

# JEJU PEACE, EDUCATION, AND RECONCILIATION: CONTINUED CHALLENGES RELATING TO THE JEJU 4.3 TRAGEDY

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## ABSTRACT

Although our decade-long annual International Jeju Peace Education program with students from Hokkaido University is ending, our joint efforts for reparations and reconciliation in many tragic cases of the past must be meaningful and must continue, especially in light of vicious cycles of hatred exemplified by the Ukraine War.

**Key Words:** *peace building, reparations and reconciliation, Ukraine War, vicious cycles of hatred.*

## I. INTRODUCTION

This essay is dedicated to Professor Eric K. Yamamoto's recent monograph, *Healing the Persisting Wounds of Historic Injustice: United States, South Korea and the Jeju 4.3 Tragedy*,<sup>1</sup> and portions of it are derived from my closing remarks at the Jeju Summer School Conference in August 2022, at the Ara Convention Center of Jeju National University. The magnitude of Prof. Yamamoto's contribution to the Jeju 4.3 tragedy is directly tied to our decade-long annual joint educational project. However, I feel sorry I cannot prepare for a separate detailed analysis of his voluminous

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1. ERIC K. YAMAMOTO, *HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE: UNITED STATES, SOUTH KOREA AND THE JEJU 4.3 TRAGEDY* (2021).

book. This International Summer School program at the Jeju University<sup>2</sup> is memorable to me because it is the final global education program sponsored by Hokkaido University and the culmination of a decade's worth of joint education efforts, as well as Professor Chang-Hoon Ko's<sup>3</sup> tireless efforts on behalf of the Peace Islands Network Organization (PINO).<sup>4</sup> I must admit that despite my best efforts over the past two decades to promote reparations and reconciliation in East Asia, my contributions were insufficient, and redress requires the combined efforts of generations.<sup>5</sup>

After listening to the students' presentations, I have realized that their topics were centered on war-related issues, as opposed to more diverse topics addressed in the past. I believe that these important topics reflect the students' recent increased consciousness. Their topics, such as the Chongqing bombings,<sup>6</sup> biological wars,<sup>7</sup> and "comfort women" issues,<sup>8</sup> are not problems of the past, they are problems of now. Consider the Ukraine war,<sup>9</sup> especially the devastating shelling and bombing of many cities, and the

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2. Jeju National University International Summer School Introduction, JEJU NAT'L UNIV., <https://intl.jejunu.ac.kr:47019/2015/view.php?pageID=19> [<https://perma.cc/Z7YB-JA79>].

3. Tracie Barrett, *Peace Professor: Advocate Proposes Oceanic Community*, THE JEJU WEEKLY (Jan. 4, 2010, 9:50 PM), <http://www.jejuweekly.net/news/articleView.html?idxno=484> [<https://perma.cc/KT7C-7KQA>].

4. Chang Hoon Ko, *Jeju, Island of World Peace* [Toward the Establishment of the 'World Environment University' and the Operation of the Environmentally Sustainable 'Peace Islands Network'], JEJU PEACE INST. (Nov. 29, 2021), [jpi.or.kr/?p=19905](http://jpi.or.kr/?p=19905) [<https://perma.cc/KN8R-ED7W>].

5. For additional insight on the reparations and reconciliation process in East Asia, see generally Kunihiko Yoshida, *Reparations and Reconciliation in East Asia: Some Comparison of Jeju April 3rd Tragedy with Other Related Asian Reparations Cases*, 2 No. 1 WORLD ENV'T & ISLAND STUD. 79 (2012) [hereinafter Kunihiko Yoshida, *Reparations and Reconciliation in East Asia*]; Kunihiko Yoshida, *The Challenges in Pursuit of Reconciliation of Jeju Historical Injustice: Some Observation on Taxonomy of Reparations and the Process of Reconciliation*, 3 No. 2 WORLD ENV'T & ISLAND STUD. 47 (2013); Kunihiko Yoshida, *Why Should Japan Be Concerned About Jeju Reparations and Reconciliation?: From the Peace Islands of Hokkaido and Jeju*, 5 No. 2 WORLD ENV'T AND ISLAND STUD. 81 (2015).

6. See Dylan Weir, *Chongqing Bombing: Its Strategic Importance and Effects*, PAC. ATROCITIES EDUC. (Aug. 3, 2022), <https://www.pacificatrocities.org/blog/chongqing-bombing-its-strategic-importance-and-effects> [<https://perma.cc/6399-SGQK>].

7. See Barry R. Schneider, *Biological Weapon*, BRITANNICA (Nov. 27, 2017), <https://www.britannica.com/technology/biological-weapon/Biological-weapons-in-history> [<https://perma.cc/CKD6-PQ7C>].

8. See generally Jimin Kim et al., *Teaching About the Comfort Women During World War II and the Use of Personal Stories of the Victims*, 24 No. 3 ASIAN LITERATURE IN THE HUMANS. AND THE SOC. SCIS. 58 (2019).

9. See Ctr. for Preventive Action, *Conflict in Ukraine*, GLOB. CONFLICT TRACKER (Sept. 12, 2022), <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ukraine> [<https://perma.cc/SSQ8-RM5F>].

massacre and rape happening in Bucha.<sup>10</sup> There is an inherent risk that we might enter World War III.

