Flap of a Butterfly's Wings

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FLAP OF A BUTTERFLY’S WINGS

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ABSTRACT

The goal of this thesis is to draw attention to the often overlooked work that is done by activists and their networks when it comes to influencing international policy and law. The case study looks at the “Comfort Women” issue, an unresolved conflict from when the Japanese Imperial Army forced women from its colonies into sexual slavery during World War II. It is a fiercely debated topic throughout Asia, specifically between South Korea and Japan. Here I argue that not only do non-state actors have great influence over the debate and direction this issue takes in international forums, but that a statue placed outside of the Japanese embassy in Seoul, South Korea, is a major force in and of itself in pushing the activists’ agenda for international recognition and support. The statues name in Korean is “Sonyeosang” [So-Neo-Sang] and is translated to “Statue of a little girl.” I argue that the domestic politics and policies of countries are changed when activists networks circumvent their own governments and take their issue internationally, gaining the support of elites in international forums and in other countries. The issue is brought back around by these higher institutions affecting change in domestic policy and politics--the so called “boomerang effect” discussed by Margaret Keck and Kathryn Sikkink. Adding to their theoretical framework I argue that an even greater force than the formal activist networks are the activists that benefit from an anarchic structure to their organizing and are not limited by typical political pathways or decorum. This is based in James C. Scott’s work on the everyday forms of resistance by the politically powerless. Here I rely on the empirical evidence I gathered when I filmed and embedded myself with activists protecting the statue outside of the Japanese embassy from removal.
The activists’ actions are but the smallest flap of a butterfly’s wings in South Korea but which make a typhoon in Japan.
Under the appropriate conditions, the accumulation of petty acts can, rather like snowflakes on a steep mountainside, set off an avalanche.

- James C. Scott

CHAPTER ONE: THE THEORETICAL FRAMEWORK

The topic I cover in this thesis uses the theoretical framework offered by Keck and Sikkink in their book, Activist Beyond Borders, and applies it to answer a question, can non-state actors working in a decentralized network of activism manifest changes in global policy and law? I explore this topic theoretically, using the literature, but also empirically by using a case study that I believe fits this discussion very well and shows that non-state actors can indeed affect change. The case study is a transnational movement of human and women’s rights activists fighting for justice for the remaining survivors of forced sexual slavery by the Imperial Japanese Army during World War II. The network is mostly made up of South Korean activists, but has spread to many countries, especially those that were affected by Japanese colonialism before and during World War II.

The activist network promoting this issue around the world uses a myriad of ways to wage their fight, but the most interesting and boldest form of action regards the setting up of statues not only in South Korea but in other countries as well. The statue is endearingly named Sonyeosang [So-neo-song] in South Korea, which means “statue of little girl”. The setting up of these statues is something I will focus on specifically as a means by the activists to bolster the narrative for their issue but also as a means to circumvent traditional political pathways and make ways to demand a dialogue with the Japanese government; however as activist networks

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2 Figure 1.
prove to use many tactics, the focus will shift where it needs to go. This thesis takes the Keck and Sikkink methodology and goes one step further by adding in the work of James C. Scott to show that activists networks can operate outside of official government processes, that “everyday forms of resistance”\textsuperscript{3} by single members of given societies slowly add up to create a wave of change in domestic and international policies.

The first portion of this thesis will be a brief historical background on the case study and the introduction to research that was acquired by filming with a group of grass roots activists in South Korea for a whole month.\textsuperscript{4} The next portion will be a breakdown of Keck and Sikkink’s arguments and how the activist network here follows the path they have laid out as well as how the activists that were followed for the film engage in a Scott-esque resistance to the state in their fight over the removal of a Statue in South Korea and the installation of new statues. The remainder of the thesis will be a synthesis using these two schools of thought with other literature to flush out the larger picture. We will see that formal organizations that engage in slow political processes are important in moving along and shaping policy and law but that their work could not be as impactful without the help of non-state actors that shun hierarchy and adopt an almost anarchic organizational structure, which refuses to work with traditional political processes but can still instigate a state response. This synthesis also fits perfectly within Keck and Sikkink’s theoretical framework, as they make note themselves that, “the ideas and practices of transnational actors fit into domestic political contexts is key to the analysis. These cases

\textsuperscript{4} Figure 2.
illustrate the difficulty of frame negotiation, where networks bring together actors with different normative and political agendas.\textsuperscript{5}

The typology used by Keck and Sikkink breaks down into four main tactics which activists networks use in their campaigns of persuasion, adoption, and pressure. The four tactics are information politics, symbolic politics, leverage politics, and accountability politics. More than those four tactics are the four topics in which to assess the influence an activist network has. Those four assessments are issue creation and agenda setting, influence on states and international organizations, influence on institutional procedure, and influence on policy change in targeted actors which include states, international organizations, and private actors.\textsuperscript{6} The case study I have chosen runs the theoretical gamut not only for Keck and Sikkink but for James C. Scott as well, thus I argue here that local non-state actors and transnational activist networks, performing two separate types of activism, work together to induce change in the highest levels of international policy and law making.

\textsuperscript{6} Ibid. 25.
CHAPTER TWO: REVIEW OF THE LITERATURE

The constant thread throughout this thesis will be the work of Keck and Sikkink, *Activists Beyond Borders*, and James C. Scott’s work of various titles. Also included among the literature are works spanning a number of journals covering various topics such as international law, human rights, social and political sciences, Asian studies, international policy and legal documents, and art analysis.

Keck and Sikkink cover a much overlooked phenomenon when considering political changes to policy; they bring attention to the network of activists that everyday push for social, political, and economic changes not only within their own borders but transnationally as well. They discuss the topology of an activist network, their effectiveness, and how they reach success through various forms of activism: control over narrative and deployment of stories, using leverage and accountability politics against states, and the usage of symbols and events to their benefit. Their framework outlines how activists, as non-state actors, are interacting with great success with states, international organizations, and transnational private industries they seek to influence.

These actors are formed together as a networking structure, which is increasingly present in international politics and policy making. These networks can consist of many different types of actors, such as scientists and experts banded together over a shared topic, or economic actors and private firms seeking policy changes, and environmental or human rights activists motivated by principled ideas and values. These frameworks of networked do-gooders are integral to understanding the effectiveness and strategies of the “comfort women” movement.

The work of James C. Scott is mined from various books but throughout them he keeps a specific focus, which is on the power of the individual to resist and subvert the wills of the state
by using what he has termed the “weapons of the weak” which are a part of “everyday forms of resistance.” This display is to show that politically powerless non-state actors are not consenting to the state’s power or wishes. Typically viewed in the context of modernizing schemes, I believe his work can be applied to the actions of activists—especially activists that portray an anarchist bent in structure and attitude. These weapons vary but are things all can take part in like bad-mouthing government officials or policies, disseminating alternative narratives to that of the state’s, collective actions and so forth.

More than that he discusses organizational structures for the politically powerless that are almost anarchic in structure, which many look down at but for these activists it suits their needs just fine and with results. To understand the actions and structure of the activists that I interviewed and followed in South Korea, Scott will be essential in illuminating their important position in the activist network and how their actions are but the smallest flap of a butterfly’s wings in South Korea but which make a typhoon in Japan.

Focusing on the different framings of the issue is an important conceptualization within the literature. In *Redressing Past Human Rights Violations: Global Dimensions of Contemporary Social Movements*, Kiyoteru Tsutsui categorizes three distinct frames, largely found in most of the literature, in which the activist network shapes issues. The paper is consistent with Keck and Sikkink’s methods.

The first is the women’s rights framework. Utilized by the “comfort women” movement at a time when discourse on women’s rights reached Korea and Japan. The movement was then able to contextualize their arguments in an ideological basis. The second is the human rights framework, a very important way to frame this issue because there is no statute of limitations when it comes to crimes against humanity within the international legal system. Using the human
rights framework internationally the activist network cleverly stopped Japan from invoking the 1965 Treaty on Basic Relations between Japan and the Republic of Korea, a treaty which Japan claims absolves them of all historical wrongdoings and issues regarding the Republic of Korea during its time as a colony.\(^7\) The third framework is Japan’s responsibility. Keck and Sikkink would call this the creation of the “target actor.”

