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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Shimin Gaikou Centre (Citizens' Diplomatic Centre for the Rights of Indigenous Peoples), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2023]

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\* Issued as received, in the language of submission only.



# **The 70th Anniversary of the Korean War Armistice and the Crisis of Military Conflict in East Asia: Human Rights Issues Left Behind by the San Francisco Peace Treaty and the Unsettled Colonial Rule**

## **1. Introduction**

The year 2023 marks the 70th anniversary of the signing of the Korean War Armistice Agreement in July 1953. It is the longest running war since World War II. In East Asia today, the threat of new military conflicts in the Taiwan Strait, (Province of) China, the Korean Peninsula, and Okinawa has rather increased amidst the strengthening of the United States of America-Japan military cooperation. This statement seeks new possibilities for war prevention and peace building in East Asia by reviewing the San Francisco Peace Treaty regime, which has created the Cold War structure in Asia, from the perspective of human rights issues and the resolution of unsettled colonial rule.

## **2. The Korean War**

In August 1945, the Korean Peninsula was liberated from Japanese imperialism, but before long the joy of liberation was experienced, the Korean War, a tragedy of division, broke out in June 1950 during the Cold War. The Korean War was a civil war that broke out between the Republic of Korea (South Korea) which was established in 1948 and the Democratic People's Republic of Korea (North Korea). The three-year-long Korean War turned the entire Korean Peninsula into a battlefield and devastated it, resulting in the deaths of 4 million people and the brought the pain and tragedy of more than 10 million separated families.

In July 1953, the United Nations Forces and the allied forces of China and the Democratic People's Republic of Korea signed the Korean War Armistice Agreement, resulting in a truce, but the front line near the 38th parallel of north latitude was recognized as the military demarcation line, and the Democratic People's Republic of Korea and the Republic of Korea remained divided. As the armistice, not the end of the war, is still in force as of 2023, no peace treaty has been signed between the Democratic People's Republic of Korea and the Republic of Korea or between the Democratic People's Republic of Korea and the Republic of Korea and the United States of America and other UN forces. In April 2018, the third inter-Korean summit was held in Panmunjom between President Moon Jae-in of the Republic of Korea and Kim Jong-un, the Chairman of the Workers' Party of the Democratic People's Republic of Korea, The Panmunjom Declaration, which aimed to end the war by the end of 2018, was announced, but did not materialize. This truce line is a complex and contradictory triple line of confrontation: the global Cold War, the Cold War in Asia, and the Cold War on the Korean Peninsula. The Korean War is still recorded today as the world's longest war, and 70 years after the armistice agreement, it must be ended at all costs.

## **3. Human Rights Issues in the San Francisco Peace Treaty Regime and the Unsettled Colonialism**

The outbreak of the Korean War in June 1950 brought about a major change in the United States of America military occupation policy toward Japan. In order to carry out the war on the Korean Peninsula, the United States of America military suspended the democratization measures of "total dismantling of militarism" in Japan and promoted a policy of "rear base" for the early independence of Japan and the execution of the Korean War. Against this backdrop, the San Francisco Peace Treaty was concluded in September 1951 between Japan, the war criminal of World War II, and the Allied Forces, led by the United States of America. This peace treaty was concluded by 48 countries to deal with the aftermath of the Pacific War and entered into force in April 1952. The treaty restored Japan's sovereignty and, for the first time, formally recognized the end of the Pacific War.

The main topics of discussion at the San Francisco Peace Conference included postwar Japanese territory, the scope of Japan's military power, and reparations for countries Japan had invaded. However, this peace treaty was inadequate and problematic in terms of dealing with the aftermath of the war.

Firstly, Japan's neighboring countries did not sign the peace treaty. The Democratic People's Republic of Korea and the Republic of Korea were defined as colonies of the Empire of Japan, not belligerents, and were not invited to sign the peace treaty. Neither Taiwan, (Province of) China nor China could participate due to differences of opinion between the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Asian countries that were not invited had to negotiate individually with Japan, and the so-called normalization of diplomatic relations with the Korean Peninsula and China was realized in 1965 and 1972, respectively.

