

Voices of the “Comfort Women”: The Power Politics Surrounding the UNESCO Documentary Heritage

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Abstract: *This paper seeks to explain the process of collaboration among civil society organizations towards preserving the voices of the “comfort women” and registering related documents with UNESCO. The 14 civil society organizations from 8 countries, mostly those that suffered Japanese invasion and occupation, but also including one from Japan itself, have worked together to compile a dossier of “comfort women” documents for the submission of a joint nomination proposal to UNESCO. However, this project was threatened first by the political deal between South Korea and Japan in December 2015, and later by attempts to use money and state power to subvert UNESCO’s Memory of the World program (MoW). The resulting temporary freeze on the MoW program, talk of changes to its statutes and regulations, and UNESCO’s continued delay in implementing its own decisions raise serious doubts concerning the legitimacy and meaning of the program. A more fundamental question concerns whether and how the voices of victims of violation or discrimination, in this case of the “comfort women”, will be heard, preserved and transmitted to future generations to prevent the recurrence of such atrocities. If the efforts of the recent civil society movement end in failure, what alternative strategies are open to us?*

Keywords: *Comfort women, UNESCO, Memory of the World, civil society, heritage, diplomacy*

I. Introduction

In today’s world, violence against women and sexual slavery by armed groups are on-going realities. The most widely known incidents include the 2014 Islamic State’s violence against Yazidi women in northern Iraq, involving their abduction and enslavement. In the same year, the armed group, Boko Haram, kidnapped hundreds of Nigerian schoolgirls, many of whom remain with their captors to this day. Besides these well-reported large-scale cases, incidents of rape, enslavement or other forms of sexual violence proliferate in almost every conflict situation.

History shows that violation and victimization of women during war and armed conflict have seldom been properly recognized, recorded, or commemorated. Access to justice or reparation for the victims/survivors is even rarer. In this respect, recent efforts by the 2018 Nobel Peace Prize Laureates, Dr. Denis Mukwege and Ms. Nadia Murad, to launch the International Reparations Initiative for victims of sexual violence in conflict represents a welcome initiative.

As is widely known, the so-called “comfort women” suffered grave and systematic human rights violations by the Japanese Imperial Army during Japan’s imperialistic expansion of the 1930s, and throughout the Pacific War until its end in 1945. After 70 years, many aspects of Japan’s system of military sexual slavery have yet to be properly documented. Remaining survivors are now few and extremely elderly, and their capacity to offer direct testimony will soon pass away with them.¹ Their efforts to

seek legal accountability along with formal reparations from the Japanese government have been unsuccessful. In the process of their struggle, however, and with the support of various civil society movements, many have gained some degree of solace, overcome social stigma and challenged social prejudice. Some have thus transformed themselves from victims into survivors, even becoming agents of change for similar victims/survivors in other countries.

In the process of healing their wounds and trauma, the victims/survivors produced many documents. Related civil society movements have also produced many materials documenting the Japanese military's system of sexual slavery. These documents, along with historical records related to the comfort women in the archives of the Allied Forces, need to be preserved, maintained and utilized to sustain and enhance our consciousness of the abuse of women in wartime as a chronic and ongoing problem. These documents are therefore valuable assets that should be preserved and utilised for educational purposes.

This paper discusses the transnational, civil society-led campaign to register comfort women-related documents as UNESCO documentary heritage in the Memory of the World (MoW) Programme. It provides a first-hand account of the process of joint nomination, the politics of UNESCO's decision-making process and on-going efforts towards inscription. It also addresses current discussions over the reform of MoW, in particular regarding so-called "contested nominations". I argue that the questions raised by these reform proposals, including the possibility of what amounts to a "perpetrators' veto", threaten the integrity of the MoW Programme.

II. The Process of Joint Nomination

The Beginning

When the discussion on the inscription of the comfort women-related documents as MoW began in South Korea in 2013, China was also preparing its own application. The South Korean government held a public hearing in October 2013 on the subject. When the Chinese government proposed a joint nomination to the South Korean government, there was no positive response. South Korea was considering collaborations with all the concerned countries. The South Korean process of applying for MoW inscription officially started in early Nov. 2014. Inside the Women's Human Rights Institute of Korea (WHRIK),² which is under the supervision of the Ministry of Gender Equality and Family (MoGEF), a team was established to work on the "Japanese Military 'Comfort Women' Supporting and Memorial Project" (The Project Team), with the author as director.

China meanwhile went ahead alone and submitted two related applications in March 2014, one on *Documents of the Nanjing Massacre* and another on the comfort women documents entitled *Archives about "Comfort Women" for Japanese Troops*. The decisions by UNESCO were announced in October 2015. The nomination of *Documents of the Nanjing Massacre* was approved for inscription (despite Japanese opposition), while the decision on the comfort women documents was deferred. The assessors indicated that China ought to consider joining the multinational 'comfort women'-related nomination under preparation.³ The inscription of the Documents on the Nanjing Massacre caused outrage amongst Japanese conservatives, prompting the Japanese government to mobilize all available resources and means to block the inscription of the comfort women documents as UNESCO documentary heritage.

As the leader of the Project Team, the author began contacting the civil society organizations which had collaborated in organising the Women's International Tribunal for Japan's

Military Sexual Slavery held in December 2000 in Tokyo. At that time, civil society organizations in ten countries had collaborated for three years to make the Tribunal a great success.⁴ The author was able to contact many of the same organizations and researchers to secure their support for preparing the MoW nomination. While it was comparatively easy to reconnect with the organizations in China, the Netherlands, Japan and Taiwan with which the author had worked together with for a long time, it was difficult to contact the appropriate organizations in Indonesia, the Philippines and Timor-Leste due to the weakening of comfort women-related movements there or other difficulties. In Malaysia, we could no longer find any counterpart organization or individual. On the other hand, North Korea initially agreed to participate before ultimately declining to do so, as the relationship between the two Koreas deteriorated through 2015 and thereafter. The possibility was nonetheless kept open for North Korea to join later. Even after a successful inscription, new documents can be nominated as an addition to an existing entry on the MoW Register.