While thinking too simplistically can be a fault at times, the literature is clear on identifying three main actors in the case issue discussed here. Those three actors and their magnet-like push and pull relationships are defined very well in Chih-Chieh Chou’s piece, *An Emerging Transnational Movement in Women’s Human Rights: Campaign of Nongovernmental Organizations on “Comfort Women” Issue in East Asia.*\(^9\) The author describes the three main actors as the “comfort women” NGOs, the Japanese government, and the United Nations. I find that this does not go far enough because there is a fourth actor largely invisible because of its anarchist organization and efforts to stay below the radar screen. This fourth actor would be the individual non-state actors partaking in petty acts of resistance described by James C. Scott. Chou helps show us inter-workings of the relationship between the NGOs and the Japanese government regarding the “comfort women” issue but the relationship with individual activist and formal organized groups needs to be flushed out much more.

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The remaining literature fits into distinctive “categories” to aid the chapters throughout. Carmen M. Argibay\textsuperscript{10}, Koji Teraya\textsuperscript{11}, and Brooke Say\textsuperscript{12}, flush out the historical and legal complications that the activist had met early on and they also provide a context for how international legal proceedings went forward with the “comfort women” issue which gave strength and legitimacy to the “comfort women” activists’ cause as well as the legal language for them to draw from to pressure Japan to provide reparations.

Kelly D. Askin\textsuperscript{13}, Cheah Wui Ling\textsuperscript{14}, and Lee Na-Young\textsuperscript{15} all write on the actions taken by the “comfort women” activist network that updated their cause to better fit in with policy makers’ agendas in international forums and to better effect domestic government policies. This includes shifting the shame from the survivors to shaming the “target actor,” the Japanese government, as well as the deployment of human rights and women’s rights discourses, putting their case in an ideological and legal framework to spur actionable policies in international bodies. Cheah Wui Ling clarifies further the reason why some attempts to seek justice in various forums succeed or fail (or why somethings do not even get off the ground, like the 2015 agreement between Japan and South Korea) which are due to two paradigms: people-based paradigms and state-centered paradigms. We will see when the activist network, trying to use

\begin{itemize}
\end{itemize}
foreign domestic legal systems, sometimes meets defeat because the current political zeitgeist is state-centered realism, whereas their cause receives more sympathy in international forums where people-based paradigms are in vogue. This is a phenomenon clearly described as the “boomerang effect” in Keck and Sikkink.

Flushing out the above paradigms, people v.s. State, Margaret D. Stetz\textsuperscript{16} and Anna Song\textsuperscript{17} discuss the attempts made by the activist network to work through foreign legal systems and the challenges they faced and why failure and success were the outcomes. Adding to this portion of the literature I offer my own evidence from my time spent in South Korea interviewing network activists and documenting their everyday forms of resistance as well as my time in San Francisco uncovering the activist’ work to erect a new statue there.\textsuperscript{18} I was also able to interview an activist working on the other side of the issue that took a lawsuit over the installing of a statue in Glendale, California, all the way to the supreme court (which was declined to be heard).\textsuperscript{19}

To understand the metaphysical impact of the statue and to see how the creation and installing of them worldwide is creating a “witness” to historical truth, past and present, I use Sarah Vartabedian and the interviews I conducted with the original Sonyeosang artists, Kim Eun Sung and Kim Seo Kyung, as well as the artist that made the San Francisco statue, Steven Whyte.

Totsuka Etsuro and Sonya Kuki give actionable choices that Japan can do to reach a conclusion on this issue; though this is only given if both governments cooperate with each

\textsuperscript{18} Figure 3 & 4.
other. They also show that, after activists have done their work, the international community and its many organs can play an important role in concluding such issues in the future.
During the Battle, which lasted about fifty days, I did not see any women at all. I knew that as a result of (being without access to women), men’s mental condition ends up declining, and that’s when I realized once again the necessity of special comfort stations. This desire is the same as hunger or the need to urinate, and soldiers, merely thought of comfort stations as practically the same as latrines.

- Japanese Officer, 11th Army Signal Corps

CHAPTER THREE: HISTORY OF THE ISSUE

In 1910, the Japanese empire annexed the Korean Peninsula with the intentions of territorial expansion for the empire with the added bonus of subjugating Koreans to be used in the ever expanding war economy. For a majority of this time the empire was extracting not just resources from the Korean peninsula to fuel its military campaigns across Asia, but also extracting people for much more nefarious purposes. Forcing men into hard labor and factory work, the Japanese state through its military was also forcing young girls and women from its colonies into sexual slavery for the military. These girls, variously reported as ranging in numbers from 80,000 to 200,000 (and some argue up to 500,000), from Korea, Philippines, Taiwan, China, Dutch, Indonesia, East Timor, and elsewhere, were first abducted or coerced from their villages and then sent to brothels at various Japanese military stations in Japanese-occupied territories. It is estimated that more than 80% of these women were ethnically Korean. The idea to create “comfort women” stations was in response, ironically, to the public outcry from the horrendous atrocities committed in Nanking, China, and other cities held by the

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22 Ibid.
24 Argibary, Ibid., 378.
25 Say, Ibid., 932.
Japanese military, “[t]hus a system was devised so that the military would have women readily accessible to the soldiers for sexual activity.”

Victim testimonies detail the excruciating horrors these girls and women faced by Japanese soldiers. They were raped dozens of times a day, some had their genitals mutilated because of the limits of their age, others underwent forced abortions and even disembowelment and execution. At the end of the war and with the fall of the Japanese empire, the women were able to return to their homes—though many chose not to out of shame for what was done to them, a societal issue of shifting blame on to the victims instead of those responsible. For those that did return home they were met with communities embedded in strict Confucian beliefs of chastity which meant that it was better for them to hang their heads in shame and to keep quiet about their experiences than to demand any form of justice or reparations. In 1991, a Korean survivor, Kim Hak-sun encouraged by Korean activists, filed a class-action lawsuit against the Japanese government. Inspired by the growing women’s rights movement in South Korea at the time, she was the first survivor to tell her story and bring the issue to the public, ultimately raising it to an international status. She was the lead plaintiff in the lawsuit and died in 1997, never seeing her lawsuit resolved. Following her, South Korean victims were the first to come out to the public at large in 1991 and 1992 with what they saw as unpunished crimes against humanity being lost to the tides of history.

History does not favor Japan when one considers the facts, such as the various treaties that Japan was party to before fully annexing Korea for its empire. Japan was party to Article 46 of the Hague Convention of 1907, the International Agreement for the Suppression of the “White

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28 Askin, Ibid., 14, 16, 20-21.  
29 Askin, Ibid., 8.  
“Slave Traffic” of 1904, and the International Convention for the Suppression of the Traffic in Women of Full Age of 1921, but these treaties run up against Japan’s denialist claims and their persistence that the women abducted into sexual slavery were not forced, but instead chose to do it.31

The legal defense proffered by the Japanese government is the “treaty defense,” which is one of many reasons they cannot find a resolution to this issue. In 1965, South Korea and Japan signed the Agreement on the Settlement of Problems Concerning Property and Claims and the Economic Cooperation between the Republic of Korea and Japan. This treaty is pointed to by Japan when all wartime and colonial issues are brought up and is used as a defense where they can claim that all issues were resolved as soon as the ink dried. If we fast forward to August 30, 2011, the South Korean Constitutional Court claimed that the South Korean government’s inactivity and inability to resolve the “comfort women” issue was unconstitutional.32 Using the very treaty that Japan uses as a defense, the court claimed that the South Korean government was obligated to find resolve for the surviving victims by filing a suit against Japan. The court used Article 3 of the treaty to demand that the government begin diplomatic negotiations with Japan and if that failed to resolve the dispute, the issue would be taken to international arbitration.33

The South Korean president at the time, Lee Myung-Bak, told the Japanese Prime Minister, Noda Yoshihiko” to settle the dispute between the victims and the Japanese government. Both governments dug their heels in and Japan began its first attack on the statue setup by activists on December 14th, 2011. Japan demanded its removal before any formal

31 Koji, Ibid., 200.
33 Ibid.
negotiations could begin. The non-state actors, having gotten this far through network building and because of the statue, were now not just seated at the table, but they had chips in the pot.

