

Special Letter of Appeal from Korea

May 4, 1999

Bro. Bill Jordan
General Secretary
ICFTU

C.C. : General Secretary, WCL
 General Secretary, ICFTU-APRO
 Bros/Sis Presidents, General Secretaries
 AFL-CIO(USA)
 RENGO-JTUC (Japan)
 TUC (UK)
 DGB (Germany)
 FNV (The Netherlands)
 COSATU (South Africa)
 CUT (Brazil)
 TUCP (The Philippines)
 MTUC(Malaysia)
 LO-Sweden
 LO-Norway
 LO-Denmark
 SAK (Finland)
 OeGB (Austria)
 CISL (Italy)
 CGIL (Italy)
 UIL (Italy)
 CFDT (France)
 CGT-FO(France)
 CLC (Canada)
 ACTU (Australia)

Dear Brothers and Sisters,

We, the "Korean Confederation of Trade Unions", "Federation of Korean Trade Unions", the "Korean Council for the Women Drafted For the Military Sexual Slavery by Japan" and the "The Society for the Bereaved Families of Pacific War", are writing to you to request your cooperation in adopting the "military sexual slavery(MSS) and forced labor by Japan" (ILO Convention 29, Japan in the Report of the Committee of Experts on the Application of Conventions and Recommendations) as an item for discussion at the Committee on the Application of Conventions and Recommendations of the forthcoming International Labor Conference this June.

The Committee of Experts on the Application of Conventions and Recommendations had already twice, in 1995 and 1996, recognized the system of military sexual slavery, instituted and practiced by Japan, as a violation of Articles 1, 11, 14, 15 and 25 of the ILO Convention 29 on Forced Labour. The Committee of Experts recognised that the Japanese government had the responsibility to compensate the victims and to punish the involved criminals. The Committee of Experts demanded the Japanese government to take responsibility for carrying out the measures necessary to meet the expectations of the victims.

The Committee of Experts in its report prepared for this year's ILC reiterated its judgement of 1995 and 1996, and emphasized the urgent need for the Japanese government to take action in view of the victims' old age. The Committee of Experts noted that the Asia Women's Fund (AWF) setup to raise donations from public to provide money to the victims was clearly rejected by the victims themselves because it did not meet their demands for a government-level and legislative action.

The Committee of Experts in its 1998 Report, for the first time, took up the issue of wartime forced labor. The Committee of Experts considered that the massive conscription of labour to work for private industry in Japan under deplorable conditions constituted a Violation of the Convention 29, and called on the Japanese government to accept responsibility for its actions and take measures to meet the expectations of the victims.

There were already a series of legal judgements made by important international organizations recognizing that Japan still has legal responsibilities over wartime actions: the UN Special Rapporteur on Systematic Rape (E/CN. 4/Sub. 2/1998/13, 22 June 1998), the UN Commission on Human Rights (UNCHR) Special Rapporteur on violence against Women (E/CN. 4/1997 and Add. 1-3), the Sub-Commission of the UNCHR (E/CN. 4/1996/53 and Add. 1 and 2), the Preliminary Report on Wartime Slavery by Ms. Linda Chaves (E/CN. 4/Sub. 2/1996/26), and the ICJ 1995special report entitled "Comfort Women".

The Japanese government has not, however, taken proper measures yet. It has not changed its argument that the issues of MSS and forced labor have been legally settled between Japan and the victimized Asian countries. The Japanese government, however, seems to recognise clearly that the AWF which is rejected by most of the MSS victims cannot be a solution. But it has not take any other measures to meet the demands and expectations of the victims.

We have been watching the victims' sorrow and confusion caused by the Japanese government's attitude over the past few years. The issue becomes more urgent every year as the old-aged victims pass away one by one without any signs of change in the Japanese government's response in sight.

We believe a debate in the ILC Committee on Application of Conventions and Recommendations engaging the Japanese government to respond to the observations, conclusions, and recommendations of the Committee of Experts can pave the way for significant progress.

In 1997 the issue was raised and discussed earnestly in the Workers Committee at the ILC. At the time, the Workers Committee resolved to register its views to the Committee on application of Conventions and Recommendations expressing the importance it bestowed on the issue, without adopting the issue as a formal agenda item.

While everyone recognised the importance and seriousness of the issue in itself, some people had for various reasons reservations about adopting the issue for discussion at the Committee.

Some felt that the ILO has many more urgent issues to deal with than this MSS and forced labor matter which occurred 50 years ago, and that the ILO was not an appropriate forum for dealing with wartime 'crimes'.