In South Korea, all six organizations actively working on the comfort women issue in six different cities⁵ agreed to join. In April 2015, they formed the Korean Committee for Joint Nomination and selected their representative. This Korean Committee became the base for discussions in South Korea. Since the MoW program is intended to preserve and maintain perishable valuable documents, it was decided that the civil society organizations that have produced or preserved comfort women-related documents would be the formal nominating bodies. In the Fall of 2015, the Korean government expressed its desire that MoGEF or WHRIK assume the role of nominator, but this suggestion was flatly rejected by the author. In South Korea, the issue of sexual slavery by the Japanese Army was brought to light primarily by human rights activists and researchers, who organised themselves and

garnered attention domestically and internationally. Civil society groups created this movement, gathered and published oral testimony, provided moral and sometimes financial support to survivors, and tried to eliminate the stigma they experienced. It was only under pressure from civil society activists that the South Korean government came to offer occasional, halting support to the movement. Apart from historical documents kept in the national archives, most of the comfort women-related documents were produced and curated by non-governmental organizations. That was why, from the start, we determined that the nomination would be filed by a coalition of such organizations. Although the initiative to launch the MoW application came from the government, and it provided some funding (at least in the initial stages), it was NGOs, especially connected with the women's movement, that had kept the issue alive and which, we felt, had some sort of 'ownership' of it.

Preparation for the Joint Nomination to UNESCO's Memory of the World Register (MoW)

On 21 May 2015, an international group of civil society activists and researchers who agreed to work towards the MoW application gathered in South Korea. Participants came from China, Japan, the Netherlands, Taiwan, and the Philippines. This meeting formally established the International Committee for Joint Nomination (ICJN) of Documents on the Japanese Military "Comfort Women" to UNESCO's Memory of the World Register.⁶ The participants adopted an agreement, three key points of which (out of a total of eight) were: that the ICJN Secretariat would be the Project Team; that the documents to be registered would be carefully selected respecting individual anonymity, if requested; and that confidential information regarding the joint

nomination would not be disclosed outside of the ICJN without prior discussion and consent among members. Indonesia and Timor-Leste also agreed to join a few months later. The author travelled to Jakarta and Dili to meet with counterparts there.⁷

The second meeting of the ICJN was held on 15 December 2015 again in Seoul. An expert on MoW, Dr. Ray Edmonson, a former IAC (International Advisory Committee) member,⁸ was invited from Australia to advise us and to answer many questions we had. In fact, the year 2015 was a period of learning about the MoW Programme for the Secretariat and member organizations of the ICJN. The author and a staff member of the Project Team also participated in a MoW training workshop held in Jamaica in August 2015, information from which was shared with the ICJN members after the workshop. Other experiences of applications for MoW inscription were also shared to inform our preparation. In this learning process, we were able to understand the meanings of MoW terminology, such as authenticity, rarity and integrity of documents; the importance of legal status and accessibility; comparative criteria; and plans for preservation.

While this organizational structure was being solidified, many meetings were held at the national level in each country to discuss what kinds of documents to include in the nomination proposal. For example, the Korean Committee for the Joint Nomination met several times, together with researchers, to determine which documents held by Korean organizations should be included in the nomination. The member organizations of the ICJN held original documents such as tape-recorded testimonies, paintings and other artworks produced by the victims in the course of therapeutic programs, as well as documents related to the movement for justice, such as photographs of the first Wednesday Demonstration held on 8 Jan. 1992 and of the

2000 Women's International Tribunal on Japan's Military Sexual Slavery. The Secretariat provided the necessary support for the process of selecting, gathering and cataloguing the documents.⁹

Important historical documents kept in the archives in the countries of the Allied Forces were also considered for inclusion. For four months, from Nov. 2015 to Feb. 2016, the author travelled to the Netherlands, Australia and the United Kingdom. The results were fruitful. All five public institutions the author visited gave permission for the inclusion of their documents in the nomination. These comprised two Dutch institutions: the National Archives of the Netherlands in the Hague, and NIOD - Institute for War, Holocaust and Genocide Studies in Amsterdam; two in Australia: the National Archives of Australia and Australian War Memorial, both in Canberra; and the Imperial War Museum in London. There was no need to visit NARA (National Archives and Records Administration) in Maryland, USA, which is the main depository of comfort women documents, since all documents in their custody are deemed to be in the public domain, and no special permission was required to use them.

A Sudden Blow: The 2015 Political Deal between South Korea and Japan

By late 2015, preparations were well underway, with all the member organizations of the ICJN and the Project Team (Secretariat) busy working towards the deadline for selection and compilation of the documents. Then, on 28 Dec. 2015, at the end of the year marking the 50th anniversary of the normalization of diplomatic ties between South Korea and Japan, the foreign ministers of the two countries announced in a joint press conference in Seoul an agreement on the comfort women issue. The main points of the Agreement were as follows.¹⁰

The position of the Japanese government was stated by Foreign Minister Kishida:

(1) The issue of “comfort women” was a matter which...severely injured the honor and dignity of many women...the Government of Japan painfully acknowledges its responsibility. Prime Minister Abe...expresses anew sincere apologies and remorse...to all those who suffered immeasurable pain and incurable physical and psychological wounds as “comfort women;”

(2) The Government of Japan ...will take measures with its own budget to heal the psychological wounds of all the former “comfort women.” ...the Government of the Republic of Korea will establish a foundation for the purpose of providing assistance to the former “comfort women.” The Government of Japan will contribute from its budget a lump sum funding this foundation.

(3) ...the Government of Japan confirms that ... this issue will be finally and irreversibly resolved on the condition that the above-mentioned measures are faithfully implemented.¹¹ Also, the Government of Japan, along with the Government of the Republic of Korea, will refrain from mutual reprobation and criticism regarding this issue in international forums, including at the United Nations in the future. Regarding the above-mentioned budgetary measure, the expected amount will be around 1 billion Yen.

The position of the South Korean government was announced by Foreign Minister Yun in these terms:

(1) The Government of the Republic of Korea takes note of the statement by the Government of Japan and ... confirms that through today’s statement, this issue will

be finally and irreversibly resolved on the condition that the above-mentioned measures stated by the Government of Japan are faithfully implemented.

(2) The Government of the Republic of Korea is aware of the concern of the Government of Japan over the memorial statue placed in front of the Embassy of Japan in Seoul ... and will make efforts to appropriately address the concern, including through consultations with relevant groups on possible responses.¹²

(3) The Government of the Republic of Korea, along with the Government of Japan, will refrain from mutual reprobation and criticism regarding this issue in international forums, including at the United Nations in the future, on the condition that the measures stated by the Government of Japan are faithfully implemented.