The above is a bird's eye historical breakdown of the case study that I plan to use throughout this thesis. The day that Kim Hak-sun spoke out was the day that a transnational activist network was born. This network has grown so large and is so well organized that its sphere of influence has reached organs within the United Nations and has prompted heads of state to chime in on the issue (most prominently, President Barack Obama of the United States and German Chancellor Angela Merkel). The question is, how has an issue that was 40 plus years dormant and almost lost to history, from a country whose population is .66% of the world, being talked about and debated on in the highest echelons of international policy making? The answer is often too simply explained, however allying with Margaret E. Keck and Kathryn Sikkink as well as leaning heavily on James C. Scott’s theories, we can come to see that the true movers of policy in this case are non-state actors at the grassroots level.
CHAPTER FOUR: THE STRATEGY OF ADVOCACY

The way that the “comfort women” movement operates is strikingly close to the framework that Keck and Sikkink outlined. They have broken up advocacy network’s into four different actions: Information Politics, Symbolic Politics, Leverage Politics, Accountability Politics. The point of these four action categories is to show simply how advocacy networks control the issue they are advocating from the local to the international level, as well as how they construct distinct camps for observers (the rest of civil society or neutral policy makers) to distinguish between the “right” side of a movement and the “wrong” side. The wrong side is typically a nation state or transnational private company. In the case of the “comfort women” the wrong side is occupied by the Japanese government and, in its own way at times, the Korean government.

Information Politics cuts two ways. Firstly information is used by activist networks to operate efficiently and quickly across national boundaries and also transnationally. Internal communications vary but are pretty common, they use email, phone calls, text messaging apps, social media to stay in contact with each other and to share strategies and new information.34 And secondly activist networks “provide information that would not otherwise be available, from sources that might not otherwise be heard, and they must make this information comprehensible and useful to activists and publics who may be geographically and / or socially distant.”35 Information is used in coordinated actions or through campaigns of persuasion targeting civil society or those in neutral positions to act on the issue being advocated for.

The “comfort women” movement relies heavily on first hand testimony from the remaining survivors. The issue is that these survivors are facing many health problems and are

34 Keck, Ibid., 18.
35 Ibid.
very old, this limits access to them and access to them depends on their daily conditions. Currently there is just one survivor, Lee Yong Su, who is able bodied enough to make appearances at significant events. The activists often meet with the survivors at their shared home in South Korea and it is these interactions, where a retelling of their stories or their current wishes for action, are retold by activists through communication channels like social media, word of mouth, tv interviews, and so on so that the issue spreads throughout South Korea and to affiliate networks in other countries, such as Germany, the United States, or China.

These stories are important because they are the lifeblood of social movements. Just as important are those who tell these stories. “non-state actors gain influence by serving as alternate sources of information. Information flows in advocacy networks provide not only facts but testimony--stories told by people whose lives have been affected.”36 Activists take these stories and contextualize them into issues that they can frame in simple terms, right or wrong. The reason for this is to persuade people and governmental actors to take sides and act. What activists must show is that the issues being contemplated are not natural or accidental occurrences but are inextricably linked to a “responsible party or parties.”37 From there, activists can propose credible solutions found within a given system, say international law or a state’s treaty obligations.

The survivors’ ontology in South Korea is due to the forceful recruitment of women into sexual slavery by the Japanese Imperial Army before and during World War II. Numerous documents and testimonies make this a difficult historical fact to deny, though the current Japanese government largely denies any wrongdoing. Not to muddy the waters, but it is

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36 Keck, Ibid., 19.
37 Ibid.
important to know that the South Korean government at times has been known to drag its feet over this issue as well.

The last major movement by the South Korean government was an agreement between Japan and South Korea, called the 2015 agreement, between former president Park Guen Hye and Prime Minister Shinzo Abe. The agreement was swiftly denounced by activists and the survivors as it was brokered without input from the survivors and, as one activist put it when I was interviewing her, if they accepted the 2015 agreement, “In a way, it could even be said we sold them out for 1 billion yen. We couldn’t do that.” The Park Guen Hye regime came to an end when she was impeached from office on corruption charges. The 2015 agreement hit a stalemate between the incoming current president Moon Jae In and prime minister Shinzo Abe.

President Moon states the deal cannot move forward because the majority of South Korean citizens oppose it. The activists could not let the agreement go forward because it failed to address what they consider reasonable solutions: an official government apology (voted on by the Japanese diet), reparations for the remaining survivors paid out by the government to the survivors directly, the teaching of this history in Japan, and the promise to stop this kind of atrocity from occurring in the future. After the activists successfully stalled the agreement from going through the issue found its way to the United Nations in March 2016, where a group of human rights experts expressed concern over it, stating, “We believe the agreement between Japan and South Korea falls short of meeting the demands of survivors,” going further to state that, “[a]n unequivocal official apology recognizing the full responsibility of the then Japanese Government and military, as well as adequate reparations, would protect and uphold the victims’ right to truth, justice and reparation.”

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38 Choi Hye Ryeon and Han Seung Hoon interview. June 2017.
The activists were willing to thwart an agreement they felt was less than ideal. It shows that activists aims “require clear, powerful messages that appeal to shared principles, which often have more impact on state policy than advice of technical experts.” This moment is exactly what James C. Scott describes as the “hidden transcript” showing audiences the behind the scenes of the political theater.

Control over the narrative is a very important factor for activist networks. As we will see later when we see where the term “comfort women” comes from. Activists networks and those in power that they are typically at odds with are both operating on two different narrative tracks. These two narratives are, according to Scott, the “public transcript” and the “hidden transcript.” States generally operate in the public transcript whereas activist networks are operating in the hidden transcript. “The theatrical imperatives that normally prevail in situations of domination produce a public transcript in close conformity with how the dominant group would wish to have things appear. The dominant never control the stage absolutely, but their wishes normally prevail.”

Activism is taking the hidden transcript—eg what the powerless non-state actors actually believe and feel—and bringing it into view, showing “audiences” the behind the scenes of political theater.

The “comfort women” network did this brilliantly during the 2015 agreement and took advantage of a moment to show how the Park Guen Hye administration was at odds with the general public over an issue. But when she was undergoing impeachment the activist network really struck, by dividing the incoming president Moon Jae In with Prime Minister Shinzo Abe. As Scott notes, “The advantages of keeping discord out of sight are obvious enough. If the dominant are at odds with one another in any substantial way, they are, to that degree, weakened,

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40 Keck, Ibid., 27.
41 Scott, Ibid., 3.
and subordinates may be able to exploit the divisions and renegotiate the terms of subordination.\textsuperscript{42} In the context of the above quote we can think of subordination as the powerlessness of the activists and survivors to influence a bilateral agreement, but then the activists found a small gap and quickly shoved a wedge between the two governments.

For hidden transcript discourse to occur, according to Scott, it must take place in “offstage social spaces” where the subordinate groups are free from control from authorities or those in power. These spaces are typically public gatherings such as cafes, bars, public parks, friends houses, and so on. Amazingly the activists who protect the Sonyeosang statue have found a way to create an offstage social space in plain view. The camp they erected outside of the Japanese embassy is both completely legal so they cannot be forced to leave and completely insulated so that they may carry on their opposing discourses and action planning with their members. This is where activism is actually most effective, in these hidden transcripts since, “the hidden transcript has no reality as pure thought; it exists only to the extent it is practiced, articulated, enacted, and disseminated within these offstage social sites...the social spaces where the hidden transcript grows are themselves an achievement of resistance they are won and defended in the teeth of power.”\textsuperscript{43} The place where the hidden transcript can be seen in full view is the Wednesday protest, where anyone interested in this issue may come and speak in front of an audience of others. These demonstrations rouse the base and energize people to commit to the activist network in some way.