## II. THE JEJU 4.3 TRAGEDY AND PROFESSOR YAMAMOTO'S RESILIENCE

After a two-day fieldwork made possible with the great efforts of Professor Ko and his student and associate, Mr. Deokhyeun Kim, we learned that the students' research also focuses on the Jeju disaster. Ever since my shocking encounter with this horrible tragedy in the early 2000s, then the first meeting with Professor Ko in September 2009, and our joint visit to South Korea with Professor Yamamoto in the summer of 2012,<sup>11</sup> I have felt compelled to take action and discover a workable solution. Looking back, I suspect that the move towards reconciliation has been mired in a "deadlock of stagnation." Professor Yamamoto expressed a more optimistic perspective, noting that the social healing process has been rejuvenated.<sup>12</sup> As I emphasized during my presentation on August 16, 2022,<sup>13</sup> and as many

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10. See, e.g., Carlotta Gall & Daniel Berehulak, *Stories Behind a Landscape of Horrors in Bucha*, N.Y. TIMES, Apr. 13, 2022, at A1, A11; Carlotta Gall et al., *As it Regroups, Russia Pummels Ukrainian Cities*, N.Y. TIMES, July 12, 2022, at A1, A8; see also Mansur Mirovalev, *Bucha Killings: 'The World Cannot Be Tricked Anymore'*, AL JAZEERA (Apr. 4, 2022), <https://www.aljazeera.com/news/2022/4/4/will-the-bucha-massacre-wake-up-the-world> [<https://perma.cc/5LJ4-DEMX>]; Molly Hunter et al., *Anguish, Fury and Grief: One Woman Recounts Rape by Russian Soldier*, NBC NEWS (Apr. 17, 2022, 1:30 AM), <https://www.nbcnews.com/news/world/ukrainian-rape-survivor-russia-bucha-hostomel-rcna24540> [<https://perma.cc/P62W-8Z2J>]; Gerrard Kaonga, *Russian Soldiers Raped Dozens, Impregnated 9 in Bucha Basement—Ukraine Says*, NEWSWEEK (Apr. 12 2022, 12:32 PM), <https://www.newsweek.com/lyudmyla-denisova-russian-soldiers-rape-bucha-basement-ukraine-ombudswoman-1697240> [<https://perma.cc/ZZ7J-LW8D>].

11. See YAMAMOTO, *supra* note 1, at 17. His sincere academic motivation and attitudes as a reparations scholar has been vividly described in his recent monograph, which is the product of his shocking experience. We must realize that, unlike in Japan, where the grassroots studies of the "Jeju incident" started earlier than in Korea in the 1980s, even an American reparations expert himself did not become informed of the American responsibility regarding the horrific tragedy until early 2010.

12. *Id.* at 20-21; see also *id.* at 32-33, 44-45. Prof. Yamamoto's optimism about the social healing movement domestically in the United States, on the other hand, could be grounded by his perceived expansive development of the grassroots "Black Lives Matter" African American reparations movement following the tragedy of George Floyd in May 2020.

13. Kunihiro Yoshida, Remarks at the Jeju National University International Summer School Program (Aug. 16, 2022). My presentation focused on the reparations and reconciliation in Japan and Korea with emphasis on racial minorities in the Peace Islands of Hokkaido and Jeju. My lectures in recent years focus on the commonality of Indigenous peoples' world of peaceful benefit sharing as humble "stewards" with regard to natural surroundings, as opposed to modern despotic private dominion type of property (William Blackstone) in pursuit of endless global capitalism, wealth accumulation and war. I now argue that the systemic marginalization and mischaracterization of Jeju Islanders should be critically reanalyzed from their Indigenous perspective.

students pointed out at the conference, there are numerous obstacles, challenges, and examples of “unfinished business” for us to pursue and learn from in the social healing process.

### III. THE NEED FOR JAPANESE LEGAL SCHOLARLY WORK ON THE JEJU 4.3 TRAGEDY

Allow me to begin by explaining why, as a Japanese legal scholar, I study the Jeju tragedy. The first reason is Professor Ko’s “Peace Island Network” project.<sup>14</sup> Over the past decade, Professor Ko has advocated for a worldwide peace island networking plan and organized many related events, partly in response to former President Moo-Hyun Roh’s 2003 heartfelt apology for the Jeju tragedy.<sup>15</sup> I hold his ambitions in high respect and have participated as a member of the teaching faculty in his annual interdisciplinary summer for the past decade. Regarding the bilateral peace networking efforts between the universities of Hokkaido and Jeju, let me first explain the affinity between the two islands. Although both are today regarded resort islands, they were once islands of tragedy. During WWII, fifty-eight of 135 Chinese slave labor sites were established in Hokkaido, while 150,000 Koreans were allegedly deported from the Korean peninsula to Hokkaido shortly before the end of the war.<sup>16</sup> Currently, there are fewer than 6,000 ethnic Koreans living in Hokkaido.<sup>17</sup> In 1949, Jeju had its own tragedy, when many residents fell prey to mass killings.<sup>18</sup> Both islands are now in dire need of reparations and reconciliation, and we must take historical injustice seriously to achieve reconciliation and social healing.