This deal was reached following strong pressure from the US government on both South Korea and Japan. Two days later, the US Secretary of State, John Kerry, called Minister Yun, congratulating and thanking him for the successful resolution of the comfort women issue. Yun thanked Kerry for the special statement issued by the US Department of State.¹³

Although this agreement came as a total surprise to those of us involved in the ICJN, in retrospect it was possible to detect earlier indications that the government might attempt to reach an accord of this kind. The then South Korean President, Park Geun-hye, had insisted ever since her inauguration in Feb. 2013 that there would be “no summit meeting with Japan until the ‘comfort women’ issue [is] resolved”. A Constitutional Court ruling of August 2011 had pronounced the government’s inaction regarding the comfort women issue unconstitutional, adding to pressure for some form of “action”.¹⁴ At the same time, the Park

administration and Japan's Abe administration were being pressed to resolve their differences by the United States, alarmed at the growing assertiveness of China in the Asia-Pacific. We can further speculate that Park may have wished to silence longstanding criticism of her father, former President Park Chung-hee, who concluded the agreement to normalize relations with Japan in 1965 despite nationwide opposition. The 1965 agreement became a source of never-ending bilateral disputes, with Tokyo insisting that it had drawn a line under all grievances relating to Japan's colonization of Korea. It was later revealed that in the lead-up to the December 2015 Agreement, the National Intelligence Service of Korea had secretly consulted major organizations and persons individually, but the comfort women survivors themselves were not included in these consultations.

Whatever its origins, this political deal caused a nationwide uproar in South Korea. The main criticisms were: that the victims themselves had been sidelined and none consulted over the terms of the agreement; that the Japanese statement of responsibility was far less explicit than the previous Kono or Murayama Statements of the 1990s; that the Korean government, in exchange for payment, had promised to cease efforts to have the comfort women issue acknowledged in international forums; and that the government had undertaken to attempt to remove the comfort women statue in front of the Japanese Embassy in Seoul. That statue had been erected in December 2011 by the Korean Council for the Women Drafted for Military Sexual Slavery by Japan in commemoration of the 1000th Wednesday demonstration, and was a monument over which the national government had no direct control. On 3 January 2016, an emergency meeting was held by researchers and civil society activists to establish a new research and campaigning association, which was formally inaugurated on 29 January 2016, with the participation of about 50 scholars and

researchers in South Korea.¹⁵

The Agreement of 28 December 2015 was a serious blow to our efforts towards UNESCO inscription. The financial support from the government for the Project Team was discontinued. The Women's Human Rights Institute notified us officially to vacate the office they had provided. The Project Team was dissolved. The Ministry of Gender Equality and Family did not dare to defy President Park, or challenge the terms of the Agreement with Japan. Henceforth, we therefore had to prepare the nomination proposal without any financial or administrative support from the government or public agencies.¹⁶ Later that year, some small funding was secured from the Seoul municipal authorities, which gave us some relief.¹⁷ Following President Park's impeachment and the inauguration of the Moon Jae-in government on 10 May 2017, support from the national government was resumed. However, during the intervening 17 months the Government of Japan was able to maneuver within UNESCO to modify the MoW decision-making process, in particular as regards "questioned nominations," in the absence of any pushback from South Korean officials.

Nomination Proposal: *Voices of the "Comfort Women"*

In the midst of these extreme difficulties, the ICJN was able to gather again on 18 May 2016 in Seoul to convene a signing ceremony.¹⁸ All nominators were requested to sign the nomination form. The Imperial War Museum in London, which joined as a co-nominator only in February 2016, sent us the signature of its representative. All 14 civil society nominators attended this signing ceremony. At this meeting, we faced one last hurdle - regarding how to name Taiwan in the nomination documents. The two Chinese members demanded that Taiwan should not be listed as

“Taiwan”, but rather as a part of China. After agonizingly long discussions, the Taiwanese member reluctantly agreed to list Taiwan as “Chinese Taipei”, the banner under which Taiwan generally participates in international sporting events. However, the word Taiwan, as used in the original documents included in the nomination portfolio, was not altered. It would have been impossible to change the name of a newspaper published in Taiwan in the 1930s or the name of a university, for example.

Voices of the “Comfort Women” was the title of the joint nomination submitted by the 15 co-nominators on the deadline of 31 May 2016.¹⁹ The number of documents included in our nomination proposal was 2,744 in total. We were informed by a UNESCO expert that ours was the biggest nomination proposal (in terms of the size of the archive) ever seen in the history of the MoW Programme. Drawn from four regions, the nominated documents are scattered around the world. They include not only documents kept by the 15 joint nominators, but also those in the custody of 19 other public institutions in South Korea, China, Taiwan, the USA, Australia and the Netherlands, as well as documents owned by two individuals from South Korea and Japan.

The 2,744 nominated documents fall into three categories: (1) Official and private documents regarding the system of Japanese military comfort women (563 items); (2) Documents relating to the victims (1,449 items); and (3) Documents regarding the activities of civil organizations to resolve the comfort women issue (732 items). The nominated documents originated mainly from Asia, but also include the collections of the national archives and war museums or memorials in Australia, the Netherlands, the UK and the USA. They include historical documents, some of which are well reported already, as well as testimonies of the comfort women themselves, which stand as proof of the atrocities to which they were subjected. The documents also include

powerful visual paintings by the comfort women or other artwork produced while they were undergoing therapy.

In the joint-nomination text, careful attention was paid to avoid any aggressive language or exaggerated estimates of the number of victims. It was not our intention to raise any political issue or use this nomination as a tool of advocacy. There has been enough activism surrounding the comfort women issue. Rather, our concern was that the comfort women documents would be at risk of being lost if no conscious efforts were made to secure formal recognition for them. For example, the HAK Association in Timor-Leste has been keeping audio tapes of victim testimonies on its book shelves. Many organizations involved in the nomination face financial problems in maintaining their museums and archives.

III. UNESCO’s Decision on Our Nomination

Unlike the World Heritage and the Intangible Cultural Heritage registers, both of which are based on international conventions,²⁰ UNESCO’s MoW register, established in 1992,²¹ is governed by a committee of experts selected by the Director General of UNESCO. While the convention-based heritage schemes are determined ultimately through discussion among diplomatic representatives of the member states, the MoW Programme is supposedly run by independent experts.

