



The comfort women: A study exploring the nuances of the movement

Musindosi Natasha Zimba Kalula

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Abstract

The term ‘comfort women’ refers to victims who were abducted and forced into a system of sex trafficking that started as early as the 1930s until the end of World War II. The system was sanctioned by the Japanese government which saw its Imperial Army abducting an estimated 200,000 women and girls from nations including South Korea, China, the Philippines and Singapore. Although almost a century has passed since the system’s dissolvment, it continues to be a topic of contention, particularly between South Korea and Japan, as post-colonial issues have spilled over into bilateral disagreements. Civil society organisations in South Korea have been influential in catapulting the issue onto the international stage in order for the ‘comfort women’s’ demands for reparations, mainly in the form of compensation and an official state apology from Japan, to be met. Additionally, organisations such as the Korean Council, have pushed for transnational women’s rights to be recognised.

This dissertation puts forward an important question: For a relatively successful transnational movement, how, particularly in South Korea, have demands not been met?

This dissertation analyses the role a nationalist lens can create when dealing with a women’s rights issue. Feminist activism grew exponentially during the 1970s and 1980s which contributed to bringing awareness to transnational women’s issues such as the ‘comfort women’ system. However, in the context of South Korea, there is a growing faction of nationalist activism that has placed post-colonial symbolic imagery onto the ‘comfort women’ – resulting in a simplification of their trauma and demands to an ‘us’ versus ‘them.’

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Chapter One: Introduction

Feminist ideas have not been able to permeate the sphere of international politics because for so long, and in so many nations, it has been seen as a typically "masculine" sector of existence (Enloe, 2000). Albeit true, we cannot ignore the political participation of women, despite the systemic inhibitors that try to prevent it. Gender has long played a significant role in international politics. Once we take into consideration how seldom women's accounts of trauma and sexual violence during conflict are accepted seriously based on their own terms, the intertwining of politics and masculinity becomes clear. With that being said, in 1993, the Vienna Declaration (1993) is one of the first international multilateral conferences that spoke to the advancement of women's rights internationally. The 1993 Declaration proclaims that gender-based violence against women '*is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women*' (OHCHR,1993:1). Since then, there have been several declarations ratified into international law concerning women's rights. These include the United Nations Security Council Resolution 2106 (2013), which highlighted the necessity for a concerted effort on the part of nations, civic society and international players to put pre-emptive measures into place, protect its citizens during conflicts and punish offenders. Nevertheless, notions of women's bodies are frequently used as a metaphor for the front lines of war, with raped women portraying post-conflict or colonised territories. The phenomenon called 'rape without women', as described by Sharon Block (2002), is the product of this. This alludes to how women's experiences are ignored when rape and other forms of sexual violence are discussed in public (Block, 2002:852). The 'comfort women' issue has demonstrated how women's bodies are able to be used as symbols for national issues.

This dissertation draws on the South Korean 'comfort women' movement as the main point of entry. Although this dissertation recognises that the 'comfort women' is a transnational women's rights issue, the literature available is heavily dominated by the perspective of South Korean-Japan relations. South Korean civil organisations approach harms inflicted by Japan through anti-colonial nationalism. However, there are ongoing debates as to whether a relationship between nationalism and feminism is a means to seek out redress (Min, 2003; Varga, 2020). While nationalism has played a crucial role in mobilising the 'comfort women' issue into international public consciousness, it has also been a problematic site from which to negotiate women's rights and equal status in a post-colonial nation. Therefore, this

dissertation will argue that anti-colonial nationalism has not been effective due to its oversimplification of the 'comfort women' issue as a Japan versus South Korea issue.

Literature on the pragmatic relationship between feminism and nationalism is still growing. Therefore, insight into a constraint in understanding the attractiveness of the relationship is growing too. Additionally, Edward Said's conceptualisation of Orientalism encapsulates a problematic component of understanding feminism as a set of '*intellectual, aesthetic, scholarly and cultural energies*' (Jacoby, 1999:512). It is problematic as feminism has its roots in the West. It is the continuation, albeit intellectually, of authority over the Orient. Since women are construed in ways that ignore their subjectivity, this othering practice in Western feminist theory has the tendency to objectify (Jacoby, 1999). The politicisation of women in anti-colonial struggles has often helped feminism in the East grow stronger. According to Sayigh's 1992 argument, found in the context of Palestine, '*social changes adopted as part of national struggle are the main legitimating context for women's individual struggles*' (Jacoby 1999:513). Kim Hee Kang (2009) seeks to contend that nationalism and feminism are not mutually exclusive and brings forward the notion of feminist nationalism. In particular how these two can coexist and reinforce each other. Kim Kyung-Ai (1996) proclaims that during the Age of Enlightenment and Japanese imperialism, nationalism and feminism were mutually supportive in Korea. However, I posit a notion against Kim's (2009) research question which asks: should feminism transcend nationalism? This dissertation is aligned with Chizuko Ueno's (2004) critique being that feminism must surpass nationalism if feminism is to succeed in its objectives (Goodman, 2005 & Kim, 2009). Based on the understanding that nationalism generally takes precedence over feminism. This may be because nationalist movements tend to consistently reject or postpone the feminist fight for gender equality. Jacoby (1999) adds to the argument by proclaiming the existence of inconsistencies seen between the emancipation of women and national liberation point to a dysfunctional partnership between women and nationalist leadership (Jacoby, 1999). However, due to the lack of consensus on the matter, the question remains as to whether there will be an intellectual boom and a rethinking of the connection between feminism and nationalism.

Commencing from the nineteenth century and extending until the late twentieth century, the feminist movement can be broken down into three distinct periods. The third period, also known as third-wave feminism, emerged in the early 1990s and was mostly an answer to the

second wave's failings. Internationally, there have been strides made concerning women's rights within this wave, which include numerous international tribunals, conventions, and other forms of transnational coalitions. Many have seen the adoption of the Vienna Declaration and Programme of Action as a significant contributor to promoting women's rights internationally (Kapur, 2002). The official report acknowledged that gender-based issues were left out of the human rights discourse. Kapur (2002) attributes this omission to the lived spaces: private and public. This report sought to undertake important improvements considering the extensive harm suffered within the private space. With that being said, the 1993 Vienna Declaration is not the only international advancement made to acknowledge the rights of women. The 1993 Declaration proclaims that gender-based violence against women *'is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women'* (OHCHR, 1993:1). There are two points of significance brought up regarding this in the context of 'comfort women'. Firstly, it has highlighted a gap that exists in addressing rape, domestic violence, or any other sexual crimes. Secondly, the 'comfort women' system 'was abolished' in 1945 following Imperial Japan's surrender. There are approximately sixty years between the first occurrence/knowledge of the system and women's rights issues entering international law. This validates Ueno's (2014) understanding of the relationship between nationalism and feminism. The rise of third-world feminism evolved as a response mechanism to unresolved harms (Goodman, 2005; Kim, 2009). Nevertheless, a part of this dissertation analysis uses the discourses of nationalism and feminism more generally to understand and explore 'comfort women' activism in South Korea.

The gender discourse is dominated by the gender essentialist ideology. Meaning that gender is a distinct and binary classification. It argues there are inherent differences between men and women. Its qualities are fixed. According to Witts (2011), women are expected to possess pacifistic qualities according to essentialism. Men, however, are viewed as the antithesis. With this strict understanding of the roles we play, one may argue that essentialism limits the possibility of social restructuring. These limitations are recognised by feminist scholars. Problematic hegemonic ideas about women start to emerge. It assigns fixed attributes. Men and women are in every sense largely removed from one another in that their lived experiences are different. Witts (2011) recognises the essential properties necessary to be a woman. This includes but is not limited to, nurturing abilities, being oppressed, or biological attributes such as having a uterus (Witts, 2011). They are made out to be caring,

cooperative, maternal, and nurturing. There are vast volumes of women's studies that attribute these characteristics to women. Men, on the other hand, are seen as aggressive, tough, and assertive (Huddy & Terkildsen, 1993). Therefore, Kapur (2002) states, that essentialism restricts any probability of social reorganisation. These limitations on social reorganisation are not lost on feminist legal thinkers. Hegemonic concepts pertaining to women emerge which is problematic. Within feminism, many women are challenging gender essentialism such as lesbian feminists and black feminists due to its inability to acknowledge intersectional forms of marginalisation (Kapur, 2002; Ushiyama, 2021).

However, in acknowledging the gaps within the essentialism discourse, we cannot invalidate the notion that differences exist between men and women. The stereotypes that we have placed on these two genders, regardless of whether they were to illustrate similarities in preferences, characteristics, and so forth, would not impact our preconceived ideas as we have generationally entrenched the positions of men and women within two different worlds (Ellemers, 2018).

Activists in South Korea began to mobilise in the 1980s against the historical kidnapping, sex trafficking, and imprisonment of women and girls by the Japanese Imperial Army during the war rather than the prostitution the locations permitted. This strategy was created in 1991 after the first Korean 'comfort woman' reached out to activists to make a public statement detailing her experience within the system. This had a ripple effect on other 'comfort women' who started coming forward and filing lawsuits against the Japanese government. This activism was adopted internationally. In Japan, strong connections were formed between activist groups, especially with South Koreans who live in Japan. South Korea's colonial history, and the systemic fragility it produced for its women and girls, has resulted in the combining of the "comfort women" issue with Korean nationalist liberation. As a result, Korean activism has come under fire, from Japanese liberal feminists like Ueno Chizuko, for being 'nationalistic' in its approach (Goodman, 2005; Kim, 2009).

According to Yuval-Davis (2003:19), the emergence of nationalism, within many post-colonial nations asserts that '*women often symbolise the collective unity, honour and the raison d'être of specific national and ethnic projects, like going to war*'. Taking a cue from Cynthia Enloe, Yuval-Davis (1997) utilises the phrase 'womenandchildren' based on her assertion that women represent the 'collectively' of a nation. Exemplified through historical

occurrences by the fact that males tend to go to war to defend their families' liberty – the ‘womenandchildren’ (Rosen & Twamley, 2018). But as Yuval-Davis (1997) continues, women are marginalised in the larger context of the discourse, which causes them to assume an objective rather than a subordinate position. Kwon (2019) asserts that despite women’s symbolic value, they continue to face discrimination through being othered. A dominant narrative in the gender discourse in South Korea still maintains assigning men the responsibility of protecting the nation, while women's responsibilities include upholding their familial responsibilities, such as upholding their chastity to preserve their ethnic purity (Kwon 2019). In essence, nationalism and patriarchy are not mutually exclusive.

The underpinnings of South Korea's nationalism can be discovered in the way in which the country regulates a woman's body. In Yeong-ae's (1998:65) research, translated by Kovner, she dissects the nationalist narrative that pervades Korean society and analyses Korean women's experience accordingly:

For nationalists, women are the nation's morality that must be protected, assets of the nation which must be protected by men. The core of the nationalist explanation of military comfort women is that Korean women were forcibly commandeered by the Japanese army and their female morality destroyed. The morality expressed in women's chastity and motherhood was embodied as an essential quality of woman but the military comfort women were excluded from this discourse with their loss of purity. The pain of these women was only mobilized in order to explain the suffering of the nation.

Essentially, Kim’s argument is that in South Korea the ‘comfort women’ are strong anti-colonial images, which reimagine the suffering of the Korean people. The nation views women's bodies as its asset and to an extent that it is an embodiment of national identity. With this in mind, the assumption that this makes is that the ‘comfort women’ system, which saw the kidnapping and rape of South Korean women and girls, is a crime against the nation itself. This raises an important question: Is there a relationship between ‘comfort women’ activism in South Korea and South Korean nationalism? There have been arguments proclaiming ties with the ‘comfort women’ issue elevated to a national level. There are proponents who attribute certain advantages to tackling this issue on a national scale. The main argument being that without South Korean nationalism, the attention on bringing the

issue into public consciousness would not have happened (Herr, 2016; Yeong-ae & Kovner, 1998). Herr (2016) asserts that nationalism and feminist solidarity can coexist through Rawl's (1999) notion of a 'realistic utopia'. However, two critiques of this concept include that a single, perfect universe does not exist, and even if it did, it could not be created (Herr 2016). Nevertheless, it has a lot of drawbacks. One is that if we dig a little deeper, we find that the 'comfort women' issue is not just a South Korean issue. It is a transnational women's right issue. The Japanese Imperial Army kidnapped women and girls from a variety of nations (Yeong-ae & Kovner, 1998). Therefore, Korean activism should assume transnational feminist solidarity in lieu of Korean nationalism. Additionally, existing literature on the 'comfort women' and Imperial Japan heavily leans on writing based on the experiences of South Koreans. Therefore, there is a larger body of research on activism in the context of South Korea. As a consequence, the outcomes of Korean-leaning research are imposed transnationally. Internationally, we can assume that there will be consistency in the goals and activism tactics. However, we cannot assume uniformity. Therefore, this dismantles the argument placed by Herr (2016) because of the conglomeration of the two, feminism and nationalism. The use of women's rights for nationalist purposes highlights the significance of confronting the problem of violence against women and girls in times of war from feminist viewpoints that are, as Tomomi Kinukawa (2021) describes, both transnational and de-national. Nationalism undermines transnational feminist solidarity by fostering alienating behaviours, xenophobia, and racism amongst feminists having varied nationalist goals (Herr 2016; Kinukawa, 2021). For example, 'comfort women' in the Philippines, who initially aligned themselves with Korean activists against the Asian Women Fund, have since changed their stance.

This dissertation is organised into four separate sections:

The first section will provide an analysis of transitional justice, which is the discourse through which calls for reparations, activism, and mobilisation is aligned to. This chapter serves to illustrate the mechanisms transitional justice agents utilise to seek out redress through reparations.

The second section will provide an important contextual understanding of the 'comfort women' and the introduction to the Korean Council as a promoter of transnational feminism and solidarity. Contextualisation of the case study will allow the exploration of possible

reasons why the issue took decades to reach public consciousness. This will entail looking at the South Korean patriarchal system and the complicity of the Japanese government. It will examine the arguments made including lack of evidence; sex tourism and ‘camptowns’; history textbook revisionism; and the patriarchal structure of South Korea. However, this is not to say there are no more contributing factors that influenced the delay. Additionally, it will examine the validity the Korean Council garnered through testimony by former ‘comfort woman’ Yi Yong-Su. According to Yi Yong-Su, the Korean Council has used ‘comfort women’ as a means to advance their own personal interests. The third chapter will explore Japanese accountability/Japanese denial. Despite appearing straightforward at first appearance, the demands made by the "comfort women" are complex. The most recent rejection of the ‘comfort women’ system occurred in 2016. At a parliamentary hearing in 2016, Abe stated that it was incorrect to refer to ‘ianfu’ as sex slaves. ‘Iyanfu’ directly translates to ‘comfort women’ in Japanese.