Secondly, major Allied nations such as the United States of America, the United Kingdom of Great Britain and Northern Ireland, and France renounced their right to claim reparations. Furthermore, the reparations to be paid by Japan were mainly limited to "services" and "confiscation of overseas assets." Such a reparations-in-kind system ultimately reduced the burden of reparations for Japan and rather provided opportunities for expansion into the Korean Peninsula and Southeast Asia. It also provided business opportunities that formed the basis for Japan's rapid economic growth.

Thirdly, the treaty did not discuss the issue of colonial reparations at all. Since Japan abandoned the Korean Peninsula and Taiwan, (Province of) China immediately after its defeat in the war, it left all settlement of colonial reparations, which originally had to be settled individually, to the peace treaty for both sides. Postwar compensation issues, such as the Japanese comfort women issue and unpaid wages for forcibly mobilized Korean workers, date back to the time when the San Francisco Peace Treaty was concluded, when the United States of America allow Japan not to acknowledge their responsibility for colonial rule.

In other words, the United States of America and Japan almost shelved their responsibility for colonial rule in Asia, and as a result, Japan has been unable to pursue its responsibility and compensation issues to this day. Japan should work in good faith to resolve the aforementioned comfort women issue and other human rights violations committed during the colonial period and the many other issues that remain unresolved, based on a victim-centered approach.

#### **4. The Cold War Structure in East Asia**

Immediately after the San Francisco Peace Treaty was established, the United States of America and Japan concluded the "Japan-U.S. Security Treaty". What the United States of America most desired at the time was to establish the presence of the United States of America military bases in Japan to support the United States of America combat missions conducted outside of Japan. At the time of the Korean War, the bases were used as the core launching bases for air raids against North Korea, and from 1965 to 1972, they were also used as launching bases for air raids against Viet Nam, Cambodia, and the Lao People's Democratic Republic.

Thus, it can be said that the San Francisco Peace System was the origin of the Cold War structure in Asia, which made the United States of America military bases permanent, strengthened military cooperation among the Republic of Korea, the United States of America, Japan, and Taiwan, (Province of) China, and blockaded and antagonized the Soviet Union, China, and the Democratic People's Republic of Korea. Currently, the United States of America and its allies, led by the United States of America, are continuously building up their military forces and establishing a system of contention and readiness. It is now necessary to create a new peace community and system led by citizens, overcoming such a system that has been in place since the past. This is indispensable for building a peaceful order in East Asia, and urgent action is required.

## **5. Japan's Constitution, the Korean War, and Building Peace in East Asia**

Japan's Peace Constitution is the product of Japan's commitment to never again start a war in East Asia and the world, based on reflection on the past wars. As the realization of Japan's Peace Constitution and its spirit becomes increasingly important, we must resolutely stop any attempts to revise it. At the same time, it will be difficult to achieve peace in East Asia without transforming the unstable truce that has prevailed on the Korean Peninsula for 70 years into a permanent peace regime. Before it is too late, hostilities should cease, negotiations should resume, and the unstable truce regime on the Korean Peninsula should be replaced by a peace agreement regime.

We must also prevent the Ukrainian war from expanding outward. In this 70th year of the Korean War Armistice Agreement, I urge us once again to maintain peace in East Asia. Whether it is between the United States of America and the Democratic People's Republic of Korea or between the United States of America and China over Taiwan, (Province of) China, we are determined never to allow war to break out. We hope that governments will call for ceasefire negotiations on the war in Ukraine and join with China and India to serve as mediators in ceasefire negotiations. We also hope that the UN Human Rights Council, in accordance with the Declaration on the Right to Peace adopted by the UN General Assembly in 2016, will work on international efforts to end the Korean War and, at the same time, to reduce the current heightened tensions in East Asia.

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New Era Asia Peace Academy, NGO(s) without consultative status, also share the views expressed in this statement.