The second reason is the strong connection between Western Japan (Osaka region) and Jeju. As evidenced by the special exhibit “Jeju Islanders in Japan” at the Jeju National University Museum near the entrance gate,<sup>19</sup>

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14. See *supra* note 4 and accompanying text.

15. Editorial, *The April 3 Jeju Uprising Neglected for 70 Years: Reflecting on Our Responsibility*, KYUNGHYANG SHINMUN (Apr. 4, 2018, 7:50 PM), [https://m.khan.co.kr/view.html?art\\_id=201804041950307](https://m.khan.co.kr/view.html?art_id=201804041950307) [<https://perma.cc/JH5N-ARH5>].

16. See William Underwood, *NHK’s Finest Hour: Japan’s Official Record of Chinese Forced Labor*, 4(8) ASIA-PAC. J. 1, 1 (2006); see also Andrew Logie, *Untold Tales: Two Lesser Known Personal and Social-Linguistic Histories of Sakhalin Koreans*, 117 STUDIA ORIENTALIA 269, 270 (2016).

17. Tetsuro Kubo, *Korean Residents in Japan by Prefecture*, TODORAN (Dec. 15, 2009), <https://todo-ran.com/t/kiji/11618> [<https://perma.cc/6PMA-TY95>] (Japan).

18. Newsweek Staff, *Ghosts of Cheju*, NEWSWEEK (June 18, 2000, 8:00 PM), <https://www.newsweek.com/ghosts-cheju-160665> [<https://perma.cc/LR9Z-HQQJ>].

19. See *Jeju National University Museum*, VISIT JEJU, [https://www.visitjeju.net/en/detail/view?contentsid=CONT\\_000000000500067](https://www.visitjeju.net/en/detail/view?contentsid=CONT_000000000500067) [<https://perma.cc/ADA7-3NK3>].

the relationship between Japan (especially the Osaka region) and Jeju Island has deep roots. Currently, about 150,000 of 580,000 ethnic Koreans residing in Japan (predominantly in the Osaka region) are Jeju descendants.<sup>20</sup> This astonishingly high rate is contrasted by the fact that Jeju's population is less than one percent of the population of Korea, including North Korea.<sup>21</sup> Many of these Korean expatriates are subject to racial discrimination in Japanese society.<sup>22</sup> The Jeju issue is thus one of Japan's problems. The large number of Jeju Islanders in Japan is due in part to the ferry boat "Kimigayo Maru" (Gundaegwan in Korean) that traveled between Osaka and Jeju from 1922 until 1945.<sup>23</sup> Additionally, I suspect that many Jeju islanders escaped the tragedy and relocated to Japan. A famous Korean resident, Kim Shi-Jong, is a good example of someone who narrowly escaped the Jeju tragedy in 1949.<sup>24</sup> Ms. Kim Dong-Il is another excellent illustration. She was arrested as a rioter and insurgent, referred to as a "Bokto" in Korean, tortured and detained for 100 days. She averted death and fled to Mokpo, the southern port of Korea in 1950, before being smuggled into Japan in 1958. She now runs a Bento Shop in the Edogawa Ward in Tokyo. However, she is not considered a Jeju tragedy victim since she was too close to the guerillas' core group.<sup>25</sup>

The third reason I focus on Jeju is the manner in which Jeju Islanders were slaughtered by Korean ultra-right-wing youth, who were backed by the United States Army and cooperated with the Japanese Army during WWII. The number of victims on Jeju itself, which ranges from 30,000 to 80,000, is shocking. About 15,000 people have been identified as victims. The official

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20. See Tatsuya Chikusa & Akira Nakano, *Avoiding Divided Jeju in Revolt: The Relationship based on Kimigayo Maru Still Continues*, ASAHI SHIMBUN, Mar. 5, 2010, at 10 (Japan); see also Insil Yang, *Jeju 4.3, Stowaways, and Family Stories: Representation of Jeju Residents in Japanese Films*, 92 ARTES RIPERALES 1, 2 (2013) (Japan); *South and North Korean Residents in Japan*, STAT. JAPAN (Oct. 7, 2019) <https://stats-japan.com/t/kiji/11618> [<https://perma.cc/H3KA-27WF>].

21. *Jeju Province*, GONE 2 KOR., <https://www.gone2korea.com/jeju-province/> [<https://perma.cc/W3SG-K59R>] (noting that the population of Jeju is 609,000); *Republic of Korea Population*, COUNTRYMETERS, [https://countrymeters.info/en/Republic\\_of\\_Korea](https://countrymeters.info/en/Republic_of_Korea) [<https://perma.cc/JD8J-4HHD>] (showing that the current population of Republic of Korea is 52,010,259 as of January 23, 2023).

22. Rennie Moon, *Koreans in Japan: Pre-war Japan and the Origins of the Korean Diaspora*, SPICE DIG. (Fall 2010), [https://spice.fsi.stanford.edu/docs/koreans\\_in\\_japan](https://spice.fsi.stanford.edu/docs/koreans_in_japan) [<https://perma.cc/LHG2-MCQU>].

23. See Kunihiko Yoshida, *The Challenges in Pursuit of Reconciliation of Jeju Historical Injustice*, *supra* note 5, at 51.

