

## **Topics of Historical Memory in Japan**

### *War Responsibility and Reparations*

#### **“The Tokyo Tribunal, War Responsibility and the Japanese People”**

Awaya Kentaro

February 2, 2006

<http://www.japanfocus.org/-Awaya-Kentaro/2061>

#### **“Crime and Responsibility: War, the State, and Japanese Society”**

Yuki Tanaka

August 20, 2006

<http://japanfocus.org/-Yuki-TANAKA/2200>

#### **“Who is Responsible? The Yomiuri Project and the Enduring Legacy of the Asia-Pacific War”**

Tessa Morris-Suzuki

June 19, 2007

[http://www.japanfocus.org/-Tessa-Morris\\_Suzuki/2455](http://www.japanfocus.org/-Tessa-Morris_Suzuki/2455)

#### **“The Aso Mining Company in World War II: History and Japan’s Would-Be Premier”**

William Underwood

June 26, 2007

<http://www.japanfocus.org/-William-Underwood/2537>

#### **“Toward Reconciliation: The Nishimatsu Settlements for Chinese Forced Labor in World War Two”**

Ivy Lee with an Introduction by William Underwood

August 9, 2010

<http://www.japanfocus.org/-Ivy-Lee/3400>

#### **“Rejected by All Plaintiffs: Failure of the Nishimatsu-Shinanogawa ‘Settlement’ with Chinese Forced Laborers in Wartime Japan”**

Kang Jian, with an Introduction by William Underwood

August 9, 2010

<http://www.japanfocus.org/-Kang-Jian/3399>

The issue of reparations for wartime damages is closely linked to establishing the war responsibility of the Japanese state. One starting point for a study of reparations are the Tokyo War Crimes Trials. There, the wartime Japanese leadership was prosecuted for crimes against peace, war crimes, and crimes against humanity, based on both the Briand-Kellogg Pact (signed 1928), in which the signatories promised “not to use war to resolve disputes,” and the Geneva Convention (1929) on the treatment of prisoners of war. At this Tokyo Tribunal, Japan formally accepted responsibility for the war in Asia and the Pacific. Later, this acceptance of responsibility was reconfirmed in the Treaty of San Francisco, signed in 1951. Japan also paid reparations to a number of Asian nations throughout the 1950s and 1960s. Because Korea had been a part of the Empire of Japan, Japan insisted

that it did not qualify for receiving reparations. However, after diplomatic relations between Japan and South Korea were established (in 1965), Japan agreed to give long-term, low-interest loans to Korea, which generally were seen as a substitute for reparations by both governments. When diplomatic relations between Japan and the People's Republic of China were established in 1972, a similar deal was inked: China did not claim reparations from Japan, but Japan started to pay "Official Development Assistance" to China, which both sides saw as a substitute for reparations. Japan and North Korea have never resolved this issue and, moreover, have yet to establish diplomatic relations to this day.

But such treaties have not settled other issues surrounding Japan's war responsibility. In fact, as Awaya Kentaro points out, the actions of many postwar Japanese politicians have only served to muddle the issues. For example, politicians' highly controversial visits to the Yasukuni Shrine in Tokyo, where a dozen war criminals are among the enshrined deities, argues Awaya, actually violate the Treaty of San Francisco, which included a confirmation of the judgment of the Tokyo Trials. For Awaya, visits to Yasukuni compound the larger problem that Japan's postwar era has been characterized by forgetfulness of the wartime past rather than critical self-reflection of Japan's role as a perpetrator. In the same vein, Yuki Tanaka uses the memory landscape of Hiroshima to emphasize the way that "victim consciousness" in postwar Japan thwarts acceptance of war. There "the Japanese" are presented foremost as victims of the war, while Japanese aggression is fading into the background of public awareness. But, as Tessa Morris-Suzuki indicates, such developments have not gone unnoticed. She points to a project of the largest daily newspaper, the *Yomiuri Shinbun*, to "clarify" war responsibility. The project, a part of escalating discussions in society since the 1990s about Japan's war responsibility, was the result of the often-heard claim that postwar Japan had not done enough to address its wartime past. The publication identified the leadership of the army as the main culprit responsible for Japan taking a path towards war, acknowledging Japanese war responsibility while pinning it on a group that lost power in 1945. While the *Yomiuri* does not argue that the war was justified, it focuses on military strategies and war diplomacy, and still neglects war crimes and the treatment of citizens of other countries.

The second part of this section provides concrete examples of reparations for specific war crimes, beginning with forced labor. William Underwood's essay looks at forced labor in Japanese mines during the war, unveiling connections of contemporary heavyweight politicians to prewar injustices. One of his examples is the company owned by the family of former Prime Minister Asô Tarô, which made use of Korean and Chinese POWs as forced laborers. Such personal connections, Underwood's essay seems to shout, help explain why the Japanese political elite appear so unwilling to address historical issues. Next, Underwood presents two conflicting opinions on a recent case of compensation paid to wartime forced laborers from China in an out-of-court compensation agreement. The two views, in intriguing and sometimes contradictory ways, demonstrate the issues at stake in discussions on war responsibility and reparations for war crimes, as well as the diversity among Japanese in their degree of acknowledgement of war responsibility. In the first, Ivy Lee argues for the "need to fully appreciate" the efforts of Japanese lawyers and courts to reach agreements on compensation for Chinese forced laborers. The 2010 settlement between Chinese forced laborers and Nishimatsu Corporation, according to Lee, is particularly noteworthy, because it resulted not only in compensation, but also included an apology for crimes committed and the promise to build

“a memorial to memorialize the victims and to educate the public.” She sees much similarity between this settlement and the German “Remembrance, Responsibility and Future Fund” created in 2001 to pay compensation for wartime slave laborers from Eastern Europe. On the other hand, Kang Jian, a Chinese lawyer representing the plaintiffs in lawsuits against the Japanese state and Japanese corporations, strongly criticizes the out-of-court agreements. Regarding the 2000 agreement between Kajima Corporation and Chinese forced laborers, she claims that it only led to a concealment of the facts that “the Kajima Corporation enslaved the Chinese forced labor victims (...), evaded the facts of perpetration, evaded its responsibility, gave charitable ‘relief’ to the Chinese forced labor victims to terminate its legal liability, and crowned the charitable relief fund with the laurel of ‘Friendship Fund.’” In both cases, Underwood’s introductions stress that “legal claims against Japan arising from war and colonialism have been dismissed by the top courts in Japan (...), reflecting the nation-centric interpretations of international law.” Internationally, it is still generally believed that individuals are not entitled to claim any compensation from states, and this is the basis for a ruling by Japan’s Supreme Court in 2007, that the “1972 treaty between Japan and China extinguished the right of Chinese citizens to seek war-related damages.” On the other hand, it is exactly this international “custom” of excluding individual plaintiffs that the former forced laborers from China hope to overturn by participating in a lawsuit in Japan.