While the MoW Programme conducts other activities, the MoW International Register is its most publicly visible project.²² Applications for registration pass through a three-stage review. Nominations first go to the Register Sub-Committee (RSC), composed of nine experts, for assessment of whether or not they meet the basic MoW criteria. They then go before the International Advisory Committee (IAC), a body of fourteen experts who make recommendations on inscriptions, before

receiving final approval from the Director-General of UNESCO.

Assessment by RSC

After submission of our joint nomination, *Voices of the “Comfort Women”*, the author, who was listed as the contact person for the ICJN, received a one-page letter dated 10 April 2017 from the UNESCO MoW Secretariat,²³ informing me of the result of the preliminary assessment in the following terms (with my emphasis):

“Further to the submission of the nomination proposal for inclusion on the Memory of the World International Register, bearing the nomination number 2016-101, I wish to inform you that *while the Register Sub-Committee (RSC)*, at its meeting from 26 to 28 February 2017, *considered the nominated documents as irreplaceable and unique, it had reserves (sic.) about comparisons of the ‘Comfort Women’ system with the Holocaust and the Cambodian genocide as mentioned in section 5.2 World Significance. Considering that the role of the UNESCO Memory of the World Programme is to inscribe documents and not to interpret history, such comparison should not be included in a nomination.* The RSC therefore recommends that the paragraph be revised to remove this and the nomination resubmitted....”

The deadline for resubmission was set at 8 May 2017. The letter mentioned the *General Guidelines to Safeguard Documentary Heritage* as a basis for the requested revision and informed us that the revised nomination would be transmitted to the IAC and that “the Director-General of UNESCO will announce the decision on the new items to be inscribed on the Register based on the advice that the IAC formulates during its meeting in September

2017.”

The author immediately contacted all ICJN member organizations, gained their approval for removal of the words “Holocaust and Cambodian genocide”, and submitted the revised nomination to UNESCO on 23 April 2017.²⁴ We were very hopeful, given the initial assessment by RSC that our documents were “irreplaceable and unique”.

“Contested” Nomination from Japan

After our submission, the UNESCO website uploaded the nomination proposals of the 2016-2017 cycle but only for a short while, perhaps for about a week. Therefore, we did not immediately realize that there had been another nomination, from Japan, of comfort women-related documents: *Documentation on “Comfort Women” and Japanese Army discipline*. This had been jointly submitted by four nominators.²⁵ Their documents consisted of four categories: (1) A series of US documents reporting the interrogation of Japanese prisoners of war, kept at NARA, USA; (2) An official letter issued in 1945 by the Home Ministry of Japan to the police, held by the National Archives of Japan; (3) An order issued by the Ministry of the Army in 1938, held by the National Institute for Defense Studies; and (4) A collection of testimonies of returned military persons and civilians published from 1996 to 2007 held by The Institution of Research of Policy on Media and Broadcasting. The US documents in the custody of NARA included materials from three different sources, all of which were included in the collection we had submitted.

The main rationale for this rival nomination was that “the ‘comfort women’ system was a state-regulated legal prostitution organization” and that “the ‘comfort women’ were recruited by private agents and were well remunerated for their services.” This was contrary to our

submission stating that “the ‘comfort women’ were forced into sexual slavery for the Japanese military” and were “enslaved in ‘comfort stations’ established inside or around Japanese military camps.”

The RSC’s recommendation to the International Advisory Committee (IAC) on our application, a copy of which was obtained by the present author much later and on a personal basis, stated that UNESCO should accept our nomination to the MoW International Register, with the nomination from Japan included in ours. The report of the RSC’s review of our submission and that from the Japanese side, with concrete recommendations to IAC regarding each submission, was not disclosed to the public. It must exist as an internal document.

IAC’s Recommendation and UNESCO’s Decision

The nominations for the MoW International Register were reviewed at the 13th meeting of the IAC held on 24-27 (Tuesday-Friday) October 2017 at UNESCO headquarters in Paris. The Director-General’s decision was announced on Monday, 30 October in a press release. A total of 132 nominations for the 2016-2017 round were submitted, of which 78 were recommended for listing on the International Register, 2 were provisionally recommended pending confirmation of minor points, and 3 were recommended for listing as additions to existing inscriptions. The decision on our nomination was at the end of the list, which was as follows:

Recommended for postponement pending dialogue

2016-76 Individual Japan-United States of America (NGO’s): “Documentation on ‘Comfort Women’ and Japanese Army discipline”

2016-101 International Committee for Joint Nomination of the Documents on Japanese Military “Comfort Women”: “Voices of the ‘Comfort Women’”

The International Advisory Committee of the Memory of the World Programme, following the decision of the Executive Board of UNESCO in its meeting on 16 October 2017 (202 EX/PX/DR 15.8, item 15), recommends to the Director-General that UNESCO facilitates a dialogue among the nominators of the nominations No. 101 “Voices of the ‘Comfort Women’” and No. 76 “Documentation on ‘Comfort Women’ and Japanese Army discipline” and concerned parties. The IAC also recommends setting a place and time convenient to the parties for this dialogue, with a view to leading to a joint nomination to encompass as far as possible all relevant documents.

This IAC document quotes a decision of the UNESCO Executive Board. Composed of 58 member states of UNESCO, this Board is elected by the General Conference of all UNESCO member states. The 202nd Executive Board Session, held just before the IAC meeting, discussed the final report of the IAC on the MoW Programme review process. Its reported decisions included, as the final point, the following:

Calls upon the Director-General, the members of the IAC, and all stakeholders of the MoW Programme to abide by the principles of dialogue, mutual understanding and respect and to avoid further political tensions concerning the MoW Programme.²⁶

The IAC meeting was originally supposed to be held in September in 2017, as was made clear in the letter to us from the MoW Secretariat. However, it was not held until 24-27 October in Paris after the meeting of UNESCO’s Executive Board.²⁷ It thus appears that the IAC meeting²⁸

was postponed so that the new regulations approved by the Executive Board would form the basis for the decision requiring “dialogue” between the two nominations with conflicting views.

After this decision of “postponement pending dialogue,” the ICJN held a press conference criticizing the decision. In contrast, the Japanese nominators issued a statement welcoming UNESCO’s decision. As a result of this *furor*, since the 2017 decisions, the MoW International Register has been frozen, and no new nominations have been accepted. Instead, a reform of the entire MoW nomination process has been initiated.