24. See SHI-JONG KIM, *LIVING IN KOREA AND JAPAN: FROM JEJU ISLAND TO IKAINO* 219 (2015) (Japan).

25. See generally CHANG-HOO KIM & MI-YU LEE, *SUNFLOWERS TO MT. HALLA: KIM DONG-IL'S EXPERIENCE OF THE JEJU 4.3 INCIDENT* (2010) (Japan). The monograph on the life and experiences of Ms. Dong-Il Kim is written by Chang-Hoo Kim, the former director of the April 3rd Institute.

report states that the number was between 25,000 to 30,000,<sup>26</sup> but Japanese literature estimates that the figures are much higher.<sup>27</sup> In his recent book, Mr. Shi-Jong Kim argues that the number should exceed 50,000.<sup>28</sup> The way in which they were slaughtered is unfathomable. It was the Holocaust in Korea and Harry Truman's confrontational plan replaced Franklin Roosevelt's pacific territory project, which was compatible with Jeju Islanders' desires.

As a Japanese scholar, I feel sorry for the Jeju victims because I notice similarities in terms of violence between the Korean army and the Japanese army on the Chinese continent during WWII, in cities like Nanjing or Pingdingshan. The ultra-right-wing group, called Seo-cheon (Northwest Youth Association), was dispatched to Jeju to suppress and kill Jeju Islanders.<sup>29</sup> Those soldiers served in the Japanese military until the end of WWII, just a couple of years before the Jeju genocide. Furthermore, we must remember that many of them were affiliated with the most violent elements of the colonization period, known as "Tokkou," which was the Special Police Section of the Korean Peninsula.<sup>30</sup>

The fourth reason I work on the Jeju tragedy is that research on the subject in Japan started in the late 1970s and 1980s. Ethnic Koreans in Osaka have worked on this issue for a long time, and as a result, research into the Jeju tragedy began sooner in Japan than in Korea, as the topic was taboo in Korea until the early 1990s.<sup>31</sup> I first visited Jeju by joining one of the Japanese study groups that made grassroots investigations of the mass killings. Under the Korean regime, discussion of the Jeju massacre was forbidden. When Professor Ko sought to reveal what had occurred in the Darangshi Cave<sup>32</sup> in 1992, he was intimidated and besieged by the Korean

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26. THE NAT'L COMM. FOR INVESTIGATION OF THE TRUTH ABOUT THE JEJU APR. 3 INCIDENT, THE JEJU APRIL 4.3 INCIDENT INVESTIGATION REPORT 651 (2003).

27. See generally SEOK-POM KIM ET AL., WHY DID YOU KEEP WRITING? WHY DID YOU STAY SILENT?: MEMORIES AND LITERATURE OF THE JEJU APRIL 3 INCIDENT (2001) (Japan). Seok-Pom Kim makes a remark in his conversation with Shi-Jong Kim that 50,000 to 70,000 had been killed. Incidentally Professor Bruce Cumings of Chicago University endorsed this data at the 2019 UN Jeju conference mentioned later, in response to my question there.

28. See SHI-JONG KIM, *supra* note 24, at 178 (Japan).

29. See *The Arrival of the Northwest Youth Association*, JEJU 4.3 FROM TRUTH TO PEACE, [http://jeju43peace.org/historytruth/fact-truth/factstruth\\_article9/](http://jeju43peace.org/historytruth/fact-truth/factstruth_article9/) [<https://perma.cc/AB68-MFAD>].

30. See SHI-JONG KIM, *supra* note 24, at 174-75.

31. See Yoshida, *supra* note 5, at 51; see also Jeong-Sim Yang, *The Jeju 4.3 Uprising and the United States: Remembering Responsibility for the Massacre*, 4 No. 2 S/N KOREAN HUMANITIES 39, 41 (2018) (discussing how the Jeju 4.3 Uprising was labelled a rebellion and was followed by forty years of silence and taboo).

32. See Chang Hoon Ko, *A New Look at Jeju 4.3 Grand Tragedy During 'Peacetime' Korea: A Journey from Tragedy to World Peace Island*, in JEJU 4.3 GRAND TRAGEDY DURING 'PEACETIME' KOREA: THE ASIA PACIFIC CONTEXT (1947-2016), at 3, 10 (Peace Island Book Series

police and Korean Central Intelligence Agency (KCIA). According to his peers, if the Korean democratization had been delayed, he would have been executed by the state.

Another negative legacy called “guilt by association” existed until 1981 with its psychological influence continuing afterwards.<sup>33</sup> For example, I met Ms. Yeon-Rim Cho during our fieldwork at the Jeju tragedy sites. She was Professor Ko’s student at Jeju National University in the late 1980s and an exceptionally intellectual historical tour guide for our students. However, because her uncle was arrested and killed during the Jeju tragedy, the so-called “guilt by association” system prevented her from becoming a government official, regardless of her talent or potential. In this regard, the tragedy continues. Using Professor Amartya Sen’s terminology, it poses a serious problem of capability-building<sup>34</sup> and embodies some of Jeju’s persisting negative consequences. Thus, research on the Jeju tragedy started earlier in the 1980s and 1990s in Japan, particularly among ethnic Koreans led by Jeju Islanders in Japan.

