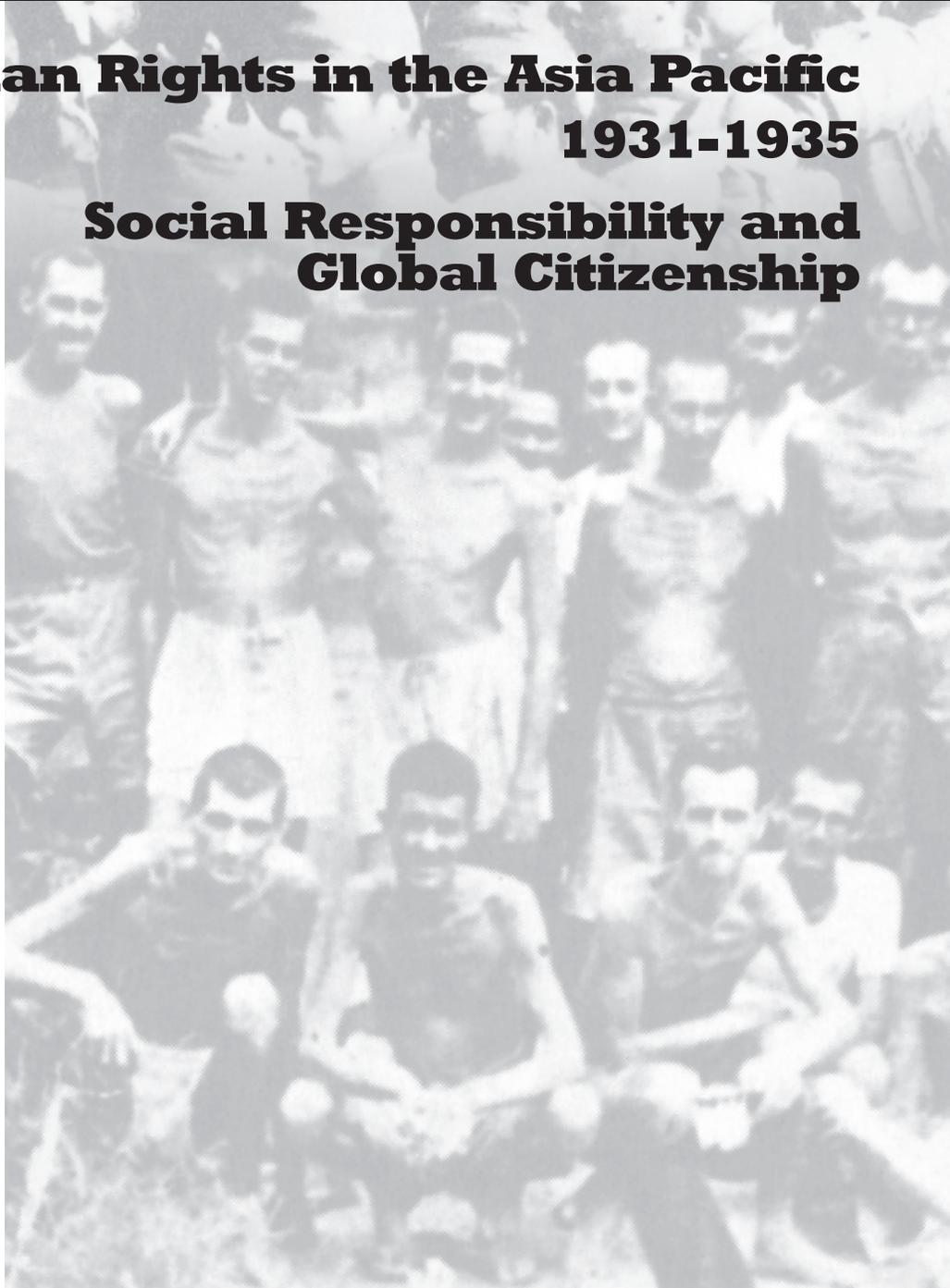




TEACHER BACKGROUND

**Human Rights in the Asia Pacific
1931-1935**

**Social Responsibility and
Global Citizenship**





THE ASIA- PACIFIC WAR

For the American and Canadian governments, World War II in Asia began only after the Imperial Japanese forces attacked Pearl Harbor on December 7, 1941. But in fact, war had already been raging in Asia for a decade.