IV. Power Politics surrounding the Memory of the World Programme

After China’s successful inscription of *Documents of Nanjing Massacre* on the MoW International Register in 2015, Japan started to put pressure on UNESCO, raising the question of “fairness and transparency” and trying to change the rules of the game. In order to block the inscription of the comfort women documents, the Japanese Government stepped up the pressure, using its financial leverage and political influence, as well as diplomatic lobbying.

Financial Power

Right after UNESCO’s decision to inscribe the Nanjing Massacre documents as MoW, Japan started to wield its financial influence over UNESCO. Japan’s Chief Cabinet Secretary Suga Yoshihide (who subsequently succeeded Abe Shinzo as Prime Minister) said that his government would cease its “financial contributions to UNESCO or reduce the amount, given the UN body’s decision to add Chinese documents on the Nanjing Massacre to

the Memory of the World.”²⁹

In fact, that was what the government of Japan did for the year 2016. Although it has been a normal practice that Japan paid the membership fee in spring, usually following the Diet’s enactment of the annual budget, it did not pay its ¥3.85 billion contribution until October “in an apparent effort to push for reforms of the Memory of the World programme.”³⁰ This withholding of payment by Japan, then the largest financial contributor to UNESCO, posed a real threat to an institution with 2,180 regular staff and 1,700 additional personnel on contracts.³¹ According to UNESCO, Japan’s assessed contribution to the regular budget in 2017 comprised 9.679% of the total, amounting to US\$31.6 million.³² The United States of America should have been contributing 22% of UNESCO’s regular budget, but suspended its contributions since 2011 as a protest against Palestine’s admission to UNESCO membership; it later announced its total withdrawal, which became effective on 31 December, 2018.³³ The assessed contributions are the most reliable source of revenue for UNESCO, more stable than the fluctuating voluntary contributions. In 2017, the biggest chunk, 49%, of UNESCO’s total revenue, came from assessed contributions, but this proportion has been decreasing since 2013.³⁴

In October 2017, when the IAC was reviewing the 2016-2017 nominations, UNESCO was therefore in a very weak financial situation, beset with rumors that without Japan’s contribution, staff salaries could not be paid that November. The organisation had already experienced the precedent of the US withholding of contributions, which caused a large number of UNESCO staff to be laid off.³⁵ When a UN agency is heavily reliant on one country for its everyday expenses, the threat of withholding payments offers that country powerful leverage. After the complete exit of the US, all other countries’ obligatory contributions were reassessed. From 2019,

China became the number one contributor, followed by Japan, though the latter's contribution also rose.³⁶

Political Influence

Soon after the inscription of *Documents of Nanjing Massacre* on the MoW Register, the Japanese government lodged a protest with China's Foreign Ministry via the Japanese Embassy in Beijing, saying that China "should not unnecessarily use the arena of UNESCO for a political purpose." At the same time, Japan criticized UNESCO for a lack of transparency in its decision-making process, claiming that the IAC examined the submitted materials "behind closed doors" and that no chance was given for the "interested parties to express their opinions during the examination process."³⁷ In fact, former education minister Hase Hiroshi met with the then UNESCO Director-General Irina Bokova in Paris, who "reportedly admitted a lack of transparency at the MoW Programme."³⁸

Following Japan's lodging of this complaint, the process of "reform" of the MoW Programme began. Within the IAC, in order to answer the questions raised, it was suggested that MoW guidelines emphasize that "it is not UNESCO's role to interpret documents." In its 2015 report, the IAC also urged that "nominations must be based on fact and use neutral language ... [or they] will be rejected and nominations must speak for themselves and not through lobbying."³⁹ In the face of Japanese pressure to allow outside intervention on "questioned nominations," the IAC started two working groups, one to revise the General Guidelines for the MoW Programme and another to revise the Statutes of the IAC, which were sent to the Executive Board in April 2018.

During the years 2018 and 2019, the Executive Board discussed an action plan for comprehensive review of MoW,⁴⁰ an updated plan was requested, and several rounds of

consultations with the member states were held. At the same time, regarding the revised General Guidelines, revised IAC Statutes and MoW Code of Ethics, the opinion of UNESCO's Office of Legal Affairs was sought, briefings for member States given and an open-ended working group formed, involving presentations by experts and further discussions.

The Revised General Guidelines for the MoW Programme⁴¹ reflected the discussion within the RSC and IAC. In its new Appendix 4 on "Inclusions, Limitations and Questions", a section on "Questioned nominations" states that "MoW's concern is with the preservation and accessibility of primary sources, not with their interpretation or the resolution of historical disputes." In a departure from the previous procedures giving experts complete control over the assessment of nominations, the new procedure allows outsiders, including governments and other concerned parties, to raise objections, offer support or provide opinions, which should be taken into account in the experts' assessment. This opens the door to blocking certain types of nominations, in particular those related to human rights violations implicating states. At the same time, the Revised Statutes of the IAC contain newly added provisions to strengthen the role of the Director-General (DG) of UNESCO in the governance of the MoW Programme and to make it clear that the DG has the final authority over the inscription of nominations.

Discussions over "reform" of the MoW Programme, which had initially arisen from concerns over how to deal with digital archives, took a different direction due to Japan's intervention. The expert-driven nature of the MoW Programme came under criticism for its alleged lack of "transparency" and "fairness." The subsequent discussions ranged from whether MoW should be transformed into a convention (giving it a status similar to the UNESCO World Heritage Sites scheme),⁴² to whether "contested nominations" should be

dropped completely and not assessed at all. Since any move to a convention-based process for registering documentary heritage would take a long time, the idea of convention was rapidly dropped.