But the fact that the Committee of Experts has-- on number of occasions-- felt fit to take up the case is, we believe, clearly answers the question of appropriateness. Furthermore, 'urgency' and 'gravity' of the issue, we believe, are self-evident. We need only to point to the Committee of Experts' sense of urgency contained in its remark "With each passing year this becomes more urgent."

The issues of MSS and forced labour by Japan only began to surface some ten years ago through painful process of awareness building. The gravity of the issue is informed by a need to make a commitment to prevent the repetition of such atrocities in future. Given that the surviving victims are slowly dying, one by one, this issue may die with them, if it is not unresolved soon. As the committee of Experts recognised so clearly, the urgency of the issue even greater because of the fleeting lives of the survivors.

We would like to highlight the stark contrast between the fulfillment of war responsibility of Germany and Japan. As is well-known, Germany has made official and historic commitment to renounce her war crimes and to the need to face up to her responsibility. The German government, so unlike the Japanese government, is committed to a full programme of reparations, including monetary compensation. The German commitment not to turn away from her historical responsibility has given her respect and paved the way for her to emerge as one of the most important pillars of democratic world community.

On the other hand, the Japanese government continues in her attempt to hide behind the argument that her 'legal responsibility' has been fulfilled and expired with the government to government political agreement. If the Japanese government refuses to face up to her responsibilities, it will set a dangerous precedence. Furthermore, it will be a source of continued obstacle for Japan in her effort to find an appropriate place in the world community

The fact that many governments of the West continue to make compensation to people of Japanese-descent who were victims of discriminatory actions during the second world war indicates the

seriousness of the principle that war crimes— by either the victor or the defeated— must be accounted. The legal responsibility— of governments, individuals, and entities— should be fulfilled regardless of the length of time passed without action taken is widely accepted and an established principle.

According to media reports, many governments have taken action on their war time responsibility, in as recent as 1998 and 1999.

In October 1990, the Bush Administration in the U.S. enacted a special law to provide compensation to the 120,000 Japanese-descent American residents in California who were interned during the war by the special presidential order in 1942. Recently, on July 9, 1998, the U.S. government decided to extend official apology and compensation package to the Japanese who were taken from their homes in the Central and South America and incarcerated in internment camps in the U.S. during the second world war. The U.S. government action will be extended to all victims regardless of their current nationality.

In April 1998, the British government formally apologized to the survivors and the bereaved families for appropriating the property of the Jews who were oppressed in Germany during the second world war. It committed itself to support their effort to reclaim the appropriated property.

On June 3, 1998, the biggest private banks of Switzerland proposed to setup 600 million dollar fund to deal with the issues of Jewish victims' savings. Later, in august, 2 major banks announced its plan to provide 1250 million dollars for the victims and bereaved families. The compensation agreement was finally concluded on January 22, 1999.

On February 1, 1999, the Austrian bank which earned profit from the sale of gold taken from holocaust victims decided to hand over 92 million dollars to the survivors and the bereaved families.

On February 16, 1999, the German Chancellor announced the establishment of a joint government and corporate fund of 1,500 billion dollar fund to undertake compensation to victims of war time forced labour.

On March 24, 1999, the Association of French Banks (AFB) promised to return all the savings kept in the accounts confiscated from the victims of the holocaust. The 106 banks— which either existed since the time of the war or have taken over the banks which existed at the time— have decided to produce a list of the accounts held in the name of the holocaust victims before their incarceration. They will begin to settle the accounts once the list is completed by mid-May.

All these cases show that the issue of MSS and forced labour by Japan during the second war cannot be left forgotten by enforcement of silence. The reason why this issue must be taken up at the ILO is that the ILO is an appropriate body to deal with this issue. The ILO must be able to it clear to the Japanese government of its responsibility. Furthermore, in the absence of the Japanese government's own good-willed initiative, the world community— here represented by the ILO— must be able to move her to comply with the standards and expectations it subscribes to.

Another argument against raising the issue of Japan's forced labour is that it would open flood gates for all other similar Gases of war-time crimes. This argument reflects a serious concern for the capacity and integrity of the ILO itself. We believe, while the concern may be valid, it is a groundless one given the various mechanism built into the ILO review process.

The most important authority and screening process for issues addressed to the ILO is the Committee of Experts. This Committee has reviewed the MSS issue several times and concluded that it was an issue worthy of deliberation by the ILO. Furthermore, it repeatedly made emphatic appeal that the issue must be settled at an earliest time possible to the satisfaction of the expectations of the victims. Similar conclusion was reached on the issue of war-time forced labor by Japan.