One of the main tactics during these demonstrations is storytelling, an important strategy for activist networks. According the Keck and Sikkink the information coming from activists through storytelling must be well documented, credible, and timely with the flare of drama.

\textsuperscript{42} Scott, Ibid., 56.
\textsuperscript{43} Scott, Ibid., 119.
These are key concepts to employ when trying to persuade the minds of public policy makers and civil society. There are many stories told in the “comfort women” network. The main story that gets recounted over and over are the stories of the survivors. In a society that reveres the elderly it is doubly impactful to tell their stories to the youth who will make up most of the rank and file of the activist networks. They take such stories to heart and it empowers them toward action, as Han Seung Hoon told me during an interviewing while protecting the Sonyeosang statue, “Those grandmothers are being so brave and a young man like myself wasn’t doing anything. That didn’t feel quite right. I felt like I could do something. I come [to this protest], because I know just standing here together can make a difference. And this is much more than a conflict between Korea and Japan. It’s about human rights worldwide.”

Keck and Sikkink point out that networks don’t just use facts and testimony and evidence they have gathered as raw facts in an attempt to change minds. It is actually widely known that people will not respond well to direct information and may even shut it out. What is necessary is weaving this information into a story, something painted vividly in the mind of an interlocutor. Activists bring attention to an issue by using dramatic language with facts, “dramatizing the situations of the victims and turning the cold facts into human stories, intended to move people to action.” Consider the terms “comfort women” and “sex slaves.” In a bout of control over the narrative, the Japanese government began calling the survivors of sexual slavery “comfort women” in an attempt to soften the dialogue around the issue. The activists, very strategically, shifted the issue of “comfort women” from a historical issue between South Korea and Japan (and the many other neighboring countries that Japan colonized) to one of present importance, a fight over human rights and more specifically women’s rights. Later I will discuss

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44 Keck, Ibid., 27.
45 An interview, for Fight of the Butterfly, with Han Seung Hoon. June 2017.
46 Keck, Ibid., 20.
the legality over the legal terms involved in this case study within the United Nations but it is important to note that taking the conversation into the arena of human rights allowed the activists to use such legal terms as “sex slaves” or “sexual violence” which in turn became problematic for Japan considering international law and Japan’s obligations to treaty bodies specifically CEDAW.

What activist networks do, and have legitimized in the eyes of law and policy makers is combined testimonials, the stories of survivors and victims, with technical, statistical, and historical information. Without linking these two concepts, the abstract with the concrete, activists tend to have a much harder time creating change in policies and in minds. In fact information is the golden egg for activist networks. Not only is information essential but activists, “depend on their access to information to help make them legitimate players. Contact with like-minded groups at home and abroad provide access to information necessary to their work, broadens their legitimacy, and helps to mobilize information around particular policy targets.”47 To broadcast this information activist networks rely heavily on traditional media outlets by organizing major events to attract them (erecting statues, holding demonstrations, etcetera) but also through the social media space on the internet as well as original content creators, such as documentaries, writers, and artists. All of these facilitators of information are crucial for what Keck and Sikkink call Symbolic Politics.

For activists networks to succeed they must tap into “powerful symbolic events,” identifying and explaining the importance of them, to convince and persuade global civil society so that the networks themselves can expand and enter into the collective consciousness the issues that they are fighting for.48 Symbolic events vary from issue to issue and they are not always pre-

47 Keck, Ibid., 21-22.
48 Keck, Ibid., 22.
planned by activist networks but are capitalized on very quickly. They typically arise out of stark juxtapositions with situations of the moment, an example being the 1960’s United States civil rights movement capitalizing on the world’s image of the United States, which at the time was promoting democracy and the freedoms that come with it against communism. The civil rights movement used the media (and information politics) to broadcast the brutal police crackdowns on non-violent protests and the overt racism rampant throughout the United States to the rest of the world. It was then hard to take the United States’ word that it was truly a just and peaceful country that should be emulated while the civil rights movement was capitalizing on these moments, in an attempt to hold a mirror up to policy makers.

There are two events that the “comfort women” activists rely on which operate in a sort of cyclical flow of symbolism. The primary mover for the movement was first the testimony of Kim Hak Sun, which formed the first ever demonstration outside of the Japanese embassy in Seoul, South Korea. This demonstration, the “Wednesday Demonstration,” has become the world’s longest running protest. Its functions as an event is to focus on the ongoing issue and the status of it, but is also a backdrop for the activist network to expand its membership and to forge the activist fire in participants to help in their own way.

The second event is the creation and installing of statues both domestically in South Korea and internationally, in countries such as China, Australia, Germany, Canada, and the United States. The most significant aspect of this event is the achievement of growth for the activist network, especially so when a statue is installed internationally. It is a torch in the distance that there are more people committed to fighting for human rights, past and present, and that local policy makers of foreign countries are framing the issue as an international one.

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The cyclical symbolism is apparent if one considers the meaning of the Sonyeosang statue specifically, and also the ones inspired by the original. The typical statue is installed as a way to draw attention to the past, a constant reminder. The Sonyeosang statue is different in that it does memorialize the past, but its main function is to demand something from the present for the future. The demands of the survivors are embodied in the statue. It creates a space, in the public, for which activists can congregate but even in-lieu of physical bodies the statue is in itself an activist piece--for as long as this issue goes unresolved.

When viewers look at these statues they are prompted to figure out the meaning. Once they learn about the intentions behind them, the issues they represent, and that there still is no conclusion it is safe to say some will turn to the cause and join the network. Those that join the network will typically join the Wednesday Protests completing the circle. With the expansion of the activist network, they are able to use their international network and presence to pressure their foreign representatives to address these issues on the international stage. It is in the international arena, where the responsible party is often signatory to some treaty or party to international agreements, that the activist network can apply pressure on a government that has publically committed itself to an ideal or principle. Exposing the distance between what the government says and what it actually practices is, as Keck and Sikkink point out, “embarrassing to many governments, which may try to save face by closing that distance.”50 This tactic is known as Accountability Politics.

One of the most effective methods for activist networks against states or transnational private organizations is, essentially, the method of shaming. Many states (and even many companies) loosely express sympathy and alliance to higher ideals like human rights, environmental protection, and so on. States, however, will sign treaties or publically commit

50 Keck, Ibid., 24.
themselves to certain principles and it is here that the activist networks can use this and the information politics they are armed with to, “expose the distance between discourse and practice.”\textsuperscript{51} As Japan is signatory to a few treaties that may be invoked here, the most potent one is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). They signed the treaty on July 17th, 1980, and ratified it on June 25th, 1985.\textsuperscript{52} It is within the forum of CEDAW that Japan is pressured to respond to, as well as solve, the issue of wartime sex slavery. The activist network, influencing policy makers and political elites, are able to expose Japan’s words and actions as if operating from completely separate bodies.

Accountability politics are very powerful and, oddly enough, typically handed to activist networks because of state hubris. States probably do wish to incorporate human rights ideals and truly mean to work on becoming morally and ethically better, but as is always the case they want to do it on their own time and at their own pace. If activist networks are good for one thing, it is lighting a fire under acquiescence to encourage momentum for change.

