the global economic order based upon free trade by exercising unwarranted interference in and pressure on a lawful ruling by Korea's judiciary.
- 7 The Japanese Government must immediately revoke its measures against free trade and start to belatedly take responsible actions for the illegal act of forced mobilization of labor.
  - \* Germany established its "Remembrance, Responsibility and Future" foundation in 2000 and apologized to and worked out appropriate actions for the victims of forced labor.



**BOYCOTT JAPAN !!!**

**NO JAPAN !! NO ABE !!**

**NO CAESIUM OLIMPIC !!!**

**NO BUY** PRODUCT **NO GO** TRAVEL

**JAPAN, APOLOGIZE TO KOREA !!**

**JAPAN, APOLOGIZE TO FORCED LABOR**

**during Japanese Colonial Period**

**JAPAN, APOLOGIZE TO SEXUAL SLAVERY**

**During WW II**