#### IV. OUR PREDICAMENTS AND CHALLENGES: THE UNESCO PROJECTS

We must have a comprehensive understanding of the predicaments confronting us. The reality is that there has been no improvement whatsoever, especially in terms of American responsibility. Why? How should this issue be resolved? Several changes must be made by considering multiple approaches.

*First*, using a legislative approach, we have met with some progressive members of Congress, such as Mark Takano and Judy Chu, in light of their efforts to raise awareness since 2015. However, the number of those who understand our intentions is still limited. The Biden administration appears indifferent to the Jeju tragedy, as it is only concerned with the contestation between the U.S. and China and the militarization of East Asia (the vicious cycle of hatred). This is diametrically opposed to our goal of peace islands and its related decade-long joint education.

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2nd ed., 2018) (explaining the Darangshi Cave incident, where 11 civilians were suffocated to death by the Korean police with fire and smoke in 1948). The cave was found in 1992, with casualties untouched for several decades after the massacre, when Prof. Ko was a director of 4.3 Research Institute. Since he decided to make open this tragedy, he was besieged by the Korean police and KCIA and he was almost killed, and was forced to go to his mentor, Prof. Moon-Yeon Lee’s house in Seoul to hide himself for security reasons.

33. See THE NAT’L COMM. FOR INVESTIGATION OF THE TRUTH ABOUT THE JEJU APR. 3 INCIDENT, *supra* note 26, at 607-12.

34. See AMARTYA SEN, DEVELOPMENT AS FREEDOM 74-76 (Alfred A. Knopf, 1999).

*Second*, in the context of what Professor Yamamoto describes as the “international consciousness-raising” of the Jeju tragedy,<sup>35</sup> the United Nations (UN) meeting on the Jeju tragedy took place in June 2019.<sup>36</sup> Although I believe the conference was successful, there has been no reaction or response from the U.S.

*Third*, we launched negotiations with UNESCO in an attempt to have the organization apply its various World Heritage programs to the Jeju tragedy. In November 2021, we took Ms. Hee-Choon Oh (92) to the UNESCO Headquarters to offer her testimony. She was a famous female diver and a Jeju tragedy survivor, who has been inscribed as intangible cultural property.<sup>37</sup> The entire UNESCO staff was happy to listen to her story.

But must we continue to employ this hybrid approach, when applying for the Memory of the World (MoW) program, given that the Auschwitz concentration camp has been recognized as World Cultural Heritage Site?<sup>38</sup> It is true that the Nanjing massacre recognition has been unsuccessful due to opposition by the Japanese government. If Daranshi cave<sup>39</sup> or Bukchon-ri Elementary School<sup>40</sup> apply for the MoW program in 2025, I have been told that some Jeju residents fear that the United States will be against it. I believe this fear is unfounded because the Japanese government’s opposition to the Nanjing Massacre is reprehensible. Will United States government officials do the same? The United States is sensitive to human rights violations in Hong Kong, Uighur, and Taiwan.<sup>41</sup> This is the essence of the conflict between the United States and China. As Professor Yamamoto emphasized, reparations and reconciliation will serve as core principles on which the legitimacy of a democratic society is founded.<sup>42</sup> He believes that these principles will serve as fundamental arguments when we attempt to persuade the United States to improve the stagnant situation regarding American

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35. See YAMAMOTO, *supra* note 1, at 22-24, 190-194.

36. *Id.* at 23, 190.

37. See Jihee Kim et al., *UNESCO Woman Diver, Ms. Hee Choon Becomes Human Spirit Beyond the Jeju Tragedy: Hee Choon Oh’s Testimony at the UNESCO, Peace Island Network in Paris and Paris Arirang*, 11 No. 4 WORLD ENV’T & ISLAND STUD. 167-71 (2021).

38. See *Change to the Auschwitz Entry on the UNESCO World Heritage List*, AUSCHWITZ-BIRKENAU STATE MEM’L & MUSEUM (June 28, 2007), <https://www.auschwitz.org/en/museum/news/change-to-the-auschwitz-entry-on-the-unesco-world-heritage-list,450.html#:~:text=During%20its%2031st%20session%2C%20into%20%E2%80%9C'Auschwitz%2DBirkenau> [https://perma.cc/Y54E-24UF].

39. See Ko, *supra* note 32, at 10.

40. See HUN JOON KIM, *THE MASSACRES AT MT. HALLA: SIXTY YEARS OF TRUTH SEEKING IN SOUTH KOREA* 17-18 (2014).

41. See YAMAMOTO, *supra* note 1, at 279-83.

42. See *id.* at 32-45.



responsibility.<sup>43</sup> He is correct on this crucial point.<sup>44</sup> Against this backdrop, will United States government officials ignore serious human rights violations on the Jeju Island? If so, the United States' position would be self-contradictory, and the international community would lose faith in it. Therefore, this is why this cautionary approach is unfounded.

Incidentally, during our time in Jeju in August 2022, revisited Bukchon-ri and met with Ms. Wan-soon Koh (83), who narrowly escaped the Bukchon Massacre in January 1949<sup>45</sup> and provided compelling testimony at the 2019 UN Conference. She appeared frustrated about the current state of affairs as she told me: "there has been no change even since I went to New York in 2019 . . . eighteen survivors died last year [2021]." We must make haste by all means, especially considering the age of many survivors. That is my perception from our grassroots-level empirical investigation. I cannot understand why we must take a cautionary approach even in that situation.