Today, most scholars of Asian history accept that the war in Asia began on September 18, 1931, when the Imperial Japanese Army attacked and occupied Manchuria, in northern China. Japan later launched an all-out invasion of China on July 7, 1937. In the pursuit of accuracy, we have adopted the term Asia-Pacific War to embrace both the Asian phase of the war, from 1931 to 1941, and the Pacific phase of World War II, from 1942 to 1945.

As in many wars, the roots of conflict in the Asia-Pacific run deep. In order to understand these and subsequent events, we provide a historical framework of analysis covering the years 1895-1945.

Setting the Stage: Imperialism, Racism, and Autocracy (1895-1930)

Japan was a latecomer on the world stage of imperialism. In the second half of the 19th century, Japan had to give up centuries of self-imposed isolation. American warships arrived at Japan's shores in 1853 to confront the country with the West's overwhelming military and technical strength. Most of Asia had by that time been colonized by Western powers. In the end, Japan was not invaded but the Western powers imposed treaties on Japan that limited the government's ability to control its economy and granted Westerners special privileges.

Faced with this situation, Japan's leaders decided to "modernize" the nation by introducing a capitalist economy, and by striving to obtain foreign markets and colonies. Under the autocratic Meiji constitution of 1889, the Emperor, a powerful sovereign similar to the absolute monarchs in Europe of earlier centuries, commanded the armies and made war and peace. The Japanese

education system preached Confucian ethics of loyalty to a lord and obedience of children to parents—and, by extension, to all those in authority. This loyalty and obedience was extended to the Emperor, as head of the nation-family.

To advance economic and military goals, Japan attempted to colonize Korea, the nearest less-developed country. This move brought Japan into conflict with China, which had traditionally treated Korea as its tributary state. This led to the Sino-Japanese War of 1894-1895. Japan's military, now equipped with imported arms and ships, defeated the Chinese army in Korea and invaded parts of China. The harsh peace treaty forced on China awarded the Japanese government an indemnity worth five times the Japanese annual budget as well as possession of Taiwan. It also enhanced prestige both at home and abroad. Many Japanese concluded that war pays off.

The Japanese government was also influenced by its relationship with other powers. Great Britain and Japan, for example, signed the Anglo-Japanese Alliance in 1902, and US president Theodore Roosevelt supported Japan in its war with Russia in 1904-1905. After this war, Japan extended its colonial presence, gaining control over parts of the Liaotung Peninsula (Manchuria) and over the southern half of Sakhalin Island. The United States government agreed to Japan's domination of Korea in 1905 in return for Japan's guarantee that it would not challenge US colonial control of the Philippines. Japan gained further colonies during World War I.

The year 1919 was a turning point in Korean resistance to Japanese control. Korean patriots launched the March First Movement to demand self-determination for Korea. Nearly half a million people took part in actions against Japanese rule in over 600 locations across Korea. Japanese occupation forces killed thousands of protesters and arrested between 12,000 and 45,000.

The decision was made at the Paris Peace Conference, following WW I, to allow Japan to keep the German properties in China (Shantung) that were seized during the war. This sparked a massive outcry in China. Student groups, unions, and writers organized large protest demonstrations against Japan. This protest, the May Fourth Movement, among other factors,

“In the name of modernization, we sacrificed Korea and China, creating bad karma. Not only in Korea and China but also in all of Asia, Japan produced great numbers of victims and destroyed territories and cultures.”

Ôe Kenzaburô, winner of the Nobel prize for literature

provided impetus for both the consolidation of the Chinese Nationalist Party and the formation of the Chinese Communist Party.

Japan's territorial conquests were accompanied by contempt for the conquered people. Soon racism toward Chinese and Koreans became a part of the fabric of everyday life.