Nonetheless, the reform discussion evolved into a full-fledged “comprehensive review.” The Open-Ended Working Group for comprehensive review, set up in January 2019, held several rounds of consultations among member states of UNESCO. According to the report of the Working Group in Sept. 2019, agreement on how to deal with “contested nominations” remains elusive. So far, the opinions of the member states are diverse, regarding, among other things, whether “contested nominations” would be submitted for review by the RSC/IAC at all, whether they should be put on an open website, how and when the required dialogue would be conducted, and whether or not it should be mediated.⁴³

For the time being, the MoW Programme is on hold. No nomination proposal will be accepted until the comprehensive review is finalized. The review was originally scheduled to be finalized by October 2019 but due to continuing disagreements was delayed to October 2020. Due to the COVID-19 pandemic, however, no further progress was made in 2020, causing a further postponement to March 2021.⁴⁴

However, no matter whether a new Statute of the IAC or new General Guidelines for the MoW Programme are introduced, these should not retrospectively affect the nomination of the comfort women documents, to which the previous regulations apply. But as experience has shown, member states are in practice able to override or reinterpret regulations (old or new) as politics dictates. In fact, most member states, including those from the EU, supported Japan’s demand to allow government intervention in the case of “contested nominations”.⁴⁵ Also, a change in the governance structure was introduced by adding

a requirement for formal endorsement of decisions on registration by the intergovernmental body of UNESCO on the recommendation of the IAC, thereby strengthening the influence of politicians at the expense of experts.⁴⁶

“Diplomatic” Power

While the economic and political influence of Japan was openly exercised over UNESCO and its member states, Japan’s “diplomatic” power operated more covertly. Sometimes, however, whispers were audible from behind the curtain. During the review cycle, the author was informed that the Japanese government had offered a luxury trip to Japan for experts of the RSC and IAC.⁴⁷ This consisted of a generous week-long trip to Japan, with business class flights and hotel expenses paid for experts and spouses. There might not be a direct relationship between the Japanese Government’s offer and the actual assessment by the RSC and IAC members of the comfort women documents, but in the context of Japan’s strong objection to the inscription of *Voices of the “Comfort Women”* on the MoW Register, this junket appears to have been part of the government’s lobbying activities.

Another incident which can also be considered within the frame of Japan’s “diplomatic” power concerns the media coverage of UNESCO’s decision. While the IAC meeting was still being held on 24-27 October 2017, an NHK report on the 26th already announced that UNESCO had decided to defer the nomination of the comfort women documents on the grounds that “dialogue is necessary.” This came right after the IAC had finished its closed meeting on examining the nominations. However, the IAC still had one day left to finalize its decisions. Moreover, the recommendations from the IAC regarding inscription still had to be approved by the Director-General. Nonetheless, NHK reported the decision four days ahead of the

official announcement, citing an anonymous IAC-related person as its source. Without close involvement by the Japanese Government in UNESCO's decision-making in this instance, such a leak is unimaginable.⁴⁸

V. UNESCO and the Integrity of the MoW Programme

“Dialogue” - No Progress at All

Implementation of UNESCO's decision of October 2017, i.e., “postponement pending dialogue,” was in practice stalled. There was no facilitation of any “dialogue.” Under the leadership of the new Director-General Azoulay, whose term began in November 2017, it took more than a half year to select a facilitator for the dialogue. In May 2018, Ms. Anthea Seles, a Canadian expert, was selected as a facilitator; but a year later in May 2019, before any concrete steps to initiate dialogue had been taken, she resigned for “personal reasons.”⁴⁹ UNESCO rapidly selected another Canadian facilitator, Ms. Ingrid Parent, in June 2019, but still no meeting was convened, despite our repeated requests. The author contacted the facilitator in October 2019, and she replied that preparations were being made by the UNESCO Secretariat. UNESCO has reported that the other party⁵⁰ is withholding agreement to engage in dialogue pending the finalization of reforms to the MoW process.

The new General Guidelines on the MoW Programme, which have yet to be formally adopted, outline the following process regarding “questioned nominations” in Appendix 4.⁵¹

Nominations that have been called into question will be given more time for dialogue with the concerned parties, even before submission to the RSC. Dialogue may be mediated. The outcome of such a dialogue could be:

- a) A joint nomination, or
- b) Agreement on an inscription including opinions showing differing perspectives on the events or facts reflected in the nominated document.

If no agreement has been reached, continued dialogue among the concerned parties may be encouraged for one more cycle (i.e., a maximum of four years after submission of the nomination) at which time the RSC will submit its recommendation to the IAC and the IAC will be expected to make a final recommendation to the Director General.

The Director General takes the final decision on the inscription taking into account the professional advice provided by the IAC and any other relevant information.

The ICJN might be willing to accept 6.b). 2020 is already the fourth year following submission of the nomination; we have thus reached the maximum number of years after submission without any actual dialogue. Two questions arise: first, whether UNESCO will be able to implement a decision, despite objection from the Japanese government; and second, given the financial, political and diplomatic influence Japan can exercise, whether UNESCO can arrive at any decision at all.

Integrity of the MoW Programme

A bigger question, however, is how the fate of the *Voices of the “Comfort Women”* nomination to the MoW International Register will affect other similar nominations in future. If the comfort women documents are blocked from MoW inscription, despite their acknowledged “irreplaceable and unique” character, can any documents of a similar controversial nature ever be inscribed as UNESCO documentary

heritage?

The vision of the MoW Programme, as explained on the UNESCO's website, is that “the world’s documentary heritage belongs to all, should be fully preserved and protected for all and, with due recognition of cultural mores and practicalities, should be permanently accessible to all without hindrance.” What documents should be designated as the world’s documentary heritage? Who can decide, with legitimacy, fairness and transparency, which documents have sufficient value for the world to preserve and protect? How can we prevent those in positions of power from intervening in assessments of their value?

UNESCO’s proclaimed overall purpose is “to maintain peace in the minds of men and women.” The preamble to its Constitution

states,⁵² “since wars begin in the minds of men and women, it is in the minds of men and women that the defences of peace must be constructed.” The preamble also declares that “the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern.” The task remaining is to consider how we can make use of the Memory of the World to construct peace in the minds of people, to widely diffuse culture, and to educate future generations in justice and liberty.

This article is a part of **The Special Issue: The ‘Comfort Women’ as Public History**. See [the Table of Contents](#).

We created [a zip file](#) for download containig all articles in this special issue for your convenience.

Please also see the supplementary issue to this special issue, **Academic Integrity at Stake: the Ramseyer Article**, edited by Alexis Dudden.

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Notes

¹ As of 1 August 2020, only 17 survivors remain out of the total 238 South Korean “comfort women” victims officially registered. In 2019 five victims and in 2020 already three victims have passed away. Ms. Jan Ruff O’Herne of the Netherlands, one of the only two publically-known former Dutch ‘comfort women’, also passed away in August 2019.