There is one more important thing. Regarding Ms. Wan-soon Koh's request that the United States take responsibility for the Jeju tragedy, she humbly told me that she "only needed a sincere apology, not monetary compensation." We must ask the Biden administration to do so immediately as it is much less than what the Clinton administration did for the Native Hawaiians in 1993.<sup>46</sup>

## V. ENDING REMARKS AND GENERAL CONSIDERATIONS

The Jeju joint education conference has ended, but our reconciliation and peace-making efforts must continue. Now it is your turn. This year, most of my students are from China. Regardless of ethnicity and nationality, we must take seriously the war and environmental crisis and confront it together. Putting aside inscription issues, much has been learned through UNESCO meetings, most notably from Mr. Nigel Crawhall, who was

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43. See *id.* at 28, 172.

44. He started to point out this important "democratic legitimacy: legitimacy as a country committed to democracy & human rights in the international community" argument in 2012. See Eric K. Yamamoto & Sara Lee, *Korean "Comfort Women" Redress 2012 Through the Lens of U.S. Civil and Human Rights Reparatory Justice Experiences*, 11 No. 2 J. KOREAN L. 123, 139-43 (2012); see also Eric K. Yamamoto et al., *Unfinished Business: A Joint South Korea and United States Jeju 4.3 Tragedy Task Force to Further Implement Recommendations and Foster Comprehensive and Enduring Social Healing Through Justice*, 15 No. 2 ASIAN-PAC. L. & POL'Y J. 1, 43-50 (2014) [hereinafter Yamamoto et al., *Unfinished Business*]; YAMAMOTO, *supra* note 1, at 64, 234.

45. See *The Nightmare of the Bukchon Massacre*, JEJU 4.3 FROM TRUTH TO PEACE (Sept. 12, 2018), <http://jeju43peace.org/the-nightmare-of-the-bukchon-massacre/> [<https://perma.cc/NJP3-JKR8>] (providing a detailed description of the Bukchon Massacre that occurred on January 17, 1949).

46. See YAMAMOTO, *supra* note 1, at 209-10.

pleased with the Jeju animism culture and is well-versed in Indigenous cultural knowledge across the globe.<sup>47</sup> Inspired by the anthropological arguments, I have introduced the Indigenous perspective to our peace islands' network philosophy/project, as a civil law scholar working on issues affecting Indigenous people across the world. This approach is particularly helpful in the present age of environmental crisis.

Indigenous peoples, including Jeju islanders, would adhere to the guiding principles of peace and benefit-sharing as stewards of natural surroundings over generations, as opposed to despotic "dominion over all 'the earth,'" to use William Blackstone's term,<sup>48</sup> and its resulting wealth accumulation, colonial land expansion, and wars. Globally, however, many Indigenous peoples endure oppression, marginalization, and serious historical injustice (massacres, deforestation, illegal mining, evictions, disastrous wildfires likened to scorched-earth policies, etc.).<sup>49</sup>

In this background, we are surprised to realize that Professor Yamamoto is a trailblazer in the sense that, as an expert on Indigenous reparations, he has already spent the last two decades emphasizing interdisciplinary/multidisciplinary approaches, particularly theology and indigenous thinking,<sup>50</sup> when addressing the reconciliation and social healing process from past injustices. After noticing the limitations of the monetary-damages centrist model, his goal is to widen our perspective of conflict resolution.<sup>51</sup>

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47. See generally Nigel Crawhall, *Jeju Island, South Korea: Sacred Landscape Management as a Part of a UNESCO World Heritage Site*, WORLD COMM'N ON PROTECTED AREAS (2009). Interestingly, the Jeju shamanistic culture has been influential upon the ethnic Korean in the Osaka region as well.

48. See 1 BLACKSTONE, SIR, COMMENTARIES ON THE LAWS OF ENGLAND IN FOUR BOOKS, BOOK THE SECOND: THE RIGHTS OF THINGS 2-3 (Lippincott ed.1973).

49. See generally Marie Joyce Godio et al., *Defending Our Lands, Territories and Natural Resources Amid the Covid-19 Pandemic: Annual Report on Criminalization, Violence and Impunity Against Indigenous Peoples*, INDIGENOUS PEOPLES RTS. INT'L, Apr. 2021 (describing Indigenous peoples' situation in Democratic Republic of Congo, Brazil, Colombia, Mexico, India and the Philippines).

50. See ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT & RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* 154-57 (1999); see generally DONALD W. SHRIVER JR., *AN ETHIC FOR ENEMIES: FORGIVENESS IN POLITICS* (1995) (cited by Yamamoto as noteworthy literature); DAVID PHILLIPS HANSEN, *NATIVE AMERICANS, THE MAINLINE CHURCH, AND THE QUEST FOR INTERRACIAL JUSTICE* (2017) (cited by Yamamoto as noteworthy literature). As for the Jeju reconciliation, we should not forget that theologians, such as Bishop Kang and President Byung Soo Lee of Kosin University, have played an important role in our reconciliation movement.

51. A prominent restitution scholar, late Professor Dawson is a precursor in this strand. See generally JOHN DAWSON, *HEALING AMERICA'S WOUNDS: DISCOVERING OUR DESTINY* (Baker Publ'g Grp. 1994); ROY BROOKS, *ATONEMENT AND FORGIVENESS: A NEW MODEL FOR BLACK REPARATIONS* (2006) (embracing similar reparations ideas).

As the former dean of Harvard Law School, Martha Minow, remarked eloquently, we are looking for ways to restore our destroyed relationship in this critical international situation of omnipresent vicious cycles of hatred.<sup>52</sup> The reconciliation process should be a bilateral process of “repair” between perpetrators and victims. Professor Yamamoto’s “4Rs” framework (Recognition, Responsibility, Reconstitution and Reparation)<sup>53</sup> is one of the more promising working principles in this context.<sup>54</sup>

Nonetheless, I question the resilience of our reconciliation/social healing efforts in this critical era. We are now entering the “world of contestation in the 2020s,” which is diametrically opposed to the “world of détente in the 1990s,” when the Soviet Union was restructured under Mikhail Gorbachev’s leadership and hope for peace,<sup>55</sup> which gave rise to reparations/reconciliation legal scholarship in the 2000s. Even the progressive Biden administration, which should be sensitive to human rights issues, has paradoxically increased global conflict, especially between the United States and China, and related militarization, as well as along the Ryukyu archipelago over the heads of local peaceful Indigenous peoples.<sup>56</sup> To steer this invaluable reconciliation and social healing scholarship, we must be aware of this “Catch-22” predicament.<sup>57</sup>

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52. See MARTHA MINOW, *BETWEEN VENGEANCE AND FORGIVENESS: FACING HISTORY AFTER GENOCIDE AND MASS VIOLENCE* 5-6 (1999); see also MARTHA MINOW, *BREAKING THE CYCLES OF HATRED: MEMORY, LAW, AND REPAIR* 15 (2002).

53. YAMAMOTO, *supra* note 1, at 72; see also Yamamoto et al., *Unfinished Business*, *supra* note 44, at 20.

54. See also Kunihiko Yoshida, *Reparations and Reconciliation in East Asia*, *supra* note 5, at 104-05 (my theoretical framework on reconciliation and repair includes: (1) recognition of past injustice by perpetrators; (2) recognition of its following historical responsibility by perpetrators; (3) sincere apologies and supplementary reparations by perpetrators; and (4) forgiveness from victims, which corresponds with Professor Yamamoto’s 4Rs framework because reconstruction and reparations could be flip sides of the same coin and indivisible parts of the same interactive process).

55. See James A. Baker, III, *Why Gorbachev Mattered*, N.Y. TIMES (Sept. 6, 2022), <https://www.nytimes.com/2022/09/06/opinion/gorbachev-russia.html> [<https://perma.cc/Q8YQ-JKET>] (“Until the end, Gorbachev remained dedicated to peace” and “his foundation clearly responded with the statement: ‘We affirm the need for an early cessation of hostilities and immediate start of peace negotiations. There is nothing more precious in the world than human lives.’”).

56. For example, I have pointed out the contradictory structure regarding the recent inscription of World Natural Heritage at Northern Okinawa in July 2021. See generally Kunihiko Yoshida, *World Natural Heritage and Military Base: Its Contradictory Structure in Northern Okinawa’s Case*, 11 No. 3 WORLD ENV’T & ISLAND STUD. 117 (2021).

57. *Catch-22 Definition & Meaning*, MERRIAM WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/catch-22> [<https://perma.cc/S4JK-RSUP>].

In the Jeju Indigenous language, our discussion is called “Bulteok Forum.”<sup>58</sup> I consider it to be the forum for grassroots networking. In the field of reparations and reconciliation, particularly in Japan, the disparity between the top-level decision-making and the grassroots-level movement is salient, as Mr. Satoh, a graduate student from Hokkaido University, demonstrated in his presentation on East Asian Youth Networking at the Grassroots Level.<sup>59</sup> The Japanese government’s stance on reparations is unyielding and there are numerous persisting problems. In this moment of peace crisis, a systemic failure may be imminent. In building our peace networking system, Japan’s democracy must be rebuilt with a far more dynamic and bilateral democratic mobilization process.

#### VI. UNFINISHED BUSINESS REVISITED

In conclusion, we must affirm that unfinished business and obstacles in the process of reconciliation and social healing are persisting. Individual reparations for economic justice have not yet begun. Even the issue of symbolic reparations is still an unfinished business. According to Dr. AeDuk Im, a Jeju tragedy-related sociologist at Jeju University, despite the passage of several decades since the end of the Jeju tragedy, many communities remain split, and it is difficult to maintain direct community interaction among the affected individuals.<sup>60</sup> In fact, it is difficult to achieve the social healing goals even under Professor Yamamoto’s working principles.

The issue of United States’ international responsibility is integral to the Jeju reparations and reconciliation, and it is strongly tied to the domestic Korean reparations. Nevertheless, despite our worldwide efforts, this international dialogue has been stagnant for the past decade. To break the ice, Professor Yamamoto’s piecemeal solution from the grassroots level may be persuasive, but it may take time, during which most Jeju tragedy survivors may perish.