Tragically, racism in the West further fueled Japanese expansion in Asia. Immigration policies based on racial exclusion adopted in Canada and the United States, for example, barred most Chinese and Japanese who wanted to leave their home countries. These barriers against immigration were then used by the Japanese government to convince their citizens that they needed to expand their control into places like Korea and China, to allow for emigration.

Within Japan there was opposition to Japanese expansion on the continent, but this was quickly repressed. Many felt that Japan had to emulate the Euro-American powers and build its own empire. Despite emerging liberal and democratic trends during the period 1912-1925, including the expansion of the right of most males to vote, the Emperor system, patriotism, and anti-communism prevented any serious internal resistance to Japan's territorial and economic expansion.

Japan faced serious problems both at home and abroad in the late 1920s. Chinese Nationalist Party troops began to move north, threatening Japan's control in parts of Manchuria and in Korea (annexed by Japan in 1910). Also, the worldwide depression that began in 1929 dealt a serious blow to Japan's economy, particularly its exports. However, in spite of these factors the Japanese military became even more aggressive in pursuit of territorial acquisitions.



Aggression and Isolation (1931-1941)

On September 18, 1931, officers in Japan's Kwantung Army fabricated an incident by placing a bomb on the Southern Manchurian railway, which was then under Japanese control. The army, blaming Chinese soldiers for the explosion, invaded Manchuria, where Japan's government and army established a puppet state called Manchukuo. The League of Nations subsequently condemned Japan for its aggression. However, Japan withdrew from the League in 1933, and the Japanese army expanded its control in northern China.

In July 1937, Japan decided to launch an all-out but undeclared war against China. Despite stiff Chinese resistance, Japanese forces took Shanghai and, in early December, Nanking—China's capital at that time. There Imperial soldiers reportedly killed tens of thousands of captured soldiers and civilians. Women and young girls were raped, and children were otherwise brutally treated. The "Rape of Nanking," as it became known, is considered by some among the worst atrocities in history.

At this time, the Japanese government established a system of so-called "comfort stations." Thousands of women, particularly from Korea, but also from throughout Asia, were tricked or forced into prostitution and used as sex slaves by Japanese soldiers. Some were girls as young as 12 years old. Of the approximately 200,000 victims, about 150,000 perished during or immediately after the war.

Japan's government also sponsored the development and experimentation of biological and chemical warfare. Under the leadership of Ishii Shiro, Unit 731 began to test and produce biological weapons at Pingfang, Manchuria. Many POWs and civilians were murdered in experiments. Bacteria-filled and chemical bombs were used against Chinese civilians. It is estimated that between 600,000 and two million shells filled with poisonous chemicals remain buried in China. Although both China's Nationalist and Communist parties continued the war of resistance against Japan, few countries, including Canada, came to their assistance.

"The history and memory of the Nanjing Massacre can teach human beings about the dreadful experiences of people who had to go through atrocities like those that are still going on around the world today."

Japanese historian Takashi Yoshida, in *The Nanjing Massacre in History and Historiography*

In 1936 Japan allied with Germany in the Anti-Comintern Pact, and Italy joined soon after. This, along with Japan's decision in 1937 to invade the rest of China, put it on a collision course with other imperial powers, especially Great Britain and the United States. Once the war in Europe began, in 1939, Japan began to look to the rest of Asia to secure an independent supply of natural resources, particularly oil from the Dutch East Indies (Indonesia). It rationalized its expansion by propagating the idea of liberating peoples in Asia from the domination of Western imperialism and by creating a "Greater East Asian Co-Prosperity Sphere."