² [This Institute](#) works to eliminate gender violence and to achieve gender equality.

³ The report of UNESCO’s expert body, the International Advisory Committee (IAC), stated in the section on assessment of nominations for the MOW International Register the following: “IAC reviewed the nominations for the MOW International Register. ... while in another case it was recommended that because the issues raised in the nomination apply more widely to other countries, and because they merit full attention, the particular nomination will be deferred for the next nomination cycle 2016/2017. In the meantime, the IAC will exercise its discretion under Article 4.3.3 of the Guidelines to encourage additional nominations on the subject.” *Final Report, 12th Meeting of the International Advisory Committee of The Memory of the World Programme*, 4-6 October 2015, Abu Dhabi, United Arab Emirates, p. 13.

⁴ As a member of the convening organization from South Korea, the author was in charge of the Media Team, dealing with about 200 reporters from all around the world. We held two press conferences daily during the Tribunal, one in English and another in Korean. A total of 1,100 people participated, including 67 former comfort women. The final Judgment was delivered one year later in The Hague: *Judgement, The Women’s International War Crimes Tribunal for the Trial of Japan’s Military Sexual Slavery*, Case No. PT-2001-1-T, (The Hague: Delivered 4 December 2001).

⁵ The 6 organizations in South Korea are: Korean Council for the Women Drafted for Military Sexual Slavery by Japan; The House of Sharing; Busan Council for the Women Drafted for Military Sexual Slavery by Japan; Daegu Citizen Forum for Halmuni; Masan, Changwon, and Jinhae Civil Assembly for Japanese Military Sexual Slaves; and Tongyeong and Geoje Civil Assembly for Japanese Military Sexual Slaves.

⁶ In addition to the six Korean organizations, the initial members of ICJN were the Research Center for Chinese “Comfort Women” at Shanghai Normal University (China), Beijing Fangyuan Law Firm (China), Taipei Women’s Rescue Foundation (Taiwan), The Japanese Committee for Joint Nomination to the UNESCO MoW Register (Japan), The Foundation of Japanese Honorary Debts (Netherlands) and Lila Pilipina Lolas Center Inc. (Philippines). (*Editor’s note: While the participating organizations from mainland China are presented as ‘civil society’ entities, in practice all such groups in China are closely state-supervised, requiring official approval to engage in collaboration with overseas NGOs.*)

⁷ In Indonesia, the original organization working on the wartime ‘comfort women’ issue had ceased taking responsibility for archiving documents and I was referred to an individual researcher, who subsequently formed the Solidarity Network for Indonesian ‘Comfort Women’ with a Japanese researcher/supporter. In Timor-Leste, it proved difficult to communicate with the Hak Association either through e-mails or telephone calls.

⁸ The IAC is the body which advises UNESCO on the planning and implementation of the Memory of the World programme. See Note 3 above.

⁹ For more on the 2000 Women’s Tribunal, see Mina Watanabe and Norma Field, “[Reopening](#)

the Tokyo War Crimes Tribunal, Fifty-Four Years Later: As Recorded in the Documentary Video, *Breaking the History of Silence*,” *Asia-Pacific Journal: Japan Focus*, (February 15, 2021), Volume 19, Issue 4, Number 1 (Article ID 5536).

¹⁰ [Remarks at the Joint Press Conference](#), from the Korean Foreign Ministry’s website (edited by the author).

¹¹ Editor’s note: The Korean authorities expected a reaffirmation from the Japanese side of the apologies issued by Japan in the 1990s (from which Abe and other leading Japanese politicians had appeared to recede). On this point, the wording of the final agreement was felt by many in Korea to be too vague.

¹² Editor’s note: It should be noted that even this formal text left open the possibility that the Korean Government might fail to persuade ‘relevant groups’ to remove the statue. As Korean officials repeatedly stressed, the statue falls under the jurisdiction of the Seoul municipal authorities. The national government therefore does not have the authority to require the statue’s removal.

¹³ From the [Korean Foreign Ministry’s website](#) (in Korean).

¹⁴ In 2006, sixty-four ‘comfort women’ survivors filed a constitutional suit, and the decision came out on 30 August 2011. 2006Hun-Ma788, [Challenge against the Act of Omission Involving Article 3 of “Agreement on the Settlement of Problem concerning Property and Claims and the Economic Cooperation between the Republic of Korea and Japan](#), Lee 0-Soo et al vs. Minister of Foreign Affairs.

¹⁵ [Hankookilbo](#), reporting on the official start of the Research Association, 29 Jan. 2016. This Association published a book (in Korean) in June 2016, Kim Chang-rok et al, *2015 Agreement on ‘Comfort Women’ Should Not be Tolerated*, Kyung-in Publishing Co., Seoul, 2016.

¹⁶ Donations from individuals were the only sources of financial support, while we also had to spend personal money. For example, the author traveled at her own expense to Canberra and to London in Feb. 2016 to secure approval for inclusion of the documents in the custody of the National Archives of Australia and the Australian War Memorial, as well as the Imperial War Museum London. The permissions were all granted.

¹⁷ This funding was from the Seoul Metropolitan City Government in Sept. 2016.

¹⁸ This was possible since our meeting was back-to-back with the Asian Solidarity Conference, in which our members had participated and their travel expenses were paid by its organizer. The Asian Solidarity Conference first held in Seoul in 1992 had been organized by the Korean Council, as a venue of discussion among civil society organizations which were working on the comfort women issue.

¹⁹ For the 2016-2017 cycle, the deadline was originally set for 31 March 2016 but postponed to 31 May 2016.

²⁰ Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted by the UNESCO General Conference at its 17th session, Paris, 16 November 1972, available [here](#); Convention for the Safeguarding of the Intangible Cultural Heritage, adopted by the UNESCO General Conference at its 32nd session, Paris, 3 November 2003, available [here](#).

²¹ Its objectives are: (1) to facilitate preservation of the world’s documentary heritage, (2) to assist universal access to documentary heritage and (3) to increase awareness worldwide of the existence and significance of documentary heritage. See [here](#).

²² There are also Regional MoW Register and National MoW Register.

²³ The letter dated 10 April 2016 was from Boyan Radoykov, Chief of Section, Universal Access and Preservation.

²⁴ The original and revised version of section 5.2 World significance is as follows: “The ‘comfort woman’ system, which has become recognized through the gradual accumulation of fragments of evidence, is a wartime tragedy that caused the countless victims indescribable suffering and enduring humiliation.