The third section looks at the breakdown of civil organisation groups, between Japan and South Korea to illustrate the negative ramifications when civil organisations are nationally inclined. For a transnational movement to succeed, there needs to be a cohesive relationship among the parties involved. However, in the context of South Korea, there has been a breakdown due to ideological differences resulting in the conflation of ‘comfort women’ and Korean nationalism. This dissertation asserts that the failure of the Korean ‘comfort women’s calls for reparation lies within the hands of South Korean civil organisations which view ‘comfort women’ as a national problem and therefore, assert it requires solutions aligned with its nationalism.

The last section will conclude and summarise the findings.

This study is motivated by the ongoing ‘comfort women’ reparations debate between South Korea and Japan. For an issue that finds itself in women’s rights issues, memory studies, and revisionism, amongst others, its emergence through civil organisation movements that has drawn refreshed interest. Among the many publications on social movements and ‘comfort women’, this dissertation was influenced by Leo Ching’s (2019) *Anti-Japan: The Politics of Sentiment in Postcolonial East Asia* and Kim Hee-Kang’s (2009) *Should feminism transcend nationalism? A defense of feminist nationalism in South Korea* and applies these publications to answer a question: Has South Korean activism attributed political symbolism

to 'comfort women' resulting in the perpetuation of anti-Japanese nationalism rather than redress? - with a particular focus on the Korean Council for the Women Drafted for Military Sexual Slavery by Japan ("Korean Council").

Chapter Two: Transitional Justice

This chapter will introduce and examine the transitional justice framework, in particular non-state actors, and a weak analysis of gender within the framework (Derks, 2012; Fletcher & Weinstein, 2015; Teital, 2003; Fielder & Mross, 2019). Fletcher & Weinstein (2015) put forward that due to the geopolitical realignment, a collective understanding was fashioned to ‘start again’ after a period of conflict. This was heavily influenced by the fall of military dictatorships within the Southern Hemisphere (Fletcher & Weinstein, 2015). There are two principles that govern transitional justice. Firstly, the notion that governments must reflect on their history. Secondly, it is important to view and confront violence perpetrated by criminal behaviour rather than the inevitable by-product of political instability. As a result, transitional justice functions as a coherent intellectual endeavour with a pragmatic end goal intended to bring an end to a period of conflict (Teital, 2003).

For nations that are emerging from a period of conflict, whether it be a civil conflict or bilateral/multilateral conflict, the role of non-state actors in the post-conflict environment is essential. Non-state actors take on various forms. These include but are not limited to, non-governmental organisations (NGOs hereafter), the media, lobby groups, academic institutions, social movements, labour unions, and so forth. The input provided by non-state actors has the capability to complement the actions taken by the state. In many of the world's unstable and post-conflict nations, non-state actors play a significant role in providing justice and security services. Supporting non-state actors, however, also entails significant danger due to the potential harm they may cause to local justice and security. For instance, when they participate in organized crime or when they are ideologically inclined. In the case of the ‘comfort women’ issue, many non-state activists who championed the movement have taken up careers within politics. However, on the other hand, when governments do not act in the best interest of society you see the emergence and prominence of non-state actors hoping to fill that void. A desired relationship between the two, being government and non-state actors, is often at times not present. This results in the formation of various social movements and activist groups entering the framework to broaden the collective understanding of harms and calls for redress.

The construction of a lasting peace in societies that have gone through violent conflict is extremely difficult. How they cope with their violent past and the atrocities committed is a

key issue that needs to be resolved. For instance, they must decide whether to focus on holding offenders accountable through legal methods or on speaking the truth and compensating victims (Fielder & Mross, 2019). A variety of tools are available through transitional justice with the goal of assisting societies in accepting their violent conflict past whilst working together with the survivors and victims to reach an agreement. Although the transitional discourse is concerned with the fostering and implementation of peace, there are numerous scholars who speak on the threat transitional justice has. The same mechanisms and tools that are used have the potential to re-open past injustices inflicted, strengthen societal divisions, and increase tensions (to name a few). However, this viewpoint is merely speculative as there is no consistent pattern of this in the research field (Fielder & Mross, 2019).

The international legal framework informs transitional justice in the current application and uses that we see today (Moravcsik, 1995; Moravcsik, 2012). It has become the likely response to war crimes and crimes against humanity. There is no guiding definition for transitional justice, however, The United Nations characterises it through the positive and prompt functions it sets out (United Nations [UN], n.d.). An example of this can be the formation and reinstallation of an effective government and justice system, where respect for the law and human rights is prevalent. Through various processes, discussed below, it is an essential part of creating trust within local societies. Without the correct tools and mechanisms in place, the process of fostering peace may be flawed. However, one cannot negate the shortcomings of transitional justice. For example, due to its divergence from 'normal' justice, it can be viewed as a soft option when addressing the past. 'Normal' justice concerns itself with the judicial mechanisms when dealing with perpetrators.

The transitional justice framework and conception are broad in nature. Largely, due to its fluid nature of mechanisms, it is used in various post-conflict transitions. Due to the broad scope of transitional justice, civil society has had the opportunity to interact with the framework and its tools to meet the specific goals and priorities associated with each case study. Local civil society has increasingly taken up its role even though methods and results have varied in each transitional society. Regardless of outcomes, it has broadened the scope of understanding the varying degrees of harm experienced, especially when constructed through a gendered analysis of the conflict. Transitional justice has drawn the attention of the international justice community, which has led to the emergence of normative, political, and

practical issues about its function. Local civil society has participated in these processes not just as a supporting actor but also as a key player and an independent voice.

2.1. A Brief Look into Transitional Justice

The study and practice of transitional justice divert itself from well-defined and established legal parameters used to respond to crimes involving mass violence. We see its application in various case studies in the form of memorials, truth commissions, amnesties, tribunals, and various other means. It is an exceptional response, Gissel (2017) proclaims, to an exceptional political circumstance. Essentially, we are dealing with a nation that has experienced prolonged and/or extreme forms of violence and as a result, is heavily marginalised and repressed. What legitimises this response, continues Gissel (2017), is the transitional characteristic within the nation. It is these characteristics that ultimately divert transitional justice from the customary/normal justice we are used to. When you trace the history of transitional justice's conception, although currently guided by international interests, its presence is felt most notably in nations undergoing democratic transitions. Within these transitions, its implementation was created on a national level. However, this would change during the post-Cold War era (Gissel, 2017). Transitional and international politics and interests shifted because of increased democratic transitions.

The global human rights movement is where the notion of transitional justice first appeared. The framework for transitional justice encompasses a variety of procedures designed to rectify historical violations of human rights. Although there is no definitive definition ascribed to this process, the combination of its different mechanisms is employed in the pursuit of promoting and sustaining democracy, the rule of law, human rights, and peace (Al-Khulidi, Ferchichi & Mzoughi, 2016; Olsen, Payne & Reiter, 2012; Olsen, Payne & Reiter, 2014.; Mani, 2005; Carranza, 2008; McDonald, 2019). While the literature predominately looks at transitional justice through three theoretical approaches, this dissertation will use Olsen, Payne & Reiter's (2012) notion which conceptualises transitional justice into four approaches. Adopting this same viewpoint, Olsen, Payne & Reiter (2012) conceptualisation proves necessary due to the transitional justice lack of a strict definition and its utilisation of broad practices encompassing it. Placing these four approaches on a scale to illustrate its broad scope proves beneficial. The first approach on the scale is referred to as 'maximalist'. A "maximalist" strategy promotes the utmost level of responsibility through human rights

tribunals and retributive justice that is perpetrator focused. Supporters of this strategy have followed Anthony Quinton's definition of retributivism as 'not a moral but a logical doctrine (Kaufman 1959). Therefore, those who are guilty and commit atrocities should be punished as perpetrators have gone against the group's values, laws, and norms (Sterba, 1977; Ezorsky, 1972; Hare, 1986; Glasbergen, 2014; Sarkin, 2017). The maximalist implementation can occur on three different levels. The domestic, international, or hybrid level. The Rwanda and the International Criminal Tribunal for the Former Yugoslavia are instances of its implementation in the international space. The Special Court for Sierra Leone provides us with a case study of this implementation on the hybrid level. If or when someone or a group engages in war crimes and crimes against humanity, pursuing criminal retribution should be considered of the utmost importance. As in any transitional justice process, the result is peace or an environment that is close to the subjective notion of peace. Maximalists would contend that the unfavourable outcomes of prior judicial reform initiatives, in post-conflict situations, resulted due to the lack of a balanced, integrated reform strategy; some reform areas were overemphasized while others were disregarded (Glasbergen, 2014).

However, where this approach falls short is its ability to overlook structural and systemic mechanisms that emerged through the conflict (Glasbergen, 2014). Firstly, there is the issue of responsibility, or more specifically, the issue of who should be held responsible for the atrocities and human rights violations. Can every offender be brought to justice? If not, what criteria will be used to put on trial perpetrators of the 'most egregious' crimes? The number of convictions is not a reliable indicator of the effectiveness of the transformation process. Additionally, at the local level of implementation, the resources available may be limited to that of a hybrid and international level. Lastly, this approach is time-consuming in addition to being expensive. The combination of these two could impede the need for swift justice as the process is long (Glasbergen, 2014).

The second approach is referred to as 'minimalist'. In contrast to maximalists' emphasis on "justice," minimalists place a greater emphasis on the "transitional" component of transitional justice. This approach views amnesty as a way to foster stability needed to support democratic transitions and the application of human rights. Adding to this notion, one can expand on its understanding by ascribing it as a 'programmatic minimalist'. Due to its concern with short-term solutions. We can make an example of this through South Africa's Truth and Reconciliation Commission process. A political compromise was enacted whereby

if there was no struggle from white people to hold onto power, a commission would be introduced where perpetrators recount crimes committed and were spared time served in jail. However, in a case like this, although truth-telling, truth-seeking, and amnesty provide a myriad of positive opportunities, most notably the truth and consolation regarding the past, it does, unfortunately, fall short in addressing structural and systemic mechanisms that emerge through this approach, such as its focus on order rather than justice. Sarkin (2017) does acknowledge amnesty as a heavily criticised process within transitional justice discourse. Sarkin continues by advising that amnesty should be practiced alongside a Glasbergen (2015) adds to this critique by proclaiming that amnesties are not a form of justice as they do not provide the parties involved with any closure or aid in their recovery and restoration. Additionally, amnesties are in direct conflict with international law. A nation is required to hold human rights offenders accountable. Critiques of this approach would state that the mechanisms implemented encourage impunity.

The third approach is referred to as a 'moderate' approach. Truth commissions are promoted as a substitute, victim-centred restorative justice system which focuses on extrajudicial procedures in a "moderate" manner. Acknowledging, recognising, and restoring the victim's dignity is intrinsic to this approach. Apologies, medical and psychological care, and reparations are some examples of remedies implemented (Antkowiak, 2011; Gromet et al., 2012; Wilson, 2005). Retributivism is unilateral where the expected outcome is punishment. Restorative justice employs a bilateral process whereby those who are impacted, the victims, are called upon to establish the best pathway to undo the harm that the perpetrator has inflicted. The goal of restorative justice is to restore all those who were harmed by the injustice. This, Gromet et al. (2012) continues, comprises of the participation of the offender, the victim, and the community. This sentiment is further reiterated by Mani (2005) who acknowledges that criminal prosecution cannot be the stand-alone pathway used in transitional justice. Incorporating the community and traditional forms of justice it gives us an unconventional interpretation of crimes and the way in which to respond to it. An example such as the Gacaca Courts of Rwanda. Restorative programs satisfy a variety of crucial requirements, including victim and offender satisfaction, lowering recidivism, easing victim fears, and developing empathy in offenders. However, its shortcomings may be experienced with regard to due process protection provided by a judicial system. To which we can attribute the United Nations Economic and Social Council inscribing a Declaration of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters in 2006

(UNODC, 2006; UNDESA, 2006). Governments wishing to implement restorative justice practices are able to utilise the guidelines in order to ensure that both victims and offenders get respect and have their fundamental rights upheld. Apologies are also a point of criticism within this approach. Scepticism may arise from this form. However, rather than denoting it as a form for perpetrators to get away with crimes committed, it can be viewed as a way of healing for the victims as they are confronted with their trauma.

This brings us to our fourth approach referred to as the ‘holistic’ approach. Proponents of this approach argue that the magnitude of challenges faced is incapable of being addressed through one transitional mechanism. We cannot focus on each of these three aspects of justice separately in order to achieve some kind of peace. Incorporating all three components into one cohesive strategy needs to be prioritized. This is where the fourth and final ‘holistic’ approach needs to be considered (Glasbergen, 2015).

2.2. Non-State Actors, Social Movements Within Transitional Justice

A thorough and accurate conceptualisation of the part civil society plays in transitional justice procedures is lacking within the discourse. To comprehend *why* civil society groups have become an integral component in countries not unique to this dissertation’s case study, it is important to critically analyse the rationale and practice guiding its transmutation from post-authoritarian states (for example in South Africa, Eastern Europe, and Latin America) to conflict-affected states not undergoing political transition.

Many groups cannot solely rely on the state to maintain and uphold safety measures and public order, particularly in unstable and post-conflict nations. The police, the military, and other allied security agencies frequently find themselves unable to carry out their duties because they lack the resources, capabilities, and expertise necessary to provide effective protection. In certain instances, the military, law enforcement, and other agencies sanctioned by the state are seen as contributing to the issue rather than being a part of the solution. In these cases, victims often rely on non-state actors to deliver their justice needs. It is therefore necessary to include non-state actors, particularly civil society, within the transitional justice framework. We can view this actor as a complementary branch to a state.

An integral component of non-state actors, particularly coming towards the end of the twentieth century, is civil society (Wiebelhaus-Braham, 2007; Duthie, 2009; Cueva et al., 2022; Kent et al., 2019; Al-Khulidi, Ferchichi & Mzoughi, 2016; Gready & Robins, 2017). Civil society is described as *‘all public spheres, separate from the apparatus of the state and the economic market, which serve as locations of political participation and discursive interaction. It is a site of political and social action and contestation, characterised by a diverse range of actors with different, sometimes competing, agendas and repertoires of action’* (Gready & Robins, 2017:958). This definition finds itself through antiquity, amongst the writings of Aristotle with Enlightenment thinkers including Locke, Hegel, and Montesquieu expanding our modern-day understanding and characterisation (Brankovic et al., 2020). Gready & Robins (2017) continue by stating that it is important to recognise that civil society does not always follow liberal, legal, and democratic ideologies. With that being said, we can posit victims’ movements such as the Madres de Plaza de Mayo in Argentina and The Korean Council for the Women Drafted for Military Sexual Slavery by Japan within the larger transitional justice discourse.

They have the power to put pressure on governments to vigorously look into previous violations of human rights. In cases where the societal structure does not allow for these groups and movements to flourish calling on the global community, through institutions such as The United Nations, is advised. Wiebelhaus-Braham (2007) asserts that they have an invested interest in investigating and punishing offenders, and in certain cases, they hold a lot of power (Wiebelhaus-Braham, 2007). Regardless of whether a government in transition has selected its transition methods, pressure from civil society organisations to expunge truth and redress can come in the form of funding truth commissions and championing reparation programmes and trials. Having a robust civil society can assist in either providing symbolic or practical transitional justice mechanisms in the form of reparations: public apologies, erecting monuments of ‘comfort women’ opposite the Japanese embassy in South Korea amongst many others.

Civil society typically plays a leading role in promoting responsibility in the post-conflict environment. However, the government's efforts to implement transitional justice have frequently come under strong attack from civil society. In situations when government action has been weak or non-existent, civil society has occasionally looked into historical violations of human rights on its own. NGOs are examples of where civil society has played a pivotal

role in chronicling human rights abuses and war crimes during times of mass conflict. Civil society's role is crucial in the attempt at truth-seeking and subsequent redress actions. The non-state sector's influence on broader transitional processes has been equivocal, as evidenced by its contribution to peace in the Western Balkans. This region has seen a multitude of changes such as democratisation and Europeanisation. Civil society has been pivotal in putting the issues of the past mass atrocities and human rights violations into public consciousness.

Civil society's duties often lie along a spectrum from liberal-legal international human rights to peace-making and reconciliation. Liberal-legal international human rights put emphasis on the needs of individuals and social groupings, as well as their relative influence in society, as the fundamental forces influencing national policy and, eventually, the global order. Essentially, continues Moravcsik (2012), a bottom-up approach to relations between the state and its public.

We additionally need to consider the techniques it uses. For example, applying pressure on the state to enact a desired outcome; engaging with the state as an expansion of a government – localisation of the government; expanding on the work of the state; filling various gaps; or coming up with new tactics. In doing so, civil society is able to confront the assumptions and restrictions inherent in its function. As well as the overlapping tensions and sources of strength fed by the public.

2.3. Social Movements as a Branch of Civil Society

As they did during the transitional years of the 1970s and 1980s, social movements have the power to shape new agendas by shifting the attention away from electoral democracy and onto more commonplace concerns like land rights, indigenous exclusion, poverty, and inequality (Gready & Robins, 2017). Communities operating on the periphery of societies, such as the indigenous or the poor, are generally involved within this scope. This is in stark contrast to the main actors, the elites, who typically hold strong authority, not only within the context of a transitional phase. There are five main modes, continues Gready and Robins, through which social movements interact with transitional justice: persuasion/advocacy, support, mobilisation, independent action, and space for modelling alternatives. When formal, state-led mechanisms are absent, social movements are able to step into action,

spearhead attempts to establish them, and create a forum through which society and victims can deliberate various ideas and potential transitional justice approaches. However, Backer's framework provides us with a larger framework: data collection and monitoring; representation and advocacy; collaborations, facilitation, and consultation; service delivery and intervention; acknowledgement and compensation; parallel or substitute authority; research and education (Backer, 2003).

Akin to the four approaches of transitional justice, social movements can utilise more than one mode. The Madres de Plaza de Mayo in Argentina is a tangible example of this (Backer, 2003; Bosco, 2006; Femenía & Gil, 1987; Gready & Robins, 2017). Through using public space in Buenos Aires, the collective remembrance of children who disappeared is brought to the forefront in a public setting. By doing this the mothers were counteracting the culture of silence through performance and collective action. Therefore, although this movement holds no legal authority, it draws on the emotions of the direct population and global attention. It was within this mobilisation we came to find the creation of the truth commission where recounts of the past were told in order to bring truth to the disappeared. However, Gready and Robins (2017) continue, that identity-based movements, such as The Madres de Plaza de Mayo, face challenges when the core of the identity becomes more multifaceted. We therefore assume that social movements that are politically inclined would face an increase in challenges. We see this through the movement breaking into two or more branches. The Madres de Plaza de Mayo splintered into two factions. Where one aspect is concerned with extracting truth and justice. While the other aspect is focused on its interest in the politics involving the disappeared.

2.4. Gender and Transitional Justice

There are explicit conceptual omissions of women's requirements while considering new laws and regulations, as well as practical absences of women's involvement in the projects' formulation (Porter, 2015; O'Rourke & Áolain, 2010; Bell & O'Rourke, 2007). O'Rourke & Áolain (2010) proclaim that in times of conflict and post-conflict the state is given legitimacy and control over the transitional mechanisms utilised. However, locating the state as the only means through which transitional justice can be expressed leads to a narrow understanding of the conflict and the needs of the victim. Resulting in a myriad of issues including silences regarding sexual violence during conflict. What has the potential to further exacerbate this

silence is a state that is systemically patriarchal working in tandem with the transitional process which too has a hierarchy of importance with men at the top. Bell & O'Rourke (2007) add that both the legal foundations and the tools that have formulated transitional justice lean towards the exclusion of women.

This dissertation asserts the notion that transitional justice has long ignored a comprehensive gendered lens through which transitional mechanisms are applied. Resulting in the harms experienced by women and girls being ignored or suppressed. Although there have been important strides made towards inclusion, such as the Vienna Declaration and various United Nations resolutions, they have come into international law over the last twenty to thirty years. There is an extensive list of possible reasons as to why this occurs as every conflict is contextual. However, one glaring reason can be attributed to the notion that gendered abuse during conflict occurs during and post-conflict. Rape, sexual assault, and trafficking are acts not mutually exclusive to times of conflict. Therefore, political change, or transitional periods, tend to be lacklustre at attempts at addressing these harms and subsequent dress for victims.

The negotiations following periods of mass violence and war crimes are an arena predominately influenced by and pertaining to the traditional male's experience. The complexity of the conflict during the aftermath has in the past marginalised and seen as a secondary matter when attempting to address them, if at all. This reinforces the notions of women, continue Bell & O'Rourke (2007), as 'pawns of war' to 'pawns of peace'. However, this is not to say that women have not mobilised in search of accountability and reparations. The Madres are an example of this and the feminist activism pertaining to the 'comfort women' movement.

The advantages of restructuring and reconfiguring gender dynamics, by adopting a gender-relational perspective, have the potential to result in a deeper and more comprehensive knowledge of gender in transitional justice. The deepening of the knowledge stems from diverting away from simply associating women and girls with gender. More comprehensive knowledge deals with integrating gender with other sections in the intersectionality space, including religious domination, age, class, race, marital status, and so forth. One cannot exaggerate how crucial intersectionality is to gender analysis (Porter, 2015; Ushiyama, 2021). This is partly due to the stories and narratives which are complex and layered. With this

strategy, it is possible to listen to the accounts of complicated dynamics throughout the changeover time with sensitivity and inclusion. Resulting in the ideal notion of justice and peace in post-conflict case studies.

Coming towards the end of the twentieth century, feminist mobilisation grew its focus on seeking justice for violence against women. This movement, which aimed to highlight the pervasive and systemic nature of sexual violence in conflict-filled circumstances, has a secure connection to transitional justice. Bell & O'Rourke (2007) continue that these advancements had three main objectives: to ensure that the most heinous crimes of war—gender-based violence against women—are recognised as occurring during armed conflict, closing the gap between the past legal procedures by ensuring that these war crimes are prosecuted, and reform legal procedures to ensure that victims are not subjected to 're-victimisation'.

Although there is a gap within the framework, there have been strides of inclusion since the early 90s which need to be brought to light (Lee, 2014; ICRC, 1949; UN, 1998; ICTR, 1994; ICTY, 1993). Recognising sexual violence in times of conflict, including acts of rape, has been described by the Geneva Convention as a crime against humanity. The Rome Statute of the International Criminal Court (ICC hereafter). The Rome Statute went beyond the advancements made by the Geneva Convention and stipulated that rape, forced prostitution, pregnancy, sterilisation, and other kinds of sexual assaults are officially recognised as crimes against humanity and as war crimes which provide us with tangible examples of creating spaces of recognition, inclusion, and justice.

Regarding the tangible examples of how this has played out in the international space, International Criminal Tribunal for the Former Yugoslavia (ICTY hereafter), the Sierra Leone Special Court, and the International Criminal Tribunal for Rwanda (ICTR hereafter) provide the framework with watershed moments of gender inclusivity. The ICTR was a watershed moment for women within the transitional justice framework, where sexual violence against women had predominately remained adjacent to prosecution. This process saw the recognition and application of gender-based prosecution. In the context of Sierra Leone, this process addressed gender-based violence as a crime against humanity resulting in the inclusion of forced marriages and sexual slavery in seeking out the proper redress.

2.5. South Korea and Gendered Transitional Justice

The context of South Korea posits itself as a complex case of analysis. The nation experienced years of Japanese Imperialism followed by years of conflict with its neighbours, North Korea, a proxy war in Vietnam where to this day the United States Army has a heavy presence (Bar-Siman-Tov, 1987; Heo & Kim, 2002; Koh, 1993; Lee, 1999). The Korean War splintered into two countries following years of conflict where the North was backed by the Soviets and the South by the United States and the West; the economic crisis in 1997 saw South Korea's government seeking aid from the International Monetary Fund. A primary issue, due to decades of issues emerging during the Cold War period, is gendered violence experienced by the 'comfort women' being suppressed. Political compromises made during this period had a direct impact on the legal and political relations between modern-day Japan and South Korea.

The women activist's movement emerging from the 'comfort women' system and redress is paradigmatic in its quest to fill gaps within the transitional addressing of 'comfort women'. Spanning decades, a multitude of actors and situations have undermined a legitimate claim to reparations. Multiple parties emerging from Japan, government and non-governmental, have worked to undermine the efforts made towards women's groups and the claim to proper redress. In addition to this, within South Korea, the loss of faith in state institutions is high, as evidenced by the levels of corruption, followed by the impeachment, of Park Geun Hye's president (BBC News, 2018; Jung, 2017; Jung & Sung, 2012; Kim & Park 2015; Park, 2017; Padden, 2015). It is noted that Park Geun Hye was instrumental in the now rejected 2015 Japan–South Korea Comfort Women Agreement (Jung, 2017). Both Japan and South Korea are signatories to the Geneva Conventions and The Rome Statute. Therefore, the pressure from women's groups seeking reparations is legitimate through the legal framework set up by international institutions.

This chapter has set to bring attention to the approaches and mechanisms used in the post-conflict situation by state and non-state actors. However, where the framework has in the past fallen short is in its intrinsic link to the state and the post-conflict mechanisms assumed by the state. When there is a rigid pathway to justice or the pursuit thereof, it cannot fully be obtained. Although there have been advancements in international law regarding women within transitional justice, and the international law which informs it, there needs to be a

broader increase pertaining to two ideas: acknowledging the state's capacity in dealing with its society in a post-conflict scenario and the inclusion of gender diversity in its pursuits.

Chapter Three: ‘Comfort Women’ Issue

3.1. Background

The ‘comfort women’ system and its victims have been a long-withstanding issue that has permeated not just within South Korea but includes a range of nationalities emerging from nations such as China, Singapore, and the Philippines. Making it a women’s rights issue. The understanding of the framework will be used to argue that civil society organisations need to be victim-centred and not be inclined to a political ideology. Social movements have formed within the transitional justice discourse in the context of the ‘comfort women’ issue within South Korea. The initial absence of a robust gender-based civil society resulted in this issue materialising at various spaces of time. This exacerbated the marginalisation of the harms and trauma experienced during the conflict and after. Therefore, the transitional approaches utilised in post-conflict South Korea were initially flawed. The next chapter provides the necessary background which resulted in the ‘comfort women’ system. It will analyse the myriad of issues the women faced both in their private and public spaces. Most notably the state of South Korea, whether knowingly or unknowingly, plays a role in this continued marginalisation of women. Additionally, it will introduce the main civil society organisations, The Korean Council for the Women Drafted for Military Sexual Slavery by Japan.

The transitional justice framework has provided the much-needed empirical understanding of the discourse. Through this, we see the formation of civil society organisations and movements. While additionally drawing attention to gaps that need filling within the field of study. Non-state actors and civil society have for a long time existed; however, the participation and inclusion of women is a recent phenomenon. It is with this that the ‘comfort women’ civil organisation(s) need to be examined. Women activist groups seeking redress and reconciliation for the victims. However, this dissertation will focus largely on activism in the context of South Korea. This chapter will bring light to the background of the ‘comfort women’ issue. In order to undertake the calls for reparations, we need to understand the harms which were inflicted on the sum 200,000 women and girls (Dyachkov, 2020; Herr, 2016; Kim, 2019; Kuki, 2013; Min, 2003; Shim, 2017; Soh, 1996; Soh, 2003; Ushiyama, 2021; Varga, 2020). It is important to note that there are two important spaces in time that provide watershed moments to women's activism: the 1980s (the emergence of feminist

activism in South Korea and Japan) and the early 1990s (Dolan, 2020; Doolan, 2021; Lee, 2017; Lee, 2007; Soh, 2003). The well-known coming forward of sex slavery or sex trafficking garnered international attention in the 1990s. However, international public knowledge of these systems was made aware during the 1970s when a group of Japanese and South Korean women came together in protest of sexual tourism within South Korea, in which the government was complicit. This, as showcased later, is an example of why the issue took as long as it did to enter the international stage. Additionally, this chapter will look at various, however, due to capacity, not all, methods that repressed the comfort women: textbook historical revisionism, lack of evidence, the patriarchal system in South Korea, and South Korean nationalism.

3.2. Background of ‘Comfort Women’

The ‘comfort women’ system originated as an institutionalized military prostitution system in the late 1930s and remained a vital part of the Japanese military activities throughout the Asian Pacific until its disintegration in 1945 (Jun, 2020; Kuki, 2013; Shim, 2017; Soh, 1996; Soh, 2003; Tanka, 2002; Ushiyama, 2021). The term ‘comfort women’ system refers to the state-sanctioned sexual crime by the Imperial Japanese Army. It has been directly translated from the Japanese term *ianfu*. The conditions under which the women were coerced into prostitution differed: many were lured in under false pretences, sold by family members to the Army, or kidnapped from their homes. Under conditions now recognised worldwide as sexual slavery, comfort women were subjected to systematic rape and physical assault. However, there are some survivors who reject the label ‘sex slave.’ Therefore, this dissertation will use terms such as ‘survivor(s),’ ‘survivor-victim(s),’ or ‘comfort women (Ushiyama, 2021). When we focus on the impact the system still holds within South Korea, we bear witness to the sensitivity of it within the nation’s society and its government. Especially when we are positioned in a nation that has not adequately addressed its colonial past (Lee, 2014). With that being said, South Korea endured challenging years characterised by economic issues, such as the 1980s economic crisis, resulting in South Korea borrowing money from the International Monetary Fund, and external conflicts with its neighbours, North Korea, which saw the Korean peninsula divided into a North and South (Armstrong 2005 & Hatch, 1978). The main focus of this dissertation will be centred around the Korean ‘comfort women’ and the way the issue has been built within the feminist and nationalist discourses within South Korea.

The 'comfort women' system produced a group of victims referred to as 'comfort women.' The term is placed within quotations because it is a euphemism. The women and girls who were kidnapped by the Japanese Imperial Army were placed in brothels located in Japanese colonies. These women and girls were sex trafficked and used as sex slaves for a time dating as far as the 1930s. Han Jun (2020) proclaims the number deployed into these 'comfort stations' varied between 50,000 – 200, 000. However, the most captured and recognised number tends to lean towards the sum of 200,000. In 2007 The European Parliament recognised the 'comfort women' system as one of the world's large-scale human trafficking occurrences in the twentieth century (European Parliament, 2007). With this, being the system itself, taking place on a large scale, Jun brings our attention to the fact that the victims' stories and experiences were known throughout the Asian region. However, it became a globalised issue due to the attention garnered through the testimonial of Kim Hak-Sun. Kim Hak-Sun described her experience of the 'comfort women' system through public testimony (Shim 2017). This provided a critical turning point, and an increase, in women mobilising through activism to ensure truth and reparations for the victims were delivered. The experiences of the victims were further consolidated through a Japanese Historian, Yoshimi, publicising historical records referring to the complicit nature of the Japanese government in sanctioning the system. From harm commonly experienced in private, it was transferred into the public space (Varga, 2020).

There have been instances throughout time, following World War II, where the Japanese government has been accused of not taking full legal responsibility for the crimes committed (illustrated in Chapter Three). With the historical records coming to light, it drove a previous Japanese Cabinet Minister Kono to issue a statement, albeit vague in nature, where admitting the role his government played in implementing the 'comfort women' system (Kim & Sohn, 2017; Smith, 2015; Tiezzi, 2014). The vagueness of his statement is due to him, and by extension the Japanese government, not acknowledging any legal responsibility. Which is an occurrence a nation that is a signatory of the Rome Statute and Geneva Conventions is obligated to do. By not taking up legal responsibility it has had persistent negative ramifications still experienced today. Extracting reparations through compensation and an apology are at the core of calls from 'comfort women' activist groups. To which the Japanese government has fallen short. There have been instances where activist groups have acted against the Japanese government to provide the victims with the reparations they are entitled

to. In addition to this, they have attracted a community of people within South Korea to hold demonstrations weekly (which will be looked at below). These demonstrations have been held weekly, since 1992, in front of the Japanese embassy in Seoul. This has had a ripple impact not only within South Korea but on an international scale. We see these through various international demonstrations held by the diaspora (Han, 2020; Lee, 2014; Lee, 2021; Lee, 2023; Li, 2022; Ushiyama, 2021). Discussions, internationally, about ‘comfort women’ emerged in the 1990s as part of South Korea’s civil organisation movement demanding a formal apology and compensation from Japan. Survivors originating from other countries, including China, Taiwan, Indonesia, and the Philippines amongst others, quickly joined the request for restitution, resulting in a multinational, women’s movement. Internationally the public memorialisation by Asian diaspora and activists is evident through the ‘Statue of a Girl of Peace’ located in Glendale, California (2013); the Monument to Comfort Women in San Francisco (2017) (3) the Comfort Women statue in the Philippines, however, it was abruptly removed after its unveiling in 2018; and the Statue of Peace in Berlin, which was erected after local authorities were pressured by Korean civil organisations (2020) (Kwon, 2019; Ushiyama, 2021).

In the intergovernmental space, the United Nations and The United States House of Representatives (lower chamber of the United States Congress) have passed numerous resolutions that have petitioned the Japanese government to provide apologies. In 2015, the then president of South Korea, Park Geun Hye, and the former Prime Minister of Japan, Abe, came to a resolution where a \$8,3 million payment (BBC News, 2015 & Kim & Park, 2015). In addition to this Abe’s ‘most sincere’ apology was issued. The payment was the most recent, and last, form of reparations provided for the victims as a form of compensation. This would be deemed the final Agreement between Japan and South Korea regarding the issue around ‘comfort women’ and the victims’ calls for reparations (WSJ, 2015). What is surprising about this deal is that it was accepted by Ban Ki-Moon, then United Nations Secretary General, who previously held the position of South Korea’s foreign minister. For a former Foreign Minister of where the predominate victims emerged from one would assume that the decisions undertaken to accept the deal were informed (United Nations News, 2015). However, this new deal was rejected by the activist groups representing the women, in addition to the movement’s growing support. The deal in itself cannot be deemed legitimate as the survivors were not part of the process. With no seat at the table, how could both governments, with the support of the United Nations, assume the notion?

There are various theories as to why the Japanese Imperial Army conscripted more Korean women into the system than other nationalities (Balaubaeva, Nuralieva & Parpiyev, 2020; League of Nations, 1921; Min, 2003). The first plausible reason might be anti-Korean prejudice. Men and women were both viewed as instruments for military reasons and as a result were treated inhumanely. Yoshimi proposed another explanation for the Korean ‘comfort women’ (Min, 2003). He believed that the Japanese Army selected Korean women for the comfort stations because they did not believe they were breaking international law. The International Convention for the Suppression of the Traffic in Women and Children was introduced in 1921, to which the Japanese government became a signatory of. Article 11 would later deny colonial nations applying to the convention. It is through this, that one can assume, the Japanese considered themselves in alignment with international law (Min, 2003). Additionally, it is critical to highlight the patriarchal and gender hierarchy structure in South Korea regarding ‘comfort women’ survivors (which will be discussed later in this Chapter).

3.3. Why the Delay?

Between the end of World War II and the early 1990s, there is a time gap evident. This begs the question as to why there was a delayed response, and international awakening to the ‘comfort women’, the system, and the complicity of the Japanese government. An overarching issue resulting in the delay is that it has assumed two positions within differing discourses: the feminist perspective and the nationalist perspective. Varga (2009) notes that the issue existing in both discourses has been entangled from the beginning. This has lasting ramifications, particularly revolving around reparations, as it puts the victims at a disadvantage. If there is no clear, and concise pathway for redress will the proper and adequate redress be issued? Although on the surface one would assume that the ‘comfort women’ is at large a women’s rights issue, it has established itself within a faction of nationalist sentiments in South Korea (Varga, 2009). This is further explained through the initial emergence of the ‘comfort women’ issue entering public knowledge during the 1970s. During the Cold War, the system in itself did not cease, rather it continued being implemented through sex tourism. Making the government of South Korea implicit to these sexual crimes.

This section of this chapter draws work from Katharine H.S. Moon whose archival research is centred around the militaries from the United States and South Korea and these organisation's links to the sexual exploitation of women.

3.4. Lack of Evidence

In the aftermath of World War II accessing and reviewing the crimes committed by the Japanese were put on the backburner and subsequently not adequately explored (Drea, 2006; Lide, 2006; Ling, 2001; Yang, 2006). Edward Drea asserts that Iris Chang's *The Rape of Nanking*. Although Drea approaches the topic of Japanese war crimes from an American perspective, global interest has been an integral component for 'comfort women' and their advocacy groups. Drea continues that Chang's publication incentivised a revived interest in Japanese war crimes in countries including China, South Korea, and the Philippines. The rise in interest consequently resulted in uncovering crimes such as forced labour, where workers from Asia were forcibly removed from their countries and transported to Japan where they were used as free labourers. Or cases such as trafficking young women and girls into 'comfort' stations. Both Yang and Drea anecdotally reference the Cold War and the alliances made by the United States in relation to Asian geopolitics. It is noted that the American government held classified documents pertaining to Japanese war crimes, however obtaining these records, due to the Japanese surrendering, in addition to other agreements, which will not be undertaken in this dissertation, provided America with the geo-political advantage it sought out (Lide, 2006).

The proceeding years following World War Two resulted in a lacklustre attempt by the South Korean government, and its people, to bring the 'comfort women' issue to the forefront of its post-colonial redress. Attempts at attributing reasons as to why there was a delay in bringing the historical recounts into public consciousness, and subsequent redress, were placed on a myriad of excuses. Examples such as lack of documentation, which later would be found to be untrue. In any case, brought against a perpetrator, significant evidence is necessary. However, the lack of evidence excuse was relatively accepted (Hick, 1994; Min, 2003; Soh, 1996). Instead of looking at it as the 'comfort women' 'lacking evidence' we should view it in the light of evidence that is not accepted by perpetrators and their allies. Although not many survivors are with us today, we have oral recounts and instances where Japanese

figureheads have, to a certain degree, come forward to lay bare the complicity of the Japanese government.

There have been instances of people and organisations coming forward regarding the issue, such as Kim Hak-Sun's testimony and Su Zhiliang's in-depth research from a Chinese perspective, who would later set up a Centre for the Study of Comfort Women at his university. However, it was not until Yoshiaki Yoshimi, a Japanese historian, whose discovery of primary documentation implicating Japan and its government, provided the breakthrough for the victims of the system and future advocacy groups (Ling, 2001; Min, 2003; Varga, 2020). Yoshiaki's unearthing documents, which were held in the Japanese Self-Defence Agency's library, directly linked the Japanese Imperial Army to the sex slavery system. Yoshiaki does emphasise that there are still numerous government documents and police records which were either destroyed or remain sealed by the Japanese government. Such as, he continues, police records affiliated with the Home Secretary were destroyed. Private records during that time were either destroyed or sealed too. A private journal belonging to Aso Tetsu, an army doctor, is stated by Yang (2006) as remaining sealed and therefore closed to public consumption. Private records such as Tetsu would provide us with a deeper day-to-day understanding of what transpired in the 'comfort women' stations.

The 'lack of evidence' debate was advantageous for all parties involved. For South Korea, it provided increased protection, via the United States Army. For Japan, it resulted in conscious forgetting as these records coming to light served no purpose. Especially considering the victim profile Japan ascended into following the bombing of Hiroshima and Nagasaki. For the United States, it provided the nation with two more allies in its quest to spread its ideals of democracy in the Far East and prevent the Soviets from becoming the global superpower.

3.5. Textbook Historical Revisionism

Historical conflicts may be found in the physical example of Japanese history textbooks. Any historical artifact or site of memorialisation serves a vital function in instilling national identity in its society. Succeeding the years after World War II, Japan had a dilemma it needed to reconcile with (Lawson & Tannaka, 2010). The subject has been a source of contention between progressives and conservatives in Japan. The 'victimhood' narrative that Japan has sought to adopt has drawn local and international condemnation (Lee, 2014).

Lawson and Tannaka (2010) assert that this is a method used by the Japanese government in its attempt to release itself of any potential legal responsibility due to past injustices.

The internationally accepted historical recount of the ‘comfort women’ system follows that mentioned at the beginning of this Chapter. ‘Comfort stations’ were created by the Imperial Japanese Army where women and young girls were forced into a system of transnational sex trafficking (Lee, 2014). In the 1990s we witnessed an upsurge in Japan’s history revision attempts. Publications such as *The Review of the Greater East Asian War* and the formation of the Japanese Society for History Textbook Reform (1997) all contributed to the right-wing sentiments of glossing over atrocities Japan committed during the war. Essentially, as Lawson & Tannaka (2010) assert, the elimination of the ‘comfort women’ (Lawson & Tannaka, 2010).

A new-fashioned depiction could be found in the *New History Textbook*. The curriculum change was as explained as follows (Lawson & Tannaka, 2010:418):

Japan’s post-war history education has led the Japanese people to forget Japan’s culture and traditions and to lose their national pride. In particular ... the Japanese have been portrayed as criminals who must continue to apologise through the generations.... Since the end of the Cold War, this ‘masochistic’ tendency has strengthened and the propaganda of former enemies has been narrated as historical fact in the textbooks now in use. (Reform Group Prospectus, n.d.)

The New History Textbook did not alter changes with the ‘comfort women’, it made additional changes to describing the Nanjing massacre as an ‘incident’. Continuing its actions under war as that of self-defence. In the quest for the truth, Kato Koichi, a Cabinet member at the time, declared in 1991 that they ‘*can’t find documents indicating that government institutions were involved*’ (Lawson & Tannaka, 2010:416). This positive approach presented Chizuko and Sand (1999) with newfound issues. The biggest one was that it denied the visibility of survivors and, as a result, disregarded the authenticity of their claims and their stories of being raped and abducted (Chizuko & Sand, 1999).

The Japanese government has had periods of success in altering its nation’s history and, by extension, reshaping it inside its borders by regulating information creation and knowledge

access. However, this has the potential for long-lasting effects not only on the people of Japan but those who were victims in its colonies. This is not limited to the 'comfort women.' Although the collective history of the past has the power to bring a nation together, especially after a conflict, it also has the power to create fiction in transnational diplomacy.

3.6. Sex Tourism and 'Camptowns' Post World War II

The contemporary 'comfort women' movement which we see today is not the first citing of women activist groups mobilising against sexual exploitation. This movement began during the 1970s where Korean activists mobilised against foreign nationals exploiting and abusing South Korean women (Dolan, 2020; Doolan, 2021; Lee, 2017; Lee, 2007; Soh, 2003).

According to Soh (2003) the emergence of the comfort women issue, within transnational human rights discourse, emerged in the early 1970s. Some estimated twenty years after the end of World War II and forced sexual slavery inflicted by Imperial Japan. Women activist groups organised against sex tourism exploiting young women (Soh 2003). It is important to note that mobilisation grew both in Japan and South Korea. These calls to bring attention to this practice states Soh (2003), developed into post-colonial disagreements emerging from the 1990s up until now. At the centre of these disagreements is the differentiating recounts of historical experiences regarding Imperial Japan and the atrocities experienced by the nation's colonies. Additionally, a coalition of both South Korean men and women, during the 1980s, sought to bring attention to sexual exploitation occurring in United States military bases within South Korea, which is referred to as military 'camptowns' (Soh 2003). The name itself follows the same euphemistic patterns set out by governmental organisations, such as the military, to subdue and marginalise the experiences of these young women. In Robert Shaffer's review of Katharine Moon's *Sex Among Allies*, over a million South Korean women were sexually exploited by the six million American soldiers who were based and served in South Korea between 1950 and 1971 in the 'Camptowns' (Shaffer, 1999). 'Camptowns' sprung up around American bases. The access to these women and the 'services' they provided played a role between South Korea and the United States ties.

The dictatorial leaders of South Korea, such as Park Chung-Hee, were apprehensive of the United States under Nixon's regime (Lee, 2017). They feared the potential consequences that may be felt without the presence of a strong United States army within South Korea. It is from this understanding that leaders within the South Korean government, akin to that of the

Japanese in the formation of the ‘comfort women’ stations, created and facilitated women in the form of prostitutes to meet the sexual needs of the foreign military. In essence, it prolonged the United States Army's stay within the country.

To seek redress through reparations, when the nature of the environment around you is not conducive to this may have impacted the depth and veracity of claims made by activists. Because not only was South Korea exiting a global war where its women and girls were subjected to Japanese sexual exploitation and sex trafficking, but the nation entered into a civil war with its neighbour North Korea and polarising Cold War era, which divided many nations into ‘socialist-east’ versus ‘democratic west,’ at the time it was within South Korea’s national interest to ensure they were aligned with a superpower.

3.7. Systemic Patriarchal Structure of South Korean Society

Additionally, the shame and guilt experienced from surviving ‘comfort women’ added to this. However, Soh (1996) delves deeper into investigating reasons why the issue took so long to gain traction – the patriarchal system of South Korea. The essence of a patriarchal society or government entails viewing men above women. Soh ascertains that this dichotomy of how the two are viewed has exacerbated a double standard regarding sexual behaviours between men and women. Men within South Korea’s traditional patriarchy is allowed the freedom to express and explore their sexual freedoms. On the other hand, the sexual freedom of women is more controlled and rigid. The idea of ‘no sex before marriage’ is an example of a practice of controlling a woman’s values. For those women who did lose their virginity before marriage, it was deemed shameful, and were excluded from their society. With this as the nation’s foundation, it is unsurprising that women stayed silent or in extreme cases, continues Soh, committing suicide after being raped in the military brothels.

The make-up of the society correlates with that of how the family is structured. In order to avoid shame and being ostracised, survivors of the ‘comfort stations’ either committed suicide or kept the details of their experience to themselves. The projection of this changed drastically in 1991 when Kim Hak-Sun came forward to corroborate the existence of ‘comfort women’ with a recount of her own experience within the system (Soh, 1996).

Women activist groups began raising issues with the comfort system. Initially, these calls were ignored by the South Korean government. Reason based on the accepted reasoning of lack of evidence. Soh (1996) continues that without evidence against the Japanese government, due to the erasure, charges cannot formally be pursued. Additionally, the 1965 Treaty between Japan and South Korea ruled out the South Korean government from seeking out any post-World War II compensation or redress. The purpose of this treaty was to establish diplomatic relations between the two nations (Varga, 2020). However, there were no clear, and definitive guidelines on ‘comfort women.’ Notwithstanding, the manner in which initial women activists were treated by the South Korean government can see its roots within the nation’s patriarchal system. Soh (1996) explains further that not only is this indicative of androcentric sexism, but it is a direct reflection of the nation’s elite and how they view and treat those who originated from poorer familial backgrounds.

Secondly, following World War II, the developmental policies, concerning the nation’s economy, encompassed the utilisation of young women as both sex workers in international tourism and as cheap labourers in factories. The term *kisaeng* is introduced and it directly translates to professional female entertainers. In order to garner continuous foreign income, the government shortly after the war commoditised sex and young women by using them as *kisaengs* for foreign male visitors. In 1973, following years of *kisaengs*, a women’s organisation from Japan issued a letter in protest of this practice to the Korean tourism association. *Kisaeng* coincided with a heavily present United States Military which Soh (1996) maintained helped in the formation and normalisation of military sex bases.

Chapter Four: Japanese Accountability

The demands made by the ‘comfort women’ are complex although simple at first glance. The main demands call for reparations in the form of compensation. The importance of the compensation lies in who is issuing it. For the ‘comfort women’ the symbolism behind the Japanese government is a crucial element illustrating the nation taking legal responsibility. While the second is an apology, with its content explicitly admitting the role the Japanese government played in creating and maintaining the system of sex trafficking in and around its colonies (Bellows, 1999; Hayashi, 2008; Kim & Sohn, 2017; Soh, 2003; Suzuki, 2012, Ushiyama, 2021; Wakabayashi, 2003). There have been instances where Japanese officials, such as former Prime Minister Murayama, conveyed regret, and remorse towards the ‘comfort women’. However, moments such as Murayama’s are not sufficient for the ‘comfort women’ and the movement. An apology acknowledging and taking responsibility from the chambers of the National Diet of Japan, the national legislature of Japan, would be the most ideal source of such an apology. As of January 2023, Japan’s national legislature has yet to issue out a formal apology of this nature. The most the Nation Diet has done is recognising the 1993 statement by the former Japanese Chief Cabinet Secretary Yohei Kono. The statement included an apology expressing Japan’s “sincere apologies and remorse” for the “immeasurable pain and incurable physical and psychological wounds” endured by the ‘comfort women (Soh, 2003; Suzuki, 2012). This was the first official admission by the Japanese government official speaking on the Japanese Imperial Army’s involvement in the recruitment of women for the "comfort women" system and that coercion was used. Whether this apology counts as an official government apology is still up for debate. In his statement, Kono apologises, not on behalf of the government, but on behalf of himself. His personal feelings and sentiments. In Mindy Kotler’s (2007:2) testimony she characterises an official government apology as a:

a statement by a cabinet minister in a session of the Diet, a line in an official communiqué while on overseas visit, or to be definitive, a statement ratified by the Cabinet. None of these conditions have been met.

Kotler continues her argument by illustrating that the position of a Chief Cabinet Secretary is akin to that of a White House Press Secretary (Kolter, 2007). This is not to the diminish the roles but showcase that a press secretary should not issue a significant government apology.

Additionally, there is an argument with lack of accountability as Kono's statement fell between a five-day gap between the preceding and succeeding prime ministers (Kolter, 2007).

Whether Japan has sufficiently atoned for its past war crimes is still contentiously debated. Even amongst 'comfort women' and amongst party members within their respective transnational movements. But this inability to explicitly state whether Japan has done enough versus if more needs to be extracted is something experienced within the Japanese society. A focal point of this revolves around Japan's post-war responsibility and sincere apology from the state, not just representatives born in Japan. Soh (2003) points out that this nation is divided into two factions. On one side you have the conservative camp. While the other consists of a more progressive understanding of the responsibility the nation has as a perpetrator of war crimes. It is important to understand this division because although this chapter will outline a timeline of what has been perceived as the Japanese government denying legal responsibility, this is not to blanket the nation as such. On the contrary, there have been many instances in Japanese civil society, through activism, championed Japanese legal responsibility (Lee, 2014).

Progressive Japanese researchers and feminist activists believe that the 'comfort women' issue is of the utmost importance. Japan must face its past by accepting responsibility. How can this be done? Soh (2003) states through regret and humility. By doing this it sheds light on the issue of repeated ignorance and the transition to a peaceful state. Most notably Suzuki Yuko and the late Matsui Yayori have provided the loud and necessary voices emanating from Japan against its war crimes. They and others have championed the calls from victims demanding the perpetrators of the crimes repent and they as victims receive the proper reparations they have stipulated. Campaign for the Realisation of Post-war Compensation and the creation of the Citizen's Fund to Realise Post-war Compensation in opposition to the Asian Women's Fund (Soh, 2003).

As previously examined when providing background information on the 'comfort women' issue, its rise into international consciousness was slow and gradual in its early years following World War II. The emergence of women activist groups, such as the Korean Council, coincided with the democratisation of South Korea (Lee, 2014). In addition to this, the expansion of international bodies such as the United Nations, of which South Korea is a

member. With the increase in democratisation, it allowed for the emergence of feminist thought. Especially pertaining to women's issues. Through this increased engagement women activist groups/ civil movements began to form in search of the truth and redress. Initially, those who began participating in protesting against the Japanese government would travel to and from requesting a formal apology, in addition to conducting their own investigations (Lay & Ward, 2016; Lee, 2003; Suzuki, 2012). One is able to deduce with the increased attention as a perpetrator, whose identity internationally thus far was that of a victim, in addition to points highlighted in the previous chapter as to why the 'comfort women' issue was 'delayed', there was mass denial from both a public and private setting pertaining to any knowledge or accountability of fault. How did the Japanese initially deny any involvement? Through various international treaties and agreements over the course of 1940s-50s. The Japanese stance initially was flat denial which then progressed to denial in addition to claiming that all war claims have previously been dealt with, with compensations pertaining to various claims being issued accordingly. However, Lee (2003) adds that 'comfort women' were never a topic of discussion during the formation of the Treaty of 1951 – an alliance between Allied nations and Japan that spoke on the formulation of peaceful relations. It is from a Treaty such as this, which has omitted the extensive history of Japan's Imperial Army, which has provided the foundations through which Japan is able to continuously deny any legal responsibility for this particular crime.

Denying the victims of the comfort system ultimately denies them of two things. Firstly, it denies them of their proper redress. As explained later in this chapter, most if not all of the Agreements and Treaties the Japanese government leans on or forms have the notion of 'comfort women' in mind, but they are excluded from the process. Secondly, by not accepting legal responsibility by the government it perpetuates this idea and image of shame taken on by the victims because the violence which was inflicted on them is somewhat accepted.

In 1965, the Japan-South Korean Claims Settlement Agreement was made official (Varga, 2020). Through this Agreement, the Japanese government was compelled to provide Korea, most notably, with a lump sum of \$300 million to be used for economic development over the span of a decade. In addition to this, they provided South Korea with \$500 million in funds: \$200 million provided in loans and \$300 million to put into a private trust. Therefore totalling \$800 million of which Japan had to pay. The Agreement satisfied any settlement for

claims between states, claims between one state and its citizens, and claims among citizens, including those outlined in Article IV (a) of the 1951 San Francisco Peace Treaty (Price, 2001; Varga, 2020). Ju (2000) confirms that private companies were included under the notion of an 'individual(s)' within the Agreement (Ju 2020). Similar to the Treaty, this agreement steered away from the inclusion of 'comfort women'. Rather, it pertains to the ongoing legal debate between labourers who were forcibly removed and placed into factories where they had to work for free. Although as mentioned this Agreement is void of 'comfort women', the way in which it has been formulated speaks to conversations of accountability this chapter, the victims, and the women activists try to bring to light. Although an Agreement has been reached where victims are provided compensation for crimes inflicted, the legal administering of the compensation to the victims is placed on the South Korean government. The 1965 Agreement was founded on the notion that the money is transferred to and from each government, with South Korea burdened with the responsibility of sharing it amongst victims.

In the early 1990s, the persistent denial from the Japanese was difficult to uphold considering the international community had increasingly become aware of the 'comfort women' system. Two watershed moments provided the pivotal introduction and persistence of the issue within the international space: Yoshimi's discovery of historical records and Kim Hak-Sun's testimony in August 1991 (Kim, 2019; Varga, 2020). This is in stark contrast to the Japanese government's denial of any knowledge and/or sanctioning of the sex trafficking system. Rather, the statement continues, the blame should be placed on actors and organisations linked to the private sector. The testimony from Kim Hak-Sun justifiably contested such claims taken up by unearthing her, and thousands of others, trauma and victimisation carried out. Kim (2019) does acknowledge that Kim Hak-Sun's testimony was pivotal, it took a while to garner traction with media outlets on a South Korean national level and internationally (Kim, 2019). However, this would soon be the contrary within South Korea. However, the debate about the comfort system will continuously lead to divisions within Japanese media outlets, society, and government. The increase in media coverage coincided too with international organisations such as the United Nations and the conscious progress towards trialling perpetrators of sex crimes as war crimes and a crime against humanity under the umbrella of international law. Although the primary case study is 'comfort women' and the activism and civil movement regarding this issue in the context of South Korea, the system is not mutually exclusive to Korean women. As previously mentioned, this was a

crime committed involving numerous women from varying countries. Making this issue even more pertinent to the international community. However, due to informed research, it puts the percentage of those originating from the Korean peninsula at 80%. Which would total an estimated 200,000 women and girls originating from the Korean peninsula. It should come as no surprise that the emergence of the issue involved South Korea. In addition, many of the empirical studies carried out with this issue as a case study tend to be informed by the Korean experiences, recounts, and calls for justice and reparations.

Attention to the number of women and girls trafficked into the system is important to the argument of this thesis, pertaining to the need for women and civil moments within transnational justice mechanisms. Firstly, it is documented that although the system gained traction in the 1990s, various international actors were aware of this system when formulating numerous Agreements and Treaties. Due to the presence of sex tourism and 'camptowns' sites we can make an informed conclusion that the South Korean government did have some knowledge of the 'comfort women' system. But the government's economic and political needs took precedence to secure safety in the form of the United States Army and civil diplomacy with its neighbours, in particular Japan. This, in addition to a plethora of various reasons, resulted in silence from the South Korean government which ultimately, one could argue, was the state acting in the interest of itself rather than its people. When Treaties, Agreements, and continued silence from the top persists it results in the formulation of various external avenues, away from the state, in the pursuit of real justice and redress. An example of this is Kim Hak-Sun's testimony. But the silence of the state cannot be ignored as this too resulted in the government's complicity to the harms inflicted on the women. As stated, this issue was international in nature. Therefore, the complicity of nations such as China, Singapore, the Philippines, and so forth is therefore assumed. Hak-Sun's testimony encouraged hundred more victims to come forward, in 2001. These women originated from nations previously mentioned within this dissertation and testified against the Japanese government. Although these victims came forward with their testimonies recounting coercion, kidnapping, sex trafficking, and various other crimes, this divide within Japan persisted.

Accountability was previously rejected by the Japanese with factors including the Treaties and Agreements and the accepted notion of lack of evidence. This would bring us to our second watershed moment which challenged Japanese denial being the 1992 discovery of

historical records by Yoshimi Yoshiaki. Yoshiaki's discovery is significant in two ways. Firstly, it implicates and corroborates the Japanese government and the victims' testimonies, respectively. In addition, the location of these records, found at the National Institute for Defence Studies Library is located in Tokyo, Japan. Further consolidating the Japanese Imperial Army's complicity in the formation, sanctioning, and cover-up. Secondly, it further sheds light on the complicity of the Japanese government's role as not mutually exclusive to its Army. The historical records brought to light the role Emperor Hirohito had in creating legalising the system (Douglas, 2001; Dudden, 2001). Emperor Hirohito's complicity pressurised the Japanese government to acknowledge that they played a part in the creation and function of the comfort stations. But again, as the history timeline has brought light to, this acknowledgement was not fulfilled in its sincerity as the claims rejecting coercion persisted. There is this notion, to which Soh (1996) brings to light no coercion being used, but rather the women and girls within the system were well-established prostitutes and not underage and socio-economically disadvantaged as per the general image of the victims we have been given. This notion is compounded with factors spoken to within this chapter in denying the victims their redress. Up until 1995, the Japanese government made no formal attempts at issuing the victims reparations or creating various other transitional mechanisms, such as truth commissions, tribunals, or inquiries to offer the victims a platform to grieve, providing families with closure or compensation. However, in 1995 the creation of the Asian Women's Fund, on a surface level, would be the needed change toward accountability of victims. The Fund at its core was created to compensate the victims of the comfort system. But as illustrated later this form of reparations would come to be riddled with disputes regarding its authenticity and legitimacy. It has been met with heavy criticism, especially from the victims. One of the main arguments against the Fund centred around it being funded by a private organisation in lieu of being state sponsored. Not just from victims, but Japanese progressives too, such as Suzuki, who proclaim that the Fund being privately sponsored results in one of the key demands from the 'comfort women' not being met: legal responsibility.

4.1. Asian Women's Fund

Japan's persistent referencing of numerous multilateral and bilateral agreements with foreign nations had been utilised to scapegoat any legal responsibility for its war crimes. However, continues Soh (2003), the government was challenged by what she refers to as the court of

international opinion. Activists from this sector used their platform on a global scale to bring unwanted, but most importantly giving the international community a negative understanding of the role, the Japanese government had during war times. The activists called for legal responsibility and adequate compensation (as defined by the victims). This led to a more nuanced version of Japan's diverting away from legal accountability through the creation of the Asian Women's Fund (Dyachkov, 2020; Varga, 2020). The fund was created *'with the aim of expressing a sense of national atonement from the Japanese people to the former "comfort women", and to work to address contemporary issues regarding the honour and dignity of women'* (Soh, 2003:210). However, the Fund may be viewed as a failure due to various components. Those who worked for the Fund were not employees of the Japanese government. In addition to this, one of the main critiques stems from compensation originating from the private sector, rather than from Japanese state resources. This was further consolidated through the executive director of the Fund, Haruki Wada, admitting to this shortcoming. Wada disclosed that ¥565 million was raised via private channels. A discovery of this nature would of course cause heavy backlash from the 'comfort women' survivors and the activists spearheading the movement globally.

In addition to the compensation debate and whether Japan is legally taking responsibility through examples such as the Fund, its apology to survivors/victims has been heavily contested due to the nation's inadequacy. The initial dispensing of compensation was received by four Filipina women in 1996 which was received with two apology letters. One letter came from then-Prime Minister Hashimoto, while the second was written by the Asian Women Fund's director, Hara Bunbei. Hashimoto's letter, in support of the 'comfort women' movement and survivors/victims, was drafted to ensure that the state of Japan was not legally accountable for the crimes committed. Rather, it was written from a personal standpoint where the former Prime Minister expressed remorse in his apology. However, it failed to explicitly state the various coercive methods and manner in which the Japanese state and Imperial Army system was utilised and sustained. Bunbei's letter, in contrast, would include the role of the Imperial Army with references to coercion used to traffic the women and girls. But again, these instances of accountability fall short of the expectations placed upon the joint compensation and apology from Japan.

4.2. Responses to the Fund

Although this dissertation has relied heavily on context emerging from the South Korean case, it is imperative to put into perspective that not all victims held the same disdain for the Fund as the calls emerging from South Korea and Taiwan, in particular. There are a variety of variables that influenced the acceptance of the Fund's compensation and the apology. These include the socio-economic advantages or disadvantages experienced with each contextual case. In addition to this you see activist movements splintering off into different factions as contention centred around numerous disagreements in leadership began to rise, the fear of potential backlash from not only members of the movement but the international community too, and age. We must remember that system was carried out almost a century ago. Would it not then be understandable that survivors/victims would accept the Fund but reject its validity?

The Philippines provides a primary example of its 'comfort women' movement splintering. Lila-Filipina had been a movement active as early as the 1990s. However, the persistent issues associated with the Fund would result in this movement splintering into two factions: Malaya Lolas and Lila-Filipina. The former splintered due to members being staunchly opposed to the Fund and the apology. Soh (2003) does note that eventually this decision would be overturned with members accepting the compensation. In contrast, Lila-Filipina's approach to the Fund, continues Soh, was more pragmatic in nature calling out for the Japanese state to compensate survivors/victims. Regardless, this splintered movement portrayed the role of the intermediary between survivors/victims and the Filipino state with Japan. Resulting in, akin to Malaya Lolas, receiving compensation from the Fund. As previously stated, the initial issuing of the Fund was given to Filipina women.

The experiences of Filipina activists versus Taiwanese and South Koreans are heavily contrasted. From the outset, Taiwan and South Korea rejected the Fund in its entirety. There was a blanket understanding that the Fund and apology did not fulfil the needs of the 'comfort women' and reiterated the sentiments shared continuously within this chapter of the Japanese government avoiding legal responsibility. As of 2003, only 7 South Korean 'comfort women' have accepted compensation from the Fund. This is a devastatingly small number compared to the estimated 200,000 who were trafficked. However, it is prudent to understand the different circumstances the various survivors/victims find themselves in. Soh

expands on this idea by stating that although many, if not most, of the women and girls who were abducted originated from poor backgrounds, their country of origin played a hand in how the activists and survivors/victims handled the controversy pertaining to the Fund. ‘Comfort women’ from Taiwan and South Korea were at an advantage when compared to those from the Philippines. Non-governmental organisations were able to raise money and provide compensation. While it is reported that both governments provide compensation, monthly, in addition to various other socio-economic benefits.

4.3. Korean Council Activism

One of the most active organisations fighting for ‘comfort women’ acknowledgement and reparations is the Korean Council. As previously mentioned, it took a considerable number of years to bring international awareness of the ‘comfort women’ following the end of World War II. The issue existed outside of mass media and therefore away from the public. However, the issue took up space in their private lives. In the 1970s knowledge began to be introduced and shared – keeping in mind it was still not a popular topic of conversation within society. But with the 1980s seeing the democratisation of South Korea and the expansion of civil society the ideal setting for the introduction of the issue into public consciousness was created (Dyachkov, 2020). It is from here you see feminist activism, in the form of the Korean Council as an example, popping up. The Korean Council was and is to this day a critical organisation concerning the ‘comfort women’ in South Korea and transnationally.

Despite Chapter Three’s attempt to examine reasons as to why the issue took a while to enter public consciousness, the Council’s activism can be traced into the late 1980s. Through a seminar on ‘International Tourism Gisaeng’ hosted by the Korean Church Women United. This talk was concerned with, particularly, with the Japanese sex tourism which was promoted by the Korean government during the 1970s (Lee, 2014; Varga, 2020). Yun Jeong-ok, who led the seminar, spoke on her experience as a potential ‘comfort women’. She escaped the system due to her class status. It was through the Korean Church Women United which established the Korean Council in the 1990s (a collective of thirty-seven women's groups) (Lee, 2014; Varga, 2020). However, argues Herr (2016), this is not denying that the Korean Council has at times used essentialist rhetoric which pits Japan as ‘them’ and the victims as ‘us.’ However, the organisation's feminist commitments have historically

superseded this notion through its continuous insistence on redress (Herr, 2016). The Council performs a diverse range of acts. These include but are not limited to, sourcing historical facts, gathering the testimonies of the victims, galvanising media, and public attention, fostering links between victims living in foreign countries, and providing legal aid. In its infancy, the Korean Council was able to engage and successfully include transnational civil activism. They outlined the comfort women's six-part requests as follows: an official acknowledgment of the system; a formal apology from the Japanese government; monetary compensation; construction of a monument honouring the 'comfort women'; the inclusion of the historical context of the comfort system in school setlist books and within the broader education system; and the punishment for those responsible of the exploitation and recruiting of "comfort women" (Soh 1996). The 'comfort women's' requests laid the groundwork for a compensation movement that was to be abided by the Japanese government. However, the movement was never legally established. Nevertheless, it is through these endeavours such as these which resulted in the Korean Council emerged as a symbol within South Korea's fight against war crimes and human rights violations.

Reparations, as outlined by the United Nations, are the three primary objectives of transitional justice accomplished through reparation programs (United Nations 2008 & United Nations, n.d.). Three main objectives are attained through reparations. The three primary objectives of transitional justice are accomplished through reparation programs: to reinstate the victim's dignity, to deliver justice and redress, and to ensure the crime is not committed. A consequence of conflict is the weakening and destabilisation of institutions. They are unable to perform as expected resulting in strained relations between the public and the government where there is a lack of trust. This is where the implementation of reparations enters the fold due to its ability to foster justice and redress (United Nations, 2008).

Reparation programmes utilise strategies that address the different needs a victim may have. Some strategies may have reparative effects for example the reformation of institutions, which do not benefit the victims directly. Other strategies are solely 'reparations' that do influence the victims directly such as monetary compensation. The reparations utilised are contextual to the crime(s) committed and subsequent the needs of the victims. Verdeja (2006) classifies reparation strategies into four 'ideal dimensions': symbolic, material, individual, and collective. Symbolic reparations, which include public apologies, renaming streets in honour of the victim or victims, and the establishment of burial grounds, assist with building trust within the public of its government. Material reparations are immediate and can

take the form of monetary compensation, severance packages, covering the expenses for housing, healthcare, and other necessities like education and recreation. How symbolic and material reparations can be issued either individually or collectively to the larger community (Verdeja, 2006). Reparation calls from the ‘comfort women’ incorporated a mixture of symbolic and material reparations which are to be issued on a collective scale. As previously addressed in Chapter Two, a holistic approach to redress will prove beneficial. Correa, Guillerot & Margarrell (2007), and De Grief (2006) express the same sentiments but in the context of reparation programmes.

One of the demands made by the ‘comfort women’ was for the state to officially apologise, and the victims did indeed receive one. However, it fell short of including Japanese legal responsibility (Soh, 2003; Suzuki, 2012). Apologies, according to Byron et al. (2019), are both forward-looking and backward-looking. The backward-looking is characterised by those issuing the apology acknowledging and taking responsibility for their crimes. Forward-looking refers to a moment in time where there is forgiveness and moving forward away from past crimes. For a formal state apology to be effective following the criteria outlined by Kotler (2007) is beneficial. Bryson, McEvoy & Placzek (2019) further add that there needs to be an assurance that the crimes will not be re-committed. Additionally, the Asian Women’s Fund compensation was rejected by the Korean Council on the basis of a previous consensus among former ‘comfort women’ and their advocacy groups (Herr, 2016). Therefore, the criticism pointed at the Council for rejecting the Fund holds substance as it does not comply with the demands of the victims.

The construction of a monument honouring the ‘comfort women’ was not fulfilled by the Japanese government, but rather through several transnational organisations. However feminist activism has been at centre of memorialising the ‘comfort women’ across the globe in Glendale (2013), San Francisco (2017) in Berlin (2020), and in Seoul the Statue of a Girl of Peace (2011) (Dyachkov, 2020; Han, 2020 & Ushiyama 2021; Kwon, 2019). The Korean Council has additionally been involved in the thirty-year long protests known as the Wednesday Demonstration (Dyachkov, 2020; Kwon, 2019; Lee, 2021 & Lee, Kim & Kim, 2022).

The United States House of Representatives passed Resolution 121 and through this Korean American Civic Empowerment, a non-profit organisation, erected a ‘comfort woman’

monument in front of the Palisade Park Library. The Japanese asked for its removal. 'Statue of Peace' statues can be found outside memorial museums in Nanjing, China, and Seoul, South Korea, respectively. Several others were placed in nations including Germany, Canada, the Philippines, and so forth. All of these instances resulted in Japanese outrage and calls for removal (Kim, 2018; Ushiyama, 2021). Japan's reaction to these monuments does speak of the nation's reluctance to acknowledge the past. The symbolism through this shows the cover-up attempts in order to present itself differently. However, one can assume the optics involved with Japan showing remorse. Perhaps there is an element of not being perceived as weak. Lastly, the removal of the history of military sexual slavery was omitted from setlist books. Japan's political and cultural landscape consists of a much more serious issue within its government.

Japan's resistance to accepting responsibility, rejection of history, and failure to provide adequate reparations to the "comfort women," demonstrate that fulfilment of reparations is achieved if those who are championing and providing the reparations keep to their promises. If the victims are unhappy with the results of the initiative performed, it is impossible for the goals of transitional justice to materialise. When reparation calls fail this could foster an environment of distrust with governments and civil society organisations through the failure of meeting justice needs.

The Korean Council was founded in the early 1990s. It emerged as an alliance amongst thirty-seven different civil organisations. These include the Korea Church Women United, the Korean Joengsindae Institute, and the Korean Women's Association United. The coming together of these different organisations led one to rightly assume the notion that women's rights, particularly in South Korea, were the main objective of championing this movement. In addition to the diverse organisation, the Korean Council performed a diverse range of acts. These include but are not limited to, sourcing historical facts, gathering the testimonies of the victims, galvanising media, and public attention, fostering links amongst victims living in foreign countries, and providing legal aid. In its infancy, the Korean Council was able to engage and successfully include Japanese civil organisations. They can be commended for its involvement in the Wednesday Demonstration held weekly, which continues to this day, which sees protests in front of the Japanese embassy in Seoul against the 'comfort women' system.

Chapter five: Discussion

Post-conflict settlements are an integral component of symbolic redress for victims. This statement is of significance, particularly in the post-World War Two area. There is an explicit difference in post-war settlements when we compare the war crimes committed by Japan and Germany – and of course, these are attached to various questions and arguments. These include: what requirements must a nation meet for post-conflict compensation to be effective? If we use a theoretical example of a victim and a perpetrator post-conflict scenario, it is the perpetrator who is tasked with creating and providing post-conflict redress. Redress comes in various forms such as, but not limited to, government apologies, bilateral and multilateral peace treaties, setting up tribunals, peace education – described as providing information regarding the conflict in order for it to not reoccur in the future, and compensation. When we comparatively analyse Japan with Germany there are a handful of motives leading one to assume the notion that Germany had a relatively successful post-conflict redress settlement amongst its victims. Compensation provided by Germany has been deemed acceptable amongst its victims. This differs considerably when we look at the redress attempts by the Japanese government, such as the Asian Women's Fund (see Chapter Four). There is a detailed history of the failings of the Japanese government's attempt at both compensating former 'comfort women' and apologising. In addition to this, when redress attempts have been agreed upon it has often sparked foreign policy issues between Japan and South Korea.

Therefore, this chapter will tie in the understanding and importance of feminist civil organisations, such as the Korean Council, against the issue assuming itself within South Korea's national interest and as such being treated as a nationalist issue. This section will argue that the argument made by proclaimed 'comfort women' nationalists is simplistic in nature and negates the intersectional levels of trauma, including race, ethnicity, gender, class, and so forth are put on the back burner (Ushiyama, 2021). Feminist civil society plays an essential curbing this, and more importantly in the case of the 'comfort women.' Although the 'comfort women' issue is a women's rights issue, the approach from civil society in South Korea has not always mirrored this notion. In fact, it borrows its approach and perspective to this issue as a women's rights issue. The 'us' versus 'them' narrative has only spurred on a bilateral conflict between Japan and South Korea. Most notably following the collapse of the 2015 Agreement, which was politically motivated without any consideration

or participation of former ‘comfort women’ (Hosaka, 2021; Kyodo News, 2019). The Agreement’s focus away from the ‘comfort women’ resulted in their needs and rights not being adequately addressed. It failed to acknowledge the past, which Ramaj (2022) contends has psychological implications. Through state acknowledgement, there is the potential to restore dignity, for both the victims and their families. The Agreement did not include memorialisation which denies the victims a satisfactory conclusion to their trauma. The ramifications the Agreement had within South Korea saw ‘comfort women’ filing a lawsuit pertaining to its legality (The Express Tribune, 2016 & Ramaj, 2022). Anecdotally, the forced labour ruling by the Korean Supreme Court, which called for Japanese companies to compensate Koreans who were forced into providing free labour, resulted in a bilateral trade disagreement removing each other from their ‘white lists’ (Reuters, 2019). Although this is a separate case study it does tie into the larger conversation of Japan and South Korea’s post-war calls for reparations. Feminist civil society plays an essential curbing this, and more importantly in the case of the ‘comfort women.’ Although the ‘comfort women’ issue is a women’s rights issue, the approach of the civil society from South Korea has not always mirrored this notion. In fact, it borrows its approach and perspective to this issue as a women’s rights issue in addition to a nationalist one.

Differing perspectives and approaches to an issue are bound to lead to friction between and amongst groups resulting in the breakdown of relations. If there is no clear pathway to redress, where all involved assume the same point of view it proves a difficult, and longer task to successfully complete. The failure therefore of previous attempts at redress by the Japanese and the ‘comfort women’ issue is because of it being treated as an issue of nationalism. When it is in actual fact a women’s rights issue. This political symbolism attributed to ‘comfort women’ has been used in perpetuating its nationalism.

5.1. Comparative Analysis of Civil Society and Post-Conflict Redress

As previously mentioned, this dissertation will assume that, unlike Japan, Germany’s redress mechanisms may be considered as successful. The success can be placed on many factors. These factors include the Jewish community and interest groups. They applied significant pressure on Germany to ensure satisfactory outcomes. International pressure from the Allied nations, the United States, The United Kingdom, The Soviet Union, and France was applied. Political leaders and civil society within Germany called redress mechanisms. Lastly, human

rights groups, domestic and international, added more, while necessary, pressure. If we assume the case study of Japan's war crimes, following World War II there have been instances where all factors leading to Germany's redress movement mirror that of Japan's case. This dissertation will therefore assume the notion that the one significant variable influencing the outcome lies with civil society groups.

There is a contingent within the transitional justice discourse that gives way to the importance of civil society when the task at hand is to foster an environment for redress. Albeit it is at times subservient to the involvement of government and larger organisations, it does play an imperative role. Civil society organisations in Germany proved exactly that. We can see this in instances where churches played a role in *Neue Ostpolitik* – normalising relations between Eastern Europe and West Germany. Moreover, churches in Germany founded the Action Reconciliation Service for Peace which have a presence within Poland and whose main object centres around the reproachment of nations and their people who previously were victimised by Nazi Germany. The object is to foster and cultivate a capacity for longstanding peace. Lastly, German civil society groups contributed to the formation of numerous bilateral and multilateral projects. All three of these examples are just a brief introduction to the key role German civil society played. It can be argued that without a strong civil society, in alignment with its nation's government, its political leaders would not appropriately seek out redress mechanisms – such as in the case of Germany and its civil society. Horvat goes as far as to say that '*one lesson that can be drawn from the success of reconciliation in Europe is that the breakthroughs have inevitably come about when non-state actors took a leading role*' (Lee, Kim & Kim, 2022:317).

While certain positives have been attributed to civil society in the German context, there have been many research pieces conducted on the weaknesses, specifically looking at an East Asian context. Chinese civil society is deemed too weak when up against its government, especially when we look at the historical timeline of Xi Jinping's consolidation of power in China as the nation's Chairman. Japanese civil society failures are evident in its lack of sufficient national networks. South Korea's civil society has been attributed to many weaknesses too, particularly financial constraints. It is reasons such as these that inhibit East Asian countries from not being able to implement and sustain redress mechanisms. We can assume the notion that a main component attributing to the failure of the Japanese government to issue compensation and an appropriate apology lies within a weaker civil

society. We can see this through Lee, Kim, and Kim's (2022) example of the China-Japan process towards reconciliation. These authors put forward an argument that China lacks a 'true' civil society. This placed on the idea that its civil society is not able to participate in contested issues freely and therefore is unable to engage with its Japanese counterpart. On the other hand, although Japanese civil society is evident it lacks in its size and financial prowess which inhibits its abilities to inform its government. These two issues contribute.

If weaknesses in civil society between China and Japan are evident and have posed obstacles in post-conflict redress, can the same application and understanding of a weak civil society be used in the case of Japan and Korea? Although the initial part of this chapter has looked at how German civil society has played positive roles in informing its government, while highlighting East Asia's weaknesses, the next part of this chapter will take on a different approach. It will elucidate the potential changes in understanding the movement when ideologically inclined.

5.2. South Korea Civil Society

The democratisation of South Korea can be seen as an integral moment in the development and formation of South Korea's civil society. Although its existence predated this period, it was suppressed through various authoritarian regimes which played a part in its inability to inform. However, the turn of the 1980s came with the increase in civil movements (Chapter Two introduced the Korean Council), which in turn influenced the growth of civil organisations. These movements and organisations were and are built upon the interests of their groups. Therefore, we see the new expansive role civil society has involving problems on a domestic and international stage. This new role subsequently started to inform its government and policy formation and application. In addition to this, media coverage within South Korea began taking note of the work its civil society partaking in – the majority depicted in a positive light. The depiction of these civil organisations, however, both positively and negatively impacted public interest on various matters. However, although the rise in civil organisations can be seen as a positive. South Korea's civil organisations and its politicisation is a cause of concern. Lee, Kim & Kim (2022:317) define a civil organisation as politicised when they are '*dominating resistance movements against the government with a strong political bent.*'

The politicisation of civil organisations is not an anomaly. On the contrary, there is evidence of various civil organisations entering the political space. Subsequently transforming these organisations into a political entity. In cases like these, we can assume a sense of ‘over-empowerment’ of these organisations as they recognise the authority they have over the public and its interests. Within the transitional justice discourse, there is an ongoing back-and-forth pertaining to civil organisations participating in political activities. There have been many supporters of this who see the confluence of the two as a positive (Boulder & Nelson-Núñez, 2014; Li & Zhang, 2017; Putzel, 2004). They have put a hypothesis forward stating that resolute and efficient activists within civil organisations have the capabilities to take up politics. In the case of South Korea, it is argued that when such instances like this occur it has played a hand in the creation and application of relevant policies. Le Tae Ho emphasises that politically inclined civil society organisations are a notion that should be taken more seriously because we cannot view these entities, civil society movements, and politics, as all being mutually exclusive.

There are however proponents who oppose the politicisation of civil society organisations. The main justification lies within the organisation's function. Civil organisations differ due to their connection to grassroots interests. When you have an organisation that has become highly politicised it transforms itself into a conduit for expanding the status quo coming from the political elite. As a member of the public when you see the leader(s) of an organisation who is expanding your grievances and interests become involved with the elitist outcomes which have attempted to marginalise you it can create distrust within the civil organisation and the broader society. Bringing it back to South Korea's case, there have been various instances during then President Kim Dae-Jung's tenure where leaders of civil organisations became intertwined. The impact of this has changed the makeup of South Korea's civil society. Lee, Kim & Kim (2022) continue this argument because they see civil organisations as ‘demonstrating tolerance, pluralism, and compromise’ but what you see happening is organisations participating in an ‘exclusive, uncompromising, and maximalist’ manner to attain their objectives. Nonetheless, as one can see there is no consensus regarding whether the politicisation of civil society organisations is beneficial or not.

It is important to note the strategic means through which politicised organisations utilise to achieve their objectives. As aforementioned, the media played a crucial role in expanding the public's knowledge and understanding of the ‘comfort women’ and its movement. Reasoning

for utilising this route is the lack of authority civil organisations have over the South Korean government and how it acts domestically and internationally. Therefore, organisations are tasked with producing alternative methods to garner mass support. Without an apparatus as powerful as the media, organisations have a decreased influence over their target audience. The media depicts various modes of organisational activities including protests, demonstrations, and debates, among others. These modes are powerful in the way they influence or sway the public's perception of the organisation's objectives. Suh and Linkhart (2011) propose that civil society organisations in South Korea exercised political authority 'through the tactics of "symbolic politics" – setting new agendas and framing new discourses, sensitising the public to them, mobilising collective actions – and pressuring the government on this basis (Lee, Kim & Kim, 2022). When a civil society organisation's objective can make a strong connection to the public's sense of honour and/or national identity, symbolic politics can become more powerful. Nationalism, as an instrument needs to be introduced as it has historically been utilised within the political space to advance political interests. There are numerous definitions of nationalism, which is typical with notions that depend on various parameters and more current conceptions (Lee, Kim & Kim, 2022). Akin to masculinity, nationalism can be described in three ways: as a sentiment, an ideological movement, and as a political principle (Geller, 1983; Prochko, 2018; Smith, 1991). The belief wherein nationalism as a principle states that national and political interests should converge. In light of this tenet, continues Prochko (2018), the populace calls for legitimate national autonomy. Nationalism as an ideological movement is derived from Smith's (1991) conceptualising it as a means 'for attaining and maintaining autonomy, unity, and identity on behalf of a population deemed by some of its members to constitute an actual or potential "*nation*"' (Prochko, 2018 & Smith, 1991). Lastly, according to Geller (1983), nationalism as a sentiment refers to 'the feeling of anger aroused by the violation of [nationalism], or the feeling of satisfaction aroused by its fulfilment' (Geller, 1983 & Prochko, 2018).

I need to posit nationalism against feminism as these two discourses have dominated the mainstream political debate in South Korea on the subject of 'comfort women.' The issue's entanglement is not something that was born recently, but rather a characteristic of it from the beginning. Examining the role of masculinity in the development of the patriarchal system, discussed earlier in Chapter Two, in South Korea is crucial to understanding how the issue came about to be within the nationalist agenda. In large part, masculinity is a relational and social construction. Relational in the sense that has a dichotomous relationship with

femininity. For masculinity to exist it relies on femininity. According to Connell & Messerschmidt's (2005) understanding of hegemonic masculinity, there is not one form of masculinity. These masculinities interact with one another, hierarchically. The same can be said about the hierarchical relationship between femininity and masculinity (Connell & Messerschmidt, 2005). On the individual level, the unique interactions inside of the hierarchy further create and progressively legitimise the dominant ideological beliefs and behaviours which come to define men (Connell, 2005). Kim Min Jin (2019) contends that social relations are produced and reproduced through hegemonic masculinity which ultimately validates social dominance over women (Kim, 2019). This understanding can prove useful in the context of South Korea and its conceptualisation of gender norms.

South Korean hegemonic masculinity can be understood in three-fold: through Confucianism, Japanese imperialism, and nation-building. Japanese imperialism was not the sole contributing factor to the lives of 'comfort women'. Rather, hegemonic masculinity informed social relations within conventional South Korea (Kim, 2019). All three variables, Confucianism, Japanese imperialism, and nation-building are very similar in both their ideologies and structure (Kim, 2019; Lee, 2014; Min, 2003; Varga, 2009). All engage in systematic and structural abuse which ultimately incites violence against women's bodies. For Confucian patriarchy, there is a lot of emphasis placed on women's chastity and the control of women's sexual liberties. Such authority has produced the strict division of gender roles. Before getting married, women were expected to remain chaste, and those who did not face severe social humiliation. Therefore, it is possible to understand how emphasising women's chastity reinforces hegemonic masculinity as a socialised method. The cultural fixation with chastity not only negatively affects how society views women who violate this norm but also gives men authority over women's bodies (Kim, 2019). Male nationalistic desires were utilised in order to advance their agenda.

Nationalism is a historical practice and a contentious system of cultural representation, as both McClintock (1996) and Malešević (2013) note (Hobsbawm, 1992; Lee, 2014; Malešević, 2013; McClintock, 1996). In the past, it was the nation, that Hobsbawm (1992) describes as an abstract concept produced through nationalism, which has authorised the institutionalisation of gender differences. Where we see restrictions on economic and social resources available to women (Hobsbawm, 1992). Symbolically, gender disparities act as a representation of the restrictions of national differences as well as power relations. Even

though nationalism often develops from masculine memory, humiliation, and optimism, Lee (2014) asserts that it requires a spark to stoke national sentiment.

Nationalism therefore has the capability to mobilise the public towards obtaining specific political objectives. This is attainable through drawing a clear boundary between ‘us’ and the ‘other’. By doing so this subsequently fosters internal unification. Politicians in South Korea have employed nationalism, which has elements informed by anti-colonial sentiments towards Japan. This South Korean nationalism has been successful in its ability to mobilise its public. Civil society organisations have also been known to employ nationalism in the hopes of attaining their own objectives. In South Korea, any dissidents within the organisations against the political status quo could be deemed ‘pro-Japanese’ and subsequently rendered ‘anti-Korean’ which perpetuates the division. Painting those as against ‘us’ and expanding ‘the others’ interests. However, this phenomenon could pose long-term issues within the redress movement and public life as anyone with opposing ideas will fear speaking out. To go even further, what if the voices of the victims at interests are silenced too? This poses a plethora of legitimacy issues for organisations associated with the ‘comfort women’ movement. This dissertation therefore asserts that the strategic use of nationalism, in a general sense, by civil society organisations can negatively impact the calls for redress.

The ‘comfort women’ issue has attracted attention globally, not just within the state lines of Japan and South Korea. Internationally, numerous humanitarian organisations have put pressure on the two nations to reach an agreement. The United Nations and the International Labour Organisation are example of prolific international human rights organisations who have called for reconciliation to the reoccurring issue. Pressure has been felt in Japan to maintain the international standard and status quo. Moreover, the European Council, the House of Representatives and the governments of nations including the Netherlands have all passed resolutions pertaining to this issue. Despite all this attention and pressure, the issue as of January 2023 remains unresolved. This is where the impact of South Korea’s civil society organisations needs to be analysed as they are the main conduit through which the ‘comfort women’ and associated organisations have been promoted.