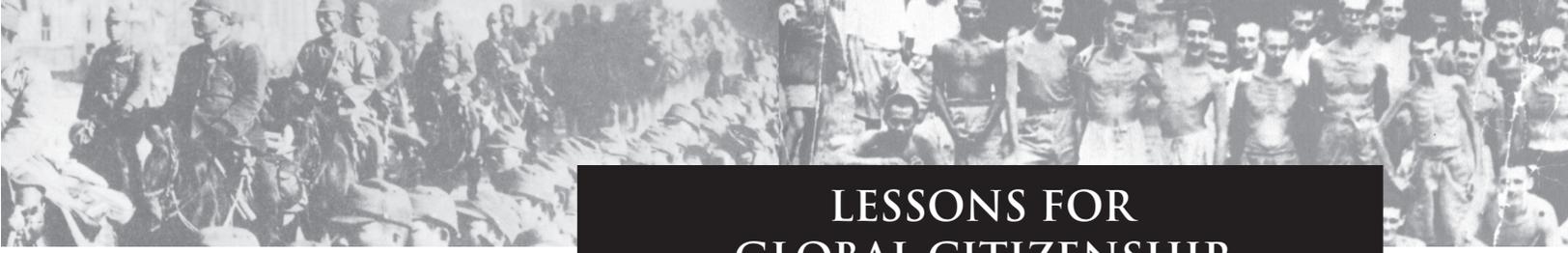
The Pacific Offensive (1941-1945)

When the Imperial Japanese forces began to move into Indochina in 1940-1941, other countries began to act. For example, the United States and Canada imposed economic sanctions against Japan. Japan decided that to win control over Asia, it would need to confront the United States. On December 7, 1941, Imperial Japanese forces attacked US bases at Pearl Harbor, Hawaii, and the Philippines. At the same time, Japanese forces also began a massive assault against Commonwealth forces in Hong Kong and Malaya. Hundreds of Canadians died defending Hong Kong, and on Christmas Day, 1,685 Canadian soldiers were captured there. Subsequently, Japan succeeded in establishing control throughout most of Southeast Asia.

However, in China and other countries, armed resistance to Japanese control continued, and as the US brought its economic and technological supremacy to bear against Japan, the tide of the war began to turn. Besides the Canadian troops sent to defend Hong Kong, many other Canadians—including Chinese and Japanese Canadians—served in the Pacific theatre. Japanese-Canadians volunteered, in spite of the fact that the Canadian government had forcibly removed them from their homes in British Columbia in 1942, based on the racist view that Japanese-Canadians were enemy aliens and a menace to Canada. Through the efforts of the Allied forces, Japan was put clearly on the defensive by 1944.

Japan's treatment of prisoners of war was atrocious. The number of US and Commonwealth POWs who died in captivity under the German and Italian regimes was four percent, compared to 27 percent of those held by Japan. Many POWs were forced to toil under inhumane conditions. They were often beaten and denied medical care, and many were executed or died from diseases or malnutrition. As well, the Japanese government forced many civilians from the occupied territories to work as slave labourers for the Japanese military and for private corporations. Over 15 million people in China and other Asian countries died during the war.

In the summer of 1945, the United States, with the concurrence of Britain and Canada, decided to drop atomic bombs on Japan. The first fell on Hiroshima on August 6, the second on Nagasaki on August 9. Meanwhile the Soviet Union entered the war against Japan, moving its troops against Japan's army in northern China. Finally, on August 15, Japan surrendered. For some people, such as the POWs interned in Japan, the atomic bombs seemed like lifesavers. To many others, however, the dropping of atomic bombs against mainly civilian populations seemed like a war crime itself.



LESSONS FOR GLOBAL CITIZENSHIP

In trying to understand this terrible episode in Asian history, we cannot deny that atrocities occurred or downplay their seriousness. However, it is unwise to think that these acts were uniquely Japanese or that they reflect some aberration in the character of the Japanese people.

There were, of course, specific dynamics unique to Japan. For example, the Japanese state made use of the ancient code of the warriors (*bushido*) and the Emperor system (*kokutai*) to instill fanaticism and a follower mentality within the military and among the civilian population. Similar factors played a part in the rise of fascism and dictatorship on a global scale during the 1920s and 1930s. After the war, the world community searched for a way to prevent aggressive war and human rights violations. The results of this search offer rich lessons in global citizenship.

Imperialism

In annexing Korea and Manchuria and invading China, Japan was attempting to carve out its own colonial empire. It did this under the pretext of liberating Asians from Western imperialists. The West was vulnerable to criticism, because Great Britain, the United States, the Netherlands, Spain, Portugal, France, Germany, and Russia had all previously colonized parts of Asia.