²⁵ The four nominators are: The Alliance for Truth about Comfort Women (JAPAN); The Study Group for Japan's Rebirth (USA); The Institution of Research of Policy of Media and Broadcasting (JAPAN); and Japanese Women for Justice and Peace (JAPAN). According to their application, The Institution of Research of Policy of Media and Broadcasting has the copyright of the “Special Edition of the Bulletin of Showa Kenkyujo”, one of the nominated documents, and the other three nominators are dedicated to researching “Comfort Women” and Japanese Army discipline.

²⁶ UNESCO Executive Board, Decision Adopted by the Executive Board at its 202nd Session (4-18 Oct. 2017), 202 EX/Decisions, Paris, 18 November 2017, p. 20, Agenda Item 15, *Final report* by the International Advisory Committee (IAC) on the review process of the Memory of the World Programme, available [here](#).

²⁷ The agenda of this 13th IAC meeting is available [here](#). Consideration of nominations for the MoW International Register was scheduled for the whole day of 25 Oct. and the morning of 26 Oct. in a closed meeting.

²⁸ In fact, the IAC meeting was supposed to be held in Canada, and we were ready to participate in it. However, it was not held in September, without any announcement or explanation. The Canadian government could not prepare the meeting since there was no information/communication from UNESCO MoW Programme secretariat.

²⁹ *Japan Times*, “[Suga says Japan may pull plug on financial contributions to UNESCO](#),” 12 Oct. 2015.

³⁰ *Japan Times*, “Japan holding back payment to UNESCO,” 14 Oct. 2016.

³¹ UNESCO’s [website on financial accountability](#).

³² *UNESCO 2017*, p. 151, [Table on Assessed contributions to the regular budget: Top 25 assessments](#), 2017.

³³ The same Table shows that the top 10 countries were: USA (22.000%, but withholding contributions), Japan (9.679%), China (7.920%), Germany (6.389%), France (4.859%), UK (4.463%), Brazil (3.823%), Italy (3.748%), Russia (3.088%) and Canada (2.921%).

³⁴ *Ibid*, Figures on total revenue by nation, 2017 and revenue trend, 2013-2017, on p. 150.

³⁵ Due to the financial crisis caused by USA’s pullout, 450 staff were laid off, including one South Korean who moved to Paris on a three-year contract but had to return to South Korea after only 6-months at the UNESCO headquarters.

³⁶ The new top 10 countries and their contributions in percentages in 2019 are: China (15.493%), Japan (11.052%), Germany (7.86%), UK (5.894%), France (5.713%), Italy (4.268%), Brazil (3.805%), Canada (3.528), Russia (3.104), and South Korea (2.926%), data from the [Korean National Commission for UNESCO](#).

³⁷ *Japan Times*, Editorials, “[UNESCO and Japan](#),” 26 Oct. 2016.

³⁸ Mie, Ayako. “[Japan holding back payments to UNESCO](#),” *Japan Times*, 14 Oct. 2016.

³⁹ [Final Report of the 12th Meeting of the International Advisory Committee of The Memory of](#)

the World Programme, 4-6 October 2015, Abu Dhabi, United Arab Emirates, CI/MOW-IAC/2015/4, October 2015, pp.16-17.

⁴⁰ All documents concerning the comprehensive review are available [here](#).

⁴¹ Available [here](#).

⁴² Editor's note: as noted above, the World Heritage Sites scheme, since it is governed by a diplomatic "convention", is ultimately subject to oversight by member states - whereas the MoW Program, as originally designed, was meant to be more autonomous and "expert-led".

⁴³ See the Co-Chairs' Report of the Open-Ended Working Group (OEWG) on the Examination of Other Concrete Suggestions for the Reform of the MoW Programme Beyond a Redrafting of the IAC Statutes and of the General Guidelines, available at UNESCO's [website on comprehensive review of MoW Programme](#).

⁴⁴ "UNESCO's Reform Delayed due to COVID-19" says Yomiuri, Report by a Korean news media, Newsis, on 24 July 2020, citing Yomiuri which reported about the delay citing the Japanese government as the source of information. See [here](#).

⁴⁵ Editor's note: Many member states shared the Japanese government's uneasiness with deference to experts on such sensitive matters, and the desire to ensure that expert recommendations could be overridden for "reasons of state". Others, including some EU governments, may have been more concerned to placate the Abe administration in order simply to guarantee Japan's continuing engagement with UNESCO, as a means of balancing increasingly strong Chinese influence over the organisation.

⁴⁶ The Co-Chairs' Report, in section 3.1.3. On the function and mandate of the Intergovernmental Body, "the OEWG agreed that such a body would ... Endorse/Decide inscriptions for the MoW International Register on the basis of the IAC recommendations.", p.5.

⁴⁷ An expert who refused the offer told the author about it.

⁴⁸ The author participated in the 2017 IAC meeting as an observer, with another staff from the ICJN Secretariat, as well as a Chinese member. On the 27th of October, the last day of the IAC meeting, the author asked for the floor and raised a question on the leakage of information by the IAC before the finalization of the decision. The response from the chair was that everything had been done according to the rules. The fact that I had raised the question was recorded at the end of the *Report of 13th meeting of the International Advisory Committee (IAC)*, UNESCO, Paris, 24-27 October 2017, CI/MOW-IAC/2017/4, November 2017, p. 8, although the response from the Chair was altered in this formal report. See [here](#). Indeed, there were many abnormalities observed from the start in the proceedings of the IAC meeting. For example, in the absence of the IAC Chair, a question was raised as to who among the three vice-chairs would act as chair. Also raised was the issue of election of the Bureau whose term was finished, although this was not included in the agenda. In front of the IAC members and observers, differences of opinions were exposed among the members of the UNESCO Secretariat.

⁴⁹ The author was informed that Japan refused to engage in dialogue and that the facilitator was completely ignored or dismissed by Japan for her lack of knowledge of the Asian region.

⁵⁰ Editor's note: here the "other party" refers to the Japanese revisionist groups behind the rival comfort women-related application to the MoW Programme.

⁵¹ The section on "Questioned nominations" was already adopted at the UNESCO International Experts' meeting held in March 2017 in Berlin, as explained in a footnote on p.



69 of the *Revised General Guidelines*.

⁵² See [here](#).