5.3. Disjuncture Between South Korean and Japanese Civil Groups

An integral component of civil society groups focusing on ‘comfort women’ redress was the coalition of organisations coming together from both Japan and South Korea. The involvement of Japanese women mobilising can be traced back to the 1970s (Min 2020). They were mainly acting upon feelings of regret which spurred on their duty to foster an apology and compensation to victims. Their involvement and understanding of the war crimes and redress must be understood as against Imperial Japan’s violence and for women’s rights. Similar to the Korean Council, organisations from Japan attracted a diverse range: Yong Women's Christian Association (YWCA) and Asian Women's Association (Min, 2020). In addition, many ethnic Korean organisations within Japan such as the Association to Clarify the Post-war Responsibility of Japan engaged in the ‘comfort women’ movement. Lee, Kim & Kim (2022) note that the organisations within Japan where the members were ethnic Koreans possessed a sense of nationalism when compared to their Japanese counterparts which leaned towards correcting post-war human rights violations and peace. Despite this, the civil organisations, when thinking broadly, had a commonality that fostered cooperation. They both registered the past crimes, understood the treatment of the ‘comfort women’ and the system, and agreed to work towards ensuring the survivors/victims are compensated accordingly.

As the cause gained attention inside Japan it attracted a sizable group of intellectuals who banded together. Their activities grew to include a more comprehensive understanding of the problem pertaining to Japan’s post conflict reconciliation measures. As a result, lawsuits around this time against the Japanese government rose. During the years between 1945 – 1980s there was a reported eight lawsuits filed. However, during 1990 – 1993 the number sharply increased to twenty-three within a three-year time period (Hosaka, 2021). In 1993 Yi Mi-Kyong, who would later become elected as a member of South Korea’s National Assembly, requested that those liable for crimes should not go unpunished. Calls such as these caused division amongst the Japanese and South Korean civil society organisations. Calling out for the punishment brought up fear amongst the Japanese faction of implicating the Emperor of Japan, beginning with Hirohito. This altered the attitude from progressive to more conservative in nature. With the diminishing relations between the two organisational groups, it coincided with the announcement by the Japanese government of the Asian Women’s Fund in 1995. A Fund that would display moral responsibility. The Fund itself

created more divisions among civil organisations not only in Japan and South Korea but included nations such as the Philippines.

The Korean Council opposed the Asian Women's Fund and saw it as an additional means through which the Japanese government could evade any legal responsibility. The argument for this is validated as it is recorded that Japanese citizens donated to the Fund. Accepting the compensation was not an option for leaders of the Korean Council. They succeeded in convincing most of the Korean 'comfort women' against accepting any compensation from the Fund. It was not the Korean Council acting alone against the Fund, Japanese civil organisations mobilised against it and aligned accordingly. Japan's Women's Council and Association for Clarifying Japan's Post-war Responsibility are examples of Japanese organisations that aligned themselves with the Fund. This is not to say that they were not of the same understanding held by the Korean Council which was that the Japanese government should raise the funds. On the contrary, they too believe this; however, they were mindful of the generosity of the Japanese donors.

Consequently, the coming together of calling for the incrimination of Japanese war criminals and the founding of the Asian Women's Fund resulted in the unity between South Korean and Japanese civil organisations eventually crumbling both regionally and internationally. Additionally, the failure of the solidarity of the 'comfort women' issue and movement was caused by ideological divisions. A faction within South Korea's redress main stance was formulated around anti-colonial nationalism. As a result, they saw the 'comfort women' as the victims of Japanese imperialism. An imperial nation that violently occupied the Korean peninsula for many years. The issue that arises here is the inability to separate the 'comfort women' from nationalism within South Korea. While in Japan those who formed coalitions for the 'comfort women' movement were primarily motivated by ideologies such as feminism, anti-war pacifism, and human rights. By being unable to successfully break away from intertwining the issue from its nationalism, the 'comfort women' subsequently began taking up space as a South Korean national problem and therefore require solutions aligned with its nationalism. The debate amongst feminist scholars over the 'comfort women' relationship with its discourse and nationalism is ongoing. Yamashita (2008) put forward that a primary focus should be the victimisation and oppression of women (Kim, 2012). Yamashita further went on to criticise the South Korean civil organisation's 'nationalistic trend' and proclaimed that 'there was a need for the Koreans to rally popular support utilising

the nationalist confrontation since the target of the movement was the Japanese government' (Kim, 2012). Kim Jeong-Lan (2003) shared the same sentiments and criticised that the issue has now been simplified from a complexity of issues faced by women into the dichotomy of colonial Korea and Imperial Japan (Kim, 2012).

It has been established those South Korean civil organisations took a nationalist stance when addressing the 'comfort women' issue. In some vein, considering the system of South Korea's societal framework around patriarchy, it has provided a platform through which the past has become known and entered public consciousness. The victims who did come forward, with the assistance of Korean civil organisations – in particular the Korean Council – , assumed the position of its civil organisations and consequently the need to interact with transnational organisations. Especially considering that this issue at its core is a women's rights issue.

The Dong-A Ilbo is a newspaper that has been a national newspaper in Korea since the 1920s. Two excerpts from publications were released in 1992 and 1993 respectively (Kim, 2019:16-17):

Masking the truth, due to ignorance, neglect, and defeatism, brings shame on our people. Furthermore, that girls were recruited to Chōngsindae from elementary school is a matter of our national pride, prior to the question of compensation. Therefore, we should disclose the truth with our own hands this time.

and

The comfort women issue is not that pleasant in its nature. In the wake of an apology from the Japanese government, why don't we close this shameful historical phase with our own responsibility for financial compensation?

While there have been instances where the Japanese government has rejected some aspects of the 'comfort women' system and the treatment of the women and girls within the system, mobilisation – especially through mass media – increased. Various activists from intellectual communities, civil organisations, and movements mobilised to express a unified national sentiment against Japan. Lee (2014) notes the increase in the use of terms including apology;

to disclose one truth; national pride/shame; our chaste girls forcibly drafted to sexual slavery; compensation; and innocent victims. These terms were used most frequently in South Korean media editorials and activist pieces (Lee, 2014). There needs to be some degree of sympathy towards the use of strategic rhetoric as a response to demands by the ‘comfort women’ not sufficiently being met. To a certain degree. However, not when it dominates the narratives and overtakes the demands made by victims. Korean society's conflicted views regarding ‘comfort women’ are reflected in the way the opposing concepts of ‘national shame’ and ‘national pride’ became entwined (Lee, 2014). As Yang (1997) indicated, such a nationalistic focus gives too much agency to Japan by ceding authority to Japanese historians to tell the “truth.” Yang (2014) argues that perpetuating the ‘comfort women’ as ‘exploited sexual slaves and victims of the Japanese empire’ gives the survivors no sense of agency. This exploitation and casual dismissal of Korean women's colonial traumas became the foundation for androcentric national discourse. As a result, Yang (1998) concludes that the ‘comfort women’, in South Korea, has transpired as an issue between Korean women and Japanese men to that of Korean men and Japanese men. The conclusion is that the nationalis employed is neither about nor for the ‘comfort women.’ However, the Korean ‘comfort women’ have been tied to the Korean national interests. The raping of the women represents a national violation of Japan towards South Korea. The visibility nationalists have brought ‘comfort women’ can be further understood through Gordon's (1997) ‘hyper-visibility’ in that the attention brought on the issue diverts from other forms on the intersectional sphere which has exacerbated the lives of the ‘comfort women’. Therefore, rendering them ‘invisible’ (Hesford, 2005; Min, 2003; Van Wagenen, 2004). This continuation of harm and trauma which started before Japanese colonialism, is evident during colonialisation, and now after due to the Korean government and its patriarchal system hyper-visualising the ‘comfort women’ (Min, 2003).

In addition, as this viewpoint spread throughout wider Korean society and gained support from the general populace, however met with backlash (‘comfort women filing a lawsuit against the South Korean government), this anti-colonial sentiment has been a contributing factor, exerting pressure (Hosaka, 2021). It is anecdotally intriguing to assume what nationalists would deduce if the Fund were accepted. Accepting the pay-out would come across as damaging to Korean national pride. There was a petition with the South Korean Ministry of Justice to deny the entry of Japanese officials. By blocking their entry this inhibited meetings between Asian Women Fund personnel and ‘comfort women’ victims.

Usuki Keiko, of the Asian Women's Fund, was banned for two years from entering South Korea. However, an alternative plan was then initiated by the Korean Council. This plan involved an alternative compensation scheme by moving away from the Asian Women's Fund by raising funds within South Korea. The pressure was enforced on the Korean government to subsidise. In 1998 they did just this by providing \$4.2 million from government funds to replace the Asian Women's Fund.

The treatment of survivors/victims by the Korean Council was not limited to Korean nationals. In fact, the display of discriminatory behaviours towards the victims was experienced in other nations. Lila Filipina, as mentioned previously, was opposed to receiving the compensation through the Asian Women's Fund based on it not being funded by the Japanese government. Nonetheless, the organisation did not discriminate against the victims and recognised their entitlement to the available compensation. Whilst the Korean Council enforced a united front opposing compensation. While 'comfort women in South Korea were told that accepting the fund would result in 'the national honour being mocked by the dirty money of Japanese imperialism' (Lee, Kim & Kim, 2022).

Chapter Six: Conclusion

In this dissertation, I have analysed the role of the Korean Council's calls for 'comfort women' reparations. Women and girls, who had been abducted from their families, were forced to participate in sexual practices we associate with the 'comfort women' system. Hundreds and thousands of women, an estimated 200,000 of them, were recruited into the sex trafficking system where they were subjected to crimes such as rape, and other forms of sexual violence. The movement calling for reparations in the form of an apology and compensation has been at the centre, not just within South Korea, but across the globe attracting participation from diaspora and women's activists transnationally. In the context of women's rights issues the 'comfort women' are characterised as the victims, whilst sexual violence is characterised as the crime. However, this issue is more nuanced in South Korea, which is a former colony of Imperial Japan. We need to consider numerous variables when considering the success of the Korean Council. The relationship between nationalism and feminism are two discourses that have informed this issue and those involved. For a civil organisation to approach an issue from a nationalistic viewpoint, the victim-centred approach within the calls for reparations is flawed.

Peace between Japan and its former colonies should have followed the end of World War II, but because proper reparations are yet to be provided, there continues to be hostility, most notably between Japan and South Korea. The lack of formal reparations by the Japanese government to offer redress suggests an unwillingness on Japan's part to look for the truth and deal with its history. This is not to say the Japanese government has not tried to issue reparations over the course of the years. Japan has undertaken repeated attempts to offer financial compensation and an apology as reparations, however, they have not complied with the comfort women's demands, which has raised further difficulties. Their six-part demands include an official acknowledgment of the system; a formal apology from the Japanese government; monetary compensation; construction of a monument honouring the 'comfort women'; the inclusion of the historical context of the comfort system in school setlist books and within the broader education system; and the punishment for those responsible of the exploitation and recruiting of 'comfort women.' Particularly most notably by Yōhei Kono who released a statement including elements of remorse towards the 'comfort women.' Yet despite this, no governmental official in Japan's Diet has admitted and accepted full legal responsibility for the nation's past crimes. Additionally, the best effort at offering the victims

financial recompense was inadequate. This transpired because private individuals, not the government, contributed the funds.

The most recent action made towards redress was the 2015 Comfort Women Agreement. Which was subsequently rejected by the Korean Council and 'comfort women,' and by President Moon, following his succession from President Park (Dyachkov, 2020). The time lapse between the end of World War II and the 2015 Agreement highlights the question of why a delay. The lack of evidence and textbook revisionism, in Japan, has added to the marginalisation of the issue into public consciousness. However, Varga (2009) contends that the issue exists in both the feminist and nationalist discourses in South Korea. Being 'comfort women' left the survivors with socioeconomic traumas in both their private and public lives. Soh (1996) asserts that the patriarchal system of South Korea plays an active role in the 'comfort women'. The existence of sexual tourism and 'camptowns' existent following Japan's surrender following World War II. This ascribes to Jacoby's (1999) argument about the inconsistencies that are evident in women's freedom and nationalist leadership. This is not to say that those who have contributed to the 'comfort women' movement have not made progress. There has been noteworthy progress in confronting the issue of 'comfort women' particularly internationally terms of erecting historical monuments, giving the 'comfort women' a platform to recount the past, discovering historical records, the Wednesday Demonstration, and the United States House of Representatives passing resolutions. However, feminist activists have helped elevate the issue as a political one and therefore applying political symbolism to it, in the context of post-colonial South Korea. However, anti-colonial nationalism has been sustained via the political symbolism assigned to 'comfort women', particularly in South Korea. This has resulted in the disjuncture between transnational activists, in particular between Japan and South Korea's civil organisations, and the demands by the 'comfort women' not being met.

Nationalism has played a significant impact on how 'comfort women' are discussed both inside and outside of South Korea. The nationalist tropes are not compatible with transnational women's feminism/rights. It negates the intersectionality of traumas. Yes, we find demands which overlap each other across the movement, however for South Korean organisations, who dominate the 'comfort women' discourse, to have strong ties to the state can cause issues. For example, 'comfort women' in the Philippines accepted the Asian Women Fund.

This dissertation has attempted to challenge the relationship between nationalism and feminism manifested through ‘comfort women’ activism. In doing so it has attempted to answer whether Korean civil organisations are able to obtain the demands made when the political symbolism assigned to ‘comfort women’ has been used in perpetuating anti-colonial nationalism. In Herr’s critique of nationalist feminism, her research posits that to overcome their imperial traumas, feminists from colonised nations are justified in supporting the nationalist movement (Herr, 2016). The issue does not sit in whether the two can work together but once the national agenda has been attained, does nationalism still have any relevance for feminists? In addition to this, we would be negating the difficulties nationalism causes feminism. Although Herr's answer to feminist nationalism is yes, she does stipulate that nationalism would require rigorous re-conceptualisation (Herr, 2016). However, to counter Herr’s answer I argue that in the context of South Korea, the answer stands at no. South Korea has focused on the external instances of sexual exploitation. While simultaneously negating its own patriarchal gendered oppression. This is evident through the exploitation of women in the 'camptowns' or sex tourism. As of right now, I do not think it is possible for feminist nationalism to tackle the demands of ‘comfort women’ and South Korea’s colonial past without conflating the two and simplifying traumas.

Additionally, critiques from former ‘comfort women,’ such as Lee Young-Su, have complicated matters further by proclaiming ‘liberation has yet to come’ for ‘comfort women’ (The Hankyoreh, 2022). Despite the significant obstacles that the call for redress faces the overarching question is will the ‘comfort women’ movement end with redress provided to the last surviving victims? This question is still up for debate as the movement continues. The overarching problem now sits with the number of survivors still alive by the thought of the eventual death of the remaining victims.

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