The world community has since rejected this colonialism and, through the United Nations, has adopted the following principle: “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.” (Article 2(4) of the United Nations Charter of June 26, 1945.)

Democracy

Despite a movement for liberal-democratic reform in Japan between 1911 and 1928 and the granting of universal male suffrage in 1925, political repression was achieved through a public security act. The Japanese government repressed both democratic and left-wing criticism of its actions abroad. Ultra-nationalist Japanese military and civilian groups organized in reaction to the rising democracy movement, to the world economic crisis, and to what they perceived as hesitancy on the part of the government in carrying out what they viewed as Japan's divine Imperial mission. Terrorist activities and imprisonment brought most groups into line, including the Imperial household, the bureaucracy, and conventional political parties. Military and civilian police units became so powerful that by 1940 political prisoners could be detained indefinitely, and political parties and trade unions were disbanded.

Motivated by a desire to avoid repeating experiences such as those described above, many people and nations worked to establish standards of civil conduct that would empower people. For example, the United Nations adopted the Universal Declaration of Human Rights, passed on December 10, 1948, by the United Nations General Assembly. These and other codes created new benchmarks for the respect of human and social rights, and adherence to them can help preserve and protect democracy.

Militarism

When the Emperor declared war against China in 1894 and against Russia in 1904, he explicitly stated that Japan would respect international law. In the 1930s, when the Japanese government and military commenced their acts of aggression in China, they referred to these as "incidents" rather than acts of war. To them, this meant that they were no longer bound by recognized rules of war, including the Hague and Geneva conventions that offered minimal standards of protection for captured soldiers and civilians. These factors contributed to the poor treatment of both POWs and non-combatant civilians by the Japanese military.

Racism and Sexism

Racism fueled the atrocities committed by the Japanese military. And today racism persists, leading to problems such as “ethnic cleansing” and acts of genocide. Similarly, sexism led to crimes against women, including rape and other acts of violence. The world community has outlawed these acts, and these prohibitions have been enshrined in human rights legislation on international and national levels. For example, the United Nations passed the Convention on the Prevention and Punishment of the Crime of Genocide (1948); the International Convention on the Elimination of All Forms of Racial Discrimination (1965); and the Declaration on the Elimination of Violence against Women (1993).

These and other conventions result from the lessons of the past, but constant education, vigilance, and preventive services are essential if they are to have a meaningful impact.



JUSTICE AND RECONCILIATION: THEN AND NOW

The United States took primary responsibility for the occupation of Japan after the war. While the occupation ushered in many positive reforms, there was definitely a dark side to this period. As one historian concluded: “One of the most pernicious aspects of the occupation was that the Asian peoples who had suffered most from Imperial Japan’s depredations—the Chinese, Koreans, Indonesians, and Filipinos—had no serious role, no influential presence at all in the defeated land. They became invisible. Asian contributions to defeating the Emperor’s soldiers and sailors were displaced by an all-consuming focus on the American victory in the Pacific War.”

Guidelines for the trials of Japanese war criminals were formulated in the Charter of the International Military Tribunal for the Far East, January 19, 1946. The Charter defined three categories of war crimes: (a) crimes against peace, (b) conventional war crimes, and (c) crimes against humanity. A similar charter had already been formulated for the Nüremberg Tribunal for German war criminals in August 1945.

This tribunal tried 28 Japanese war leaders for crimes against peace and conventional war crimes. Twenty-five were found guilty. Of these, seven were executed, and the others were given prison terms. Two died during trial, and one was found mentally incompetent. All those imprisoned were pardoned by 1957. Local military tribunals were convened in other countries—including Hong Kong, the Philippines, and the Dutch East Indies (Indonesia)—resulting in the execution of approximately 900 people and the imprisonment of approximately 3,000 others, mostly for crimes against prisoners of war. Tribunals were also held in the Soviet Union and mainland China.

But issues related to Japan’s war responsibility were sidelined as US relations with the Soviet Union degenerated and American occupation policy shifted towards making Japan its outpost against communism in Asia. In order to avoid highlighting Japan’s past, at

least fifty alleged war criminