

Japan Opposes Trust Fund

Proposal would also prevent ICC from ordering states to make reparations

Japan is insisting that the ICC should have almost no power to provide reparation for victims of war crimes.

The Japanese position was issued in a document, and reiterated during an evening debate. It seems certain to draw fire from victims' groups who have argued that the ICC must provide broad and imaginative support for victims if it is to have credibility.

Britain and France are also likely to take issue with Japan's restrictive position. Both governments have united to push the rights of victims under the ICC. They issued a strong proposal that would set up a voluntary trust fund for victims, and allow the ICC to issue protective orders to seize the assets of suspects with a view to their being handed over to victims.

The British and French proposal would also allow the court to act on its own initiative.

Their proposal makes it clear that the rehabilitation of victims is much wider than merely providing monetary compensation.

France, which has championed victims' rights, had wanted the ICC to order governments to provide reparation, but this was rejected. According to reports, the French agreed to a weaker proposal on the understanding that it would prove acceptable to Japan.

But the Japanese have not played along. The Japanese statement was firm in rejecting

all the major elements of the Franco-British position. It would make no provision for a trust fund. It would not allow the ICC to seize assets. It would force the ICC to wait until it received a compensation request from a victim. Payment would have to be made to an individual victim, and paid by the convicted person. Finally, the ICC would not be authorised to punish non-compliance.

This will seem intolerably restrictive to



Filipino wartime comfort women burn a facsimile of the decision of the Tokyo District Court rejecting their demand for compensation and official apology from Japan during a rally outside the Japanese embassy.

many, but Japan is not alone in its views. South Korea also insists that the ICC should not issue orders against states and is opposed to the idea of a trust fund. While supporters of victims' rights feel this is the only practical way of addressing the needs of victims, Korea and Japan apparently feel it could be excessively expensive.

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