Are activist networks truly influential? Throwing international relations theories aside it is possible to gauge the influence an activist network may have on achieving their missions. To see the influence one must run through their operations from the beginning. Networks engage in issue creation and agenda setting, where they bring to the public consciousness awareness of a specific issue by engaging with the media, making things a matter of public debate, setting up meetings with officials and policy crafters to turn them into supporters, and so on. This would mean that activist networks are influencing discursive politics at the state level which is then represented in international settings, which in turn disseminates into more changes on more state levels. This happens when the “targets” of activist networks change institutional procedure--for

\textsuperscript{51} \textit{Ibid.}
the comfort women issue, activists changed their angle from an unresolved historical issue to an ongoing human rights issue involving sexual slavery, as the women are still alive and still have not received satisfaction which changed the procedure on how to handle this issue. Then these procedural changes begin to affect policy decisions not just in the international forum but at the state level too.\textsuperscript{53}

\textsuperscript{53} Keck, \textit{Ibid.}, 25.
CHAPTER FIVE: CASE STUDY ON ADVOCACY / THE DOCUMENTARY FILM

On January 8th, 1992, the first protest for South Korean victims was held outside of the Japanese embassy in Seoul, South Korea calling on then Prime Minister of Japan Kiichi Miyazawa to acknowledge the war crimes committed by the Japanese empire, reveal the truth about crimes of military sexual slavery, make an official apology by the Japanese government (a vote from the diet), legal reparations, and punish those responsible for the crimes. Since that day, and every Wednesday after, which gave the protest the name “the Wednesday Demonstration,” there has been a protest outside of the Japanese embassy. And since that day the Japanese government has actively denied the claims made by the victims and has sought a revisionist approach to history regarding its crimes committed during World War II. This revisionism and denial has been met with condemnation by many United Nations bodies, the most recent coming from the Office of the United Nations High Commissioner for Human Rights in October, 2017.

On December 14th, 2011, in commemoration of the 1000th Wednesday demonstration two artists installed and unveiled a bronze statue of a little Korean girl. She is seated next to an empty chair (an invitation to sit with her), and gazes--rather fiercely-- straight ahead; with clenched fists and raised heels she looks strong willed for her age, which is roughly 15 years old, almost like she is the only adult in the space. Directly in front of her, across a two-car-laned street is the Japanese embassy in Seoul. Originally she was meant to be a memorial plaque no bigger than a piece of A4 paper, however when the Japanese government caught wind of the project they openly chastised it and demanded that the memorial not be setup. The artists, Kim Seo-kyung and her husband, Kim Eun-sung, balked at the idea and reaching deep inside themselves created the statue that is known ubiquitously in Korea as, “Sonyeosang,” or “statue of the little girl” (from here on it will be referred to as Sonyeosang).
This bronze statue has become an issue in and of itself, despite the whole reason it was set up which was to memorialize and celebrate the continuing fight by the Korean survivors for justice and wartime reparations. It has sunk trade deals between Japan and South Korea and, because of the ingenuity of grassroots activists, stalled the 2015 agreement between Japan and South Korea which if implemented called for the removal of Sonyeosang from outside of the Japanese embassy. The 2015 agreement was unanimously denounced by a panel of UN human rights experts in 2016 where they stated that they,

believe the agreement between Japan and South Korea falls short of meeting the demands of survivors… Neither the surviving victims nor the organizations representing them for more than 20 years were consulted in the preparation of this agreement...This undermines decades of activism and efforts to seek truth and justice and naturally leaves the survivors in considerable distress… We are also deeply concerned that the Republic of Korea may remove a statue commemorating not only the historical issue and legacy of the ‘comfort women’ but also symbolizing the survivors’ long search for justice54 [emphasis mine].

The agreement has been left in political limbo since the impeachment of Park Guen-hye, whose administration brokered the deal. With her ouster the incoming and current President, Moon Jae-in, halted any implementation process and conducted a thorough review of the deal citing the disapproval by South Korean citizens over the agreement.

Not waiting for a decision from the government, activists upon hearing about the agreement descended upon Sonyeosang, surrounded her, and have not let her out of their 24-hour gaze ever since. In 2017, for the month of June, I spent time filming with and observing these activists and their protest. They are committed to protecting the statue at all costs, one activist

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whose last name is Seo said, if “they” came to take Sonyeosang away she would throw her own body on to it to stop them.

The group, they call themselves “guards,” is unique to this issue because they operate outside of the formal network that is set up to handle the activism and handling of the “comfort women” issue. The formal organization’s name is the Korean Council for the Women Drafted for Military Sexual Slavery by Japan. This organization is responsible to providing housing and general care to the surviving victims. They are also the main organizers of the Wednesday protest and much of the transnational activism around this issue. A rather good question comes up, why were the cameras not pointed at them? This is very simple to answer, because they would not exist if it were not for activists like the “guards.”

To use a military term, activists networks are only as strong as their “boots on the ground.” And the boots that stand next to the Sonyeosang statue are among the strongest parts of this network because they perform actions that James C. Scott has termed as the “weapons of the weak.” They perform everyday forms of resistance that the state isn’t able to fully respond to since they are organized in such an informal way. That informalness is a key reason why, but also it is because they are not restrained by any sort of political processes. As James C. Scott noted, “institutionalized politics is formal, overt, concerned with systematic, de jure change, everyday resistance is informal, often covert, and concerned largely with immediate, de facto gains.”

To put it simply, the main organization is formalized in that they must go through the red tape of bureaucracy in order to maintain legal and political wins, essentially become the system to fight the system. The statue guards are informal in that they operate only for their immediate gains, which are to save Sonyeosang from removal and stop the 2015 agreement from being implemented. The have no desire to be a formal entity that can be negotiated with in

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55 Scott, Ibid., 33.
formal political avenues; even if it came to that their structure is non-hierarchical. Each guard is as important and deserving as the next and everyone conforms to agreed upon rules that are fluid in a democratic sense. There is a “lead activist”, her name is Choi Hye Ryeon, but she is more of a facilitator who took responsibility for the smooth operation of the activist protest, getting needed supplies, tending to social media, running protests and meetings. When she leaves, someone else with the desire to do those tasks will take her place if the others decide. To illustrate what I mean by everyday forms of resistance that a state cannot penetrate here is a story of Choi Hye Ryeon just a few days before I left South Korea.

The local government of Jongno-gu in Seoul passed legislation saying they would not remove the statue from its location. Choi received a phone call from the local police--she is a known activist around Seoul, so they have her cell phone number--they told her about the new local legislation and suggested that she and everyone else pack the protest up and head home for some rest, they had won. Choi, being politically savvy and knowing the national government has the final say in this matter, responded by saying, “Thank you for the concern, but we are not going anywhere.” and the phone call ended. She acted alone but she acted with the knowledge that every single one of her compatriots would have done the exact same thing.

There was no internal meeting held, no superior to refer to, and no organizational processes to follow. The guards are there for very specific reasons and those reasons do not waiver for politics or diplomacy, because they don’t need to. The other important aspect of the guards is that they are a human connection to passersby and the inquisitive. Pitched next to Sonyeosang is a cobbled together tent made of old plastic shipping pallets, foam padding, some foldable mats, a beach umbrella and a see-through plastic tarp. This spectacle is hard to ignore.

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56 An interview, for Fight of the Butterfly, with Choi Hye Ryeon, in June 2017, the day that the Jongno-gu legislation passed saying they would not remove Sonyeosang. The legislation was symbolic in that they do not have any control over the wishes of the national government.
and when one passes by and does not see a typical house less person but a young 20-something working on a laptop or scrolling through their phone it gives pause and encourages conversation. From there they can explain the situation between the South Korean and Japanese governments, run through the historical narrative of the survivors’ testimonies (a necessity for successful transnational activists according to Keck and Sikkink)\textsuperscript{57}, and encourage those seeking to join in on some good wholesome protesting.

\textsuperscript{57} Keck, \textit{Ibid.}, 16.
To manifest policy change activist networks have to gain leverage in order to change the hearts and minds of policy makers. From there they can use their leverage to influence more powerful actors as well as the domestic policies of their “target actors.” Leverage politics are dependent on the potency of their information politics. Activists must have a clear and concise body of material that gives them the moral high ground which they can use as leverage against their target actor, and use this information within more powerful institutions. This information comes from the network’s ability to mobilize its own members and drive the conversation--and to change opinions--through various public media outlets and social media. Human rights activists do this by organizing days of protest, holding rallies, appearing on news channels, creating or participating in documentary films, making provocative art works, and anything else to capture the public’s attention.

The “comfort women” activists are not unknown to rabble rousing, one of the most dramatic moments--besides placing a memorial across the street from the Japanese embassy in Seoul--was when they placed a statue in front of the Consulate in Busan, South Korea in 2017. This event, much reported on in Asia, resulted in the recalling of the Japanese consul general to Busan, Yasumasa Nagamine, from his post. The statue, though being protected by the bodies of activists, was eventually removed by police. After a mass demonstration it was then placed back in its original spot. Ambassador Nagamine eventually came back to his post but was followed by massive protest from the Japanese government. This action taken by some activists in South Korea follows the method laid out by Keck and Sikkink, where they used symbolic politics (the statue installation) to gain media attention and then using this as leverage to push the importance

58 Keck, Ibid., 23.
of this issue both domestically and internationally with Japan. Because it became an international story Japan was forced to respond.

The “comfort women” issue brings into focus a debate over how to view international policy and law. These two views are the “state-centric paradigm” which focuses on state interactions and the “people-based paradigm” that views individuals regardless of national boundaries as the beneficiaries of the international system.\(^5^9\) The activist network had to deploy a counternarrative to that of the Japanese state. They used the “human rights discourse to undertake exercises of re-imagination, organize within spaces of ‘soft’ or semi formal-authority, and engage in a politics of rights.”\(^6^0\) This allowed them to maneuver in their limited capacity through the international human rights system to directly engage the Japanese government.

To understand the current and main framing of the “comfort women” issue, which is a human rights framework, we have to look at the history of the movement from the early ‘90s and also its journey through various legal cases all around the world.

There are various NGOs around this issue, the most notable in no specific order: the Korean Council for Women Drafted for Japanese Military Sexual Slavery (Korean Council), Violence Against Women in War-Network Japan, and the LILA-Pilipina. These NGOs are also a domestic force, working with survivors and lobbying their local and national governments on their behalf.

In the early 1990s Korean and Japanese researchers uncovered proof of Japan’s involvement in the creation of the comfort women system. Growing pressure in Japan over the issue forced a personal apology from Prime Minister Kiichi Miyazawa in 1992. During 1992-1993 the Japanese government issued fact-finding missions which they then admitted to having

\(^{6^0}\) Ibid., 67.
involvement in the comfort women system. Then in 1993, Chief Cabinet Secretary Kono made an official apology on the government’s stationary. This is the notorious “Kono statement,” a statement that is used by both sides with the Japanese stating it is an apology and the South Koreans stating it is an admission of guilt but not an apology. However, at this point the invoking of the Kono statement has hit diminishing returns.\textsuperscript{61}

International law and policy coming from international institutions at this point was undergoing a zeitgeist shift especially in the thinking of human rights. Following two major moments from two world powers, Germany apologizing for its role and heinous crimes before and during World War II, and the United States also issuing a formal apology for its internment of Japanese citizens during the war, it seemed the right time for Japan to follow suit with an apology, but they never did. Later the United Nations set up the International Criminal Tribunal for the Former Yugoslavia and Rwanda to prosecute war crimes and facilitate reconciliation. These “official U.N. activities fortified the emerging international norms that governments and leaders should be held accountable for their ‘crimes against humanity’ regardless of how long ago the crimes were committed.”\textsuperscript{62}

The Korean Council, after sending delegates to the UN in August 1992 and February 1993, asked for an investigation to be conducted by the “Sub-commission on Prevention of Discrimination and Protection of Minorities” on violations of human rights during World War II. More NGOs requested similar investigations on forced labor as well as military sexual slavery. The UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities approved a resolution calling for a Special Rapporteur that would investigate systematic rape,

\textsuperscript{61} Ibid., 71.
\textsuperscript{62} Tsutsui, Ibid., 337.
sexual slavery, and similar issues. In March 1994, the UN Human Rights Committee appointed a Special Rapporteur on Violence against Women, which became the first official investigation by the United Nations to look into the “comfort women” issue between South Korea and Japan (and other once colonized states). June the same year had the UN Working Group on Contemporary Forms of Slavery recommend that the “comfort women” issue be settled at the Permanent Court of Arbitration in the Hague. The Korean Council suggested to the government of Japan that they should take the issue to the Permanent Court of Arbitration to see if Japan has any legal responsibility under international law. Almost half a year later in January 1995 the Japanese government sent an official rejection to the idea of arbitration through the court.

In response to criticism of not handling this issue well enough, the government of Japan setup in 1995 the Asian Peace and Friendship Foundation for Women (or the Asian Women Fund), which is a private organization taking donations from the Japanese public in lieu of formal reparations to the survivors by the Japanese state. This move was rejected by the survivors and activists and was viewed by the international community as not being a true governmental apology as no apology was voted on and approved by the Japanese diet.

In 1996, the International Labour Organization Committee of Experts ruled that the Japanese violated the 1930 Convention Concerning Forced Labour by creating the comfort system. This undercut the Japanese argument that the women were not forced into sexual slavery but rather were drafted for the war effort (which boggles the mind how a draft is viewed as not forcing one into something). The ILO could not justify the application of article 2(d) which allows compulsory labor in the event of war or other calamities which threaten the safety

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63 Chih-Chieh, Ibid., 163.
64 Ibid., 164.
65 Argibay, Ibid., 381.
or wellbeing of the population, and in turn stated that, “involuntary labor must be restricted to those meeting the exigencies of the situation. Women’s sexual integrity and sexual autonomy may never be sacrificed in the name of emergency.”

The UN Special Rapporteur on Violence against Women for the UN Human Rights Committee submitted their final report on the “comfort women” issue. The report is treated as the UN’s formal position toward the issue, which happens to be a mirror of the demands made by the survivors and the “comfort women” NGOs. It views Japan as the responsible party in violation under international law, that not only are the stories of the survivors and NGOs correct but Japan is responsible, “according to the law to make individual compensation to the victims and establish a ‘Special Administrative Tribunal’ to settle these unresolved cases.” The report goes on to, amazingly, suggest that victims and survivors ought to continue their pressure on the UN and also take this issue to the International Court of Justice.

At this point more former “comfort women” were coming out with their stories which in turn increased international pressure on Japan to act. The UN had already concluded that Japan was in violation of international law for past actions. However Japan, and to an extent the South Korean government, have dragged the issue out longer than has been needed. The activist network decided to shift their framing of the issue to circumvent even more the defense of the nation state and use the new framework as leverage to get the full weight of the international system to lean in on the issue. “Political opportunity theorists observe how movements are most

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likely to succeed when shifts in political structure make political institutions more accessible to the movement and its causes.”^69

The “comfort women” movement shifted their framework from a purely nationalist perspective (seeing that over 80% of the comfort women during World War II were Korean women^70) to a more human rights based approach. By framing arguments in human rights discourse and basing them in stories that persuade, movements are able to build on to their member base and increase solidarity with their members.^71 They began to approach things along the lines of a people-based paradigm. The “abuses suffered by the ‘comfort women’ fell neatly within U.N. state responsibility provisions,” and a human rights discourse “that ascribes responsibility to states for human rights violations committed by state organs or actors under the cloak of state authority, was particularly well suited to constructing a narrative that clearly identified the Japanese state as a perpetrator.”^72 Simply put, the human rights framework told the agonizing story of the “comfort women’s” many violations and pointed the finger directly at Japan as their violator, thus framing it in a legal sense.

With the issue beginning to take root in international forums some of the early strategies of the “comfort women” were many lawsuits against Japan through a multitude of courts, domestic and international. The activists attempted a lawsuit in the United States on September 18th, 2000, using the Alien Tort Claims Act, for its forcible recruitment and use of women as sex slaves. This lawsuit failed for many geo-political and at the time political reasons.^73 But, as referred to before, the approach to international law during the presidency of George W. Bush

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^69 Cheah Wui, Ibid., 77.
^70 Ibid., 78.
^72 Cheah Wui, Ibid., 79.
^73 Stetz, Ibid., 26.
was to take the view of a state-centric paradigm. Nine separate lawsuits have been litigated in Japanese courts, brought to them by Chinese, Taiwanese, Korean, and Filipino groups.\textsuperscript{74} In every case but one the Japanese courts chose the state-centric paradigm. In April 1998, a Japanese court ruled in favor of a Korean lawsuit that sought damages to three survivors. The ruling was later overturned by a higher court which stated that no constitutional violations occurred.\textsuperscript{75} But a brief win is still viewed as precedent.

In an amazing feat of organization, the activist network and many NGOs created the The Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery in Tokyo, Japan on December 8th, 2000. It was a mock trial that had invited many prominent international law practitioners and scholars. On the judicial bench “sat Gabrielle McDonald, the former President of the International Criminal Tribunal for the Former Yugoslavia; Carmen Mari Argibay, a judge from the International Criminal Tribunal for the Former Yugoslavia; Professor Christine Chinkin, an international law professor at the University of London; and Professor Willie Mutunga, the Executive Director of the Kenya Human Rights Commission.”\textsuperscript{76} The mock trial took 5 days and the judgment was more than two-hundred pages. The first half of the judgement was dedicated to individual criminal guilt and the second half was focused on the Japanese state. In the end responsibility was placed solely on Japan to provide rehabilitation, reparations, offer an apology, and secure victim satisfaction.

The most important part about this event was the ruling at the end. Not a binding judgement and more of a suggestion made by an ad hoc apparatus, the judgement is actually

\textsuperscript{74} Cheah Wui, \textit{Ibid.}, 81.
\textsuperscript{75} Stetz, \textit{Ibid.}, 28.
valid to be used under formal law within the International Court of Justice. Article 38 of the ICJ’s statute refers to writings of eminent jurists as sources of international law.\textsuperscript{77} As much as the 2000 Women’s Tribunal seemed to be a public relations stunt, it actually allowed the activist network and the allied NGOs to partake in a bit of international legal and policy writing.

Once activists have the attention of a population they are able to move through the political process, slowly legitimizing their issues through government bodies. The “comfort women” activists do this quite well in democratic countries like the United States and the Netherlands.

In January 2007, the “comfort women” movement successfully campaigned for legislative victories at the national level of the U.S. House of Representatives, passing the U.S. House Resolution 121, which requested that the Japanese government do the following, “formally acknowledge, apologize, and accept historical responsibility… help to resolve recurring questions about the sincerity and status of prior statements… clearly and publicly refute” claims that the “comfort women” system did not exist, “educate current and future generations about this horrible crime… follow the recommendations of the international community.”\textsuperscript{78}

Afterword it seemed the last few snowflakes fell which shifted the weight causing an avalanche. The lower house of the Dutch Parliament passed a similarly worded resolution in November of 2007 urging Japan to take full responsibility for its war crimes and to also update its history textbooks to reflect the crimes committed against women during World War II.\textsuperscript{79} At the same time the Canadian Parliament approved motion 291 which called on Japan to commit to

\textsuperscript{78} H.R. Res. 121, 110th Cong. (Jan. 31, 2007)
its 1993 apology, refute any denials about the wartime sexual slavery system, acknowledge involvement, and issue a formal and sincere apology via the Japanese diet. The following month the European Union Parliament passed a resolution asking Japan to, “acknowledge, apologize, and accept historical and legal responsibility, in a clear and unequivocal manner… implement effective administrative mechanisms to provide reparations… remove existing obstacles to obtaining reparations before Japanese courts… refute publicly” any claims that the “comfort women” system never existed.

By going through local governments the activist network is building more and more pressure for their issue to be heard at the state government levels since representatives become aware of their constituents wishes and bring it to the attention at the national level, then ultimately at the international level. Even more than that, the process of having legislative bodies repeatedly side with the “comfort women” activists’ cause builds an immense pressure on Japan to respond seriously.

However, with no motion from Japan to resolve the issue they began to maintain a stance that they had already completed their obligations and fulfilled their international legal duties. This prompted the “comfort women” movement in South Korea to commission a small monumental plaque to be placed outside of the Japanese embassy in 2011. Japan protested this action and in a response that was more driven by the artists who were to make the small plaque than the activist network itself (and a Scott-esque move if I may say), they created the bronze statue that we have today of the young seated girl, Sonyeosang. This action cut both ways, it gave Japan something to fixate on during negotiations and in international forums as

something hostile to Japan (being so close to an embassy) but also hostile to Japanese people whereas it may promote prejudice towards them. It also gave the activist network a symbol which, much like a wildfire, spread across the globe within years. The same statue has been placed throughout South Korea over 50 times; it also lives in Shanghai, China and Wiesent, Germany and Glendale, California in the United States (as well as Southfield, Michigan) and Toronto, Canada as well as Sydney, Australia, with more on the way and new original statues inspired by Sonyeosang being installed as well.

In a moment that could not be helped pointing out, one of the artists, Kim Eun Sung said while I interviewed him, “There is an irony here… If Japan didn’t react that way, Sonyeosang may never had been created. And we may have stayed with our original plan, a small monument.”

The Japanese government lobbies local governments to halt the process of erecting monuments and they even went so far as to write an amicus curiae brief for a lawsuit against the city of Glendale, a lawsuit started by Koichi Mera, CEO of Global Alliance of Historical Truth (GAHT), stating that the statue being placed in Glendale would cause a prejudice against the people of Japan. Mr. Mera and GAHT are the antithesis to the “comfort women” activist network.

I interviewed Koichi Mera who has been a long time advocate to remove the “comfort women” statues whereever they stand. He is also an advocate to remove the legal term “sexual slave” for the former “comfort women” that is being used in international and legal forums. His view is that no woman was forcibly recruited into sexual slavery during World War II. For him, the moment that Japan wrote the amicus curiae brief was the moment he witnessed his activism.

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82 Interview, for the film Fight of the Butterfly, with Sonyeosang artists, Kim Eun Sung and Kim Seo Kyung, in Seoul, South Korea. June 2017.
holding an influence, “Finally, the Japanese government has decided to support our position, publically. And they are acting according to our way of thinking.”

From whatever side of an issue an activist network is operating, both are jockeying for moral leverage. It is, however, the side that can mobilize shame on their target actor best wins out, “insofar as networks can demonstrate that a state is violating international obligations or is not living up to its own claims, they hope to jeopardize its credit enough to motivate a change in policy or behavior.”

CHAPTER SEVEN: THE POTENTIAL; CONCLUDING THOUGHTS

The agreement made by the Park Geun Hye administration was largely a state-centered paradigm and the election of Moon Jae In brought in an administration that has viewed things in a more people-based paradigm. The existing 2015 agreement was just not a valued piece of policy for the new government, but it was also looked down upon by the UN Human Rights Commission for the same exact reason. It was not based with the people in mind. So where does that leave Japan and South Korea on fixing the issue over the “comfort women”? The policy options that face Japan are well summed up by Sonya Kuki. According to her there are three of them. One, a collaboration between Tokyo and Seoul whereas Seoul acts as official representation of the victims. Two, arbitration by the Permanent Court of Arbitration (PCA) at The Hague. And three, the status quo. Options one and three have been attempted by the Japanese government and both have resulted in massive failures. The first option was

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83 Interview, for the film Fight of the Butterfly, with Koichi Mera, in Princeton, New Jersey. February 2018.
86 Kuki, Ibid., 251-253.
attempted a few times but most notably in 2015 between the Park Geun Hye and Shinzo Abe administrations but done in a way that left the victim’s voices out of negotiations by literally not discussing it with them (the state-centered paradigm frowned upon by the United Nations). The meat of the agreement was for Japan to take responsibilities and offer an apology and to offer one billion yen to a foundation that will work as support for the remaining victims. It was an agreement meant to solve this issue “finally and irreversibly.”\(^{87}\) The 2015 agreement has come to be a massive political failure and has fallen into political limbo because the activists and victims rejected it, but also a majority of the South Korean nation couldn’t accept it especially when Park Guen Hye was impeached on corruption charges. Option three has been the fall back option for Japan and has proven to only have negative impacts on economic, moral and ethical judgements, and broad international relations.