Forced labor of various kinds becomes 'rampant' during war-times and in societies ruled by systematic repression and control. There has not been one day when there was no war in some which may give rise to wars.

Recent days, we recognise that there is much soul-searching over the authority and competence of the ILO. We witness some blatant disregard and dismissal of the ILO among some governments. Unless governments are brought to account for their wrong-doings however many years have passed

and know that those wrong-doing will not be forgotten, they will want only shrug aside all the pressures we can mount.

We the workers group at the ILO have already accepted that it is appropriate for the ILO to deal with this issue, as noted by the statement made by Workers' Chairperson at the Committee meeting in 1997 in introducing the cases for discussion.

There has been some concern that our effort to raise the MSS and forced labour issues may boil down to a political scoring against Japan. It is definitely not true. The efforts and lives of victims-- and their deaths-- are themselves sufficient proof of the integrity of the effort to bring these issue to a principled conclusion. Furthermore, the Committee of Experts has repeatedly recognised the integrity of the case. Many other authoritative international human rights organizations, such as the United Nations Human Rights Commission (UNHRC), and the International Commission of Jurists (ICJ) have recognised the integrity and seriousness of the case. Our concern for the issue is inspired by the sad and forgotten lives of the victims and a firm belief that in taking up our action we contribute to the realisation of world justice and peace.

The urgency of our action arise from a number of reasons. So many victims were left dying, appropriated, and raped at the battle fields and munitions factories. It took us-- the children of the victims-- so long to wake up to these facts. And it took us so long to find faces of these facts. We are now living with them, knowing fully what they had suffered. And many of them are dying before our very eyes. And the dying victims-- till the last moment-- are unable to close their eyes, because their suffering has not ended due to the intransigence of perpetrators. This is not political scoring. And we want to believe that the concerns expressed about the case to argue against its adoption as a subject for discussion at the Committee also indeed stem from a genuine concern, in this case, to uphold the integrity the ILO process.

We sincerely hope that the trade union movement community shares the seriousness of the issues we bring forward and extend to us assistance, cooperation, and solidarity so that the issues of MSS and forced labor can be adopted for full debate at the Committee on the Application of Standards and Recommendations at the 1999 ILC. We believe our efforts at the ILC can move the hesitating Japanese government to comply with the recommendation and appeal made by the Committee of Experts.

The possibility for adopting our concern as an agenda for discussion at the Committee is enhanced due to the significant change in the view of the Rengo, the JTUC, as recognised by the Committee of Experts.

According to the 1996 Committee of Experts' report, the Rengo expressed the position that the civilian Asian Women Fund (AWF) could be a proper solution for the MSS compensation. The 1999 Experts' report, however, notes that the Rengo believes that "the settlement of this tragic history is in the hands of the Korean and Japanese Governments" and expects that "dialogue will lead to a final settlement of the problem"

It is important to recognise this change. We believe that the Rengo, now, recognising the strength of rejection by the victims themselves, no longer insist that the AWF is the solution. It is now, on the basis of this recognition, possible to consolidate the cooperation amongst all trade unions of Japan and other Asian countries to work together to raise the issue at the ILC this year.

Finally, let us point to some of the remedies that can and must be adopted to comply with the recommendation of the Experts.

We believe that the Japanese government and Diet (the national parliament) should enact a special law to institute an independent fact-finding, to establish a mechanism for state compensation, and provisions for punishment of the responsible parties.

There is already some pressure within Japan to introduce a special law to respond responsibly to the issues we raise.

In 1997, a Japanese court in Yamaguchi, presiding over an MSS case, ruled that the Japanese government should pay 300,000 yen in compensation to each plaintiff as it had neglected the responsibility to enact a law for such compensatory cases.

In 1998, a Tokyo district court also ruled that necessary laws should be enacted for compensation.

The Japanese government, however, hesitates to take the necessary action despite all the court rulings and recommendations and repeals by authoritative international institutions— including the ILO Committee of Experts— and appeals and demands by the victims themselves and supporters.

In such a context, a public debate in the ILC forum will be critical in swaying the Japanese government to step out of hesitation, to give it the necessary impetus to fully embrace the demands of the victims and the world community.

The situation is ripe for change. And with your cooperation, we will begin to start the change.

In most ardent hope for justice,

Yours sincerely,

Park In-Sang
President
Federation of Korean Trade Unions (FKTU)

Yun Chung-Ok
Co-Chairperson
Korean Council for the Women Drafted For Military Sexual Slavery by Japan

Kim Chong-Dae
President
The Society for the Bereaved Families of Pacific War

Lee Kap-Yong
President
Korean Confederation of Trade Unions (KCTU)