What should we do? The successful Jeju Coram Nobis criminal cases in the late 2010s<sup>61</sup> and the subsequent \$4.4 million in reparations awarded in

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58. See Kyeonghwa Byun et al., *Spatial Transformation and Functions of Bulteok as Space for Haenyeo on Jeju Island, Korea*, 14 NO. 3 J. ASIAN ARCHITECTURE & BLDG. ENG’G 533, 538 (2015).

59. Satoh, Presentation on East Asian Youth Networking at the Grassroots Level at the Jeju National University International Summer School Program (Aug. 16, 2022).

60. AeDuk Im, Village Healing Model: Development for Jeju Care into Global Humanity at the Ara Convention Center (Aug. 16, 2022) (notably, many related people do not even want to mention their tragic past, let alone speak of meddling into it).

61. See Stan Yogi, *Coram Nobis Cases*, DENSHO ENCYCLOPEDIA (Aug. 31, 2022, 3:58 AM), [https://encyclopedia.densho.org/Coram\\_nobis\\_cases/](https://encyclopedia.densho.org/Coram_nobis_cases/) [https://perma.cc/TGM8-E7Q4].

2019 to over 2,500 survivors and family members of those who were wrongfully incarcerated<sup>62</sup> remind us of the Fred Korematsu Coram Nobis cases to which Professor Yamamoto was personally committed.<sup>63</sup> In a similar vein, the judicial approach towards American reparations, notwithstanding its flaws, may warrant reconsideration as a supplement to the legislative approach Professor Yamamoto envisions for immediate awareness raising among the American people.<sup>64</sup> I believe that UNESCO and its various World Heritage programs, such as the MoW program, will play a more influential role in the future, at least with regard to the true historical education of the Jeju tragedy as a first step in the reconciliation process (i.e., recognition of 4Rs).

I would like to conclude this essay by sharing a few photographs taken during the Global Peace Bulteok Assembly on August 16, 2022, particularly an image capturing the conference participants (fig. 1), an image capturing my presentation on the last day of the summer school program (fig. 2), an image capturing Ms. Wan-soon Koh (referenced in this essay) at the Bukchon-ri Memorial (fig. 3), as well as a picture of Professor Ko and Ms. Koh (the former woman diver and Jeju survivor) (fig. 4). We know that survivors already struggle to be believed; they must at least be known and seen. Thank you for your attention and your long-term collaboration.

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62. Darryl Coote, *Exonerated Jeju Massacre Prisoners Fight to Right Korean History*, UNITED PRESS INT'L (Oct. 15, 2019, 3:00 AM), [https://www.upi.com/Top\\_News/World-News/2019/10/15/Exonerated-Jeju-Massacre-prisoners-fight-to-right-Korean-history/9431569816973/](https://www.upi.com/Top_News/World-News/2019/10/15/Exonerated-Jeju-Massacre-prisoners-fight-to-right-Korean-history/9431569816973/) [<https://perma.cc/5ETC-BKP8>].

63. Professor Yamamoto and other cases show us the tension between the deferential approach and the close-judicial approach/careful judicial scrutiny: the tension between substantial defence regarding national security versus constitutional democratic values/judicial independence. We are often overwhelmed by the former approach, especially after September 11, 2001, whereas Professor Yamamoto supports the latter. See ERIC K. YAMAMOTO, *IN THE SHADOW OF KOREMATSU: DEMOCRATIC LIBERTIES AND NATIONAL SECURITY* 15, 49-50, 142-43 (2018); see generally *Hirabayashi v. United States*, 828 F.2d 591 (9th Cir. 1987) (discussing Hirabayashi's wartime Japanese internment case); *Korematsu v. United States*, 584 F. Supp. 1406 (N.D. Cal. 1984) (discussing Korematsu's wartime Japanese internment case). It is important to mention that Justice Kavanaugh of the United States Supreme Court who was nominated by Trump supports the wide executive power. See The Editorial Board, *Confirmed: Brett Kavanaugh Can't Be Trusted*, N.Y. TIMES (Sept. 7, 2018), <https://www.nytimes.com/2018/09/07/opinion/editorials/brett-kavanaugh-confirmation-hearings.html> [<https://perma.cc/38BU-25Z8>]; Civil Liberties Act of 1988, Pub. L. No. 100-383, 102 Stat. 903 (1988); see also Natsu Taylor Saito, *Rebellious Lawyering in the Courts of the Conqueror: The Legacy of the Hirabayashi Coram Nobis Case*, 11 SEATTLE J. SOC. JUST. 89, 114 (2012) (discussing the critical importance of the U.S. Coram Nobis cases by describing "community-based processes of implementing meaningful justice").

64. In this sense, we should be reminded that the holocaust restitution legal cases regarding looted art, for example, have played important roles for consciousness-raising. See generally Kunihiko Yoshida, *The Legacy of Holocaust Reparations Lawsuits, East Asian Civil Law Scholarship: Disaster, Housing and Racial Reparations (Part 1)*, 5 CIV. L. THEORY SERIES (2015) (Japan).



Fig. 1. Conference participants, Global Peace Bulteok Assembly (2022)



Fig. 2. Kunihiko Yoshida, Global Peace Bulteok Assembly (2022)



Fig. 3. Ms. Wan-soon Koh (referenced in this essay) at the Bukchon-ri Memorial (2022)



Fig. 4. Professor Ko and Ms. Koh (former diver and Jeju survivor referenced in this essay) (2022)