It can be argued that in the light of failed diplomatic negotiations, Japan is “duty bound” to enter into arbitration with South Korea to resolve the issue. This is spelled out in the 1965 agreement to normalize relations between the two countries, specifically in Article 3.\(^ {88}\)

It is clear that international arbitration is the only possible route to conclude this rather drawn out story for justice. Nationalism in both countries is found to be way too high for any decisions to be made without a neutral arbiter. Japan is party to the PCA but has continued to reject recommendations to find a solution there. One can only speculate the reasons why they choose not to use the PCA. Some point to politics and Japan’s society. An apology becomes increasingly more difficult to get out of the Japanese government, “if Japanese society continues

\(^{88}\) Etsuro, Ibid., 4.
to move in a conservative direction.” Others argue that an apology and full legal reparations would do the Japanese state a strategic benefit, especially if it seeks to commit itself to a leadership role in and throughout East Asia.

For some, justice will have to come from the work of the international community continually setting norms and elevating pressure on states to really think about human rights and reparations e.g. the General Assembly (GA) of the United Nations adopting the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law in December 2015. The interesting aspect about the above resolution is the perspective in which it was written, from that of the victim. “Starting from the victim’s perspective nearly guarantees a set of Principles that better molds reparations to the diverse needs of victims, and enables repair for each individual situation of harm.” Though the GA can only make recommendations, they are a good litmus test for the international mood regarding certain issues, and the Japanese government--and by extension the South Korea government--should take notice sooner rather than later of this shift in attitude.

The political chess game over the “comfort women” issue seems to be on the surface an exhausting affair, but it is a blessing in disguise. For one, the longer the issue is dragged out the more nuanced and precise future policy and law will become covering this specific human rights violation. For every dodge and weave that Japan makes to avoid responsibility is an opportunity to close off yet another means of escape, again strengthening policy and law for the future. By no means do I wish the issue to drag on much further, for no other reason than the dignity and

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90 Accessed at http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx on March 27, 2018
91 Say, Ibid., 943.
justice that is much deserved for the survivors, but a small part of what I witnessed during
interviews and experienced in the field is that the survivors themselves are prepared to martyr
themselves until the very end if it means that future women and girls are spared a similar fate. As
Lee Yong Su said, one of the survivors told the Board of San Francisco when testifying for the
installation of a “comfort women” memorial in the city, “the truth will come out, no matter
what.” There is no doubt she is aware that she may not see an end to her fight but she knows an
end will come sometime. “The magnitude of the movement is not lost on those standing at the
front lines. As Cheah Wui Ling summarizes, “the ‘comfort women’ movement has grown from
being an isolated group of lone survivors and concerned historians into a transnational movement
skilled in both grassroots organizing and institutional-manuevering.”

And that is the true meaning and the real power behind the Sonyeosang statue. It is not
just the rallying point for non-state activists to express the hidden transcript and fight for their
vision of a just society, but it is that the statue has come to embody it all: the activists, the chants
of the protestors, the stories of the survivors, the future hope for justice and equality in women
and human rights. All of that sits in the mild mannered expression of a young girl, seated next to
an empty chair and made of bronze. As Sarah Vartabedian put it, “Because the act of witnessing
demands that the body authoritatively communicates its experiences, but the credibility of that
body is called into question when exposed to sexual violence, the ‘Statue of Peace’ becomes the
objective performative proxy able to withstand the demands of witnessing and exhibits…
‘embodied rhetorical agency.’” The statue has become, in an almost anthropomorphic way, the
witness of a history that is created everyday. That is what Japan fears most about the statue being
placed internationally--when a viewer crosses its path they will invariably learn what the statue

has come to “know.” Which in turn—and this is the most fascinating thing about Sonyeosang—will make the viewer turn from ignorant to witness as well (if not full on ally).

The statue embodies a long struggle that Kelly Askin summarizes, which I will quote at length because of the palpable rage from an understandable position of indignation for a slow moving through, at times, toothless political and legal systems:

*The former ‘comfort women’ were victimized by their brutal assailters, by the Japanese government, military personnel, and private parties responsible for or benefiting from the system; they were victimized by their family or community who wrongfully considered the survivors defiled and shamed, and treated them with disdain, cruelty, or mere indifference; they were victimized by the Allied nations prosecuting crimes in the IMTFE but which failed to include the sexual slavery; they were victimized by their own countries which ignored, covered up, or otherwise failed to acknowledge or redress the assaults; they were victimized by their religions which often treated them as dirty or impure; they were victimized by local or regional judicial systems, which failed to prosecute or compensate for the crimes; and they were victimized by the international community, including the United Nations, which has failed to provide adequate protection against, investigation or acknowledgment of, and redress for these gross violations, and has failed to insist that the Japanese government take full responsibility for their crimes.*

The activists protecting the statue are in a way protecting the most valuable witness in their fight, they are protecting truth and history and the future and at the same time drawing attention to the issue with events like, well, protecting the statue from removal. They are the reason at the atomic

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level of Keck and Sikkink’s theoretical framework to why activists networks work and succeed. They are devoid of hierarchical restrictions in their speech and their views and which direction they desire to take their fight. Their actions allow formal NGOs to operate on an elevated platform, in polite and diplomatic fashions, knowing they have a network of activists to rely on for pressure when the time comes for policy demands or pressure on target actors. The target actors, from local politicians to diplomats serving in the United Nations or other international forums, are then inspired by testimonials that commingle with facts lead them to turn into allies fighting for their cause at the highest levels. When the highest levels decide on policy or law which causes domestic politics to adapt or adopt these new norms, Keck and Sikkink call this the “boomerang effect.” Activists are metaphorically “throwing” their issue out into the world to have it come back to them in some way.

Though it is easier to compartmentalize complex things, such as activist networks and international law and policy changes, I think the system at play here is better summed up by James C. Scott,

*Revolutions and social movements are, then, typically confected by a plurality of actors: actors with wildly divergent objectives mixed with a large dose of rage and indignation, actors with little knowledge of the situation beyond their immediate ken, actors subject to chance occurrences (a rain shower, a rumor, a gunshot)—and yet the vector sum of this cacophony of events may set the stage for what later is seen as a revolution. They are rarely, if ever, the work of coherent organizations directing their “troops” to a determined objective...*[^94]

The one thing I would add to Scott’s summary of actors is a statue of a young girl made of bronze whose international presence is ever increasing.
WORKS CITED


H.R. Res. 121, 110th Cong. (Jan. 31, 2007)


Penney, M. (2014). "Why on earth is something as important as this not in the textbooks?" -- Teaching Supplements, Student Essays, and History Education in Japan. Asia-Pacific Journal: Japan Focus, (1).


ADDENDUM

Figure 1. The artists of the statue, Kim Seo-kyung (left) and Kim Eun-sung (right) install a statue in Seongdong-gu, Seoul.

Figure 2. Choi Hye-ryeon (seated) and Han Seung-hoon (standing) having the morning photo taken by another activist that will begin their 24 hour guard of the Sonyeosang statue, making sure it won’t be removed.
Figure 3. One of the survivors of forced sexual slavery, Lee Yong Soo, stands next to a monument by sculptor Steven Whyte installed in San Francisco.

Figure 4. The second half of the San Francisco monument. These three girls, which are the three major ethnicities forced into sexual slavery by Japan—South Korean, Chinese, and Filipino—are viewed by the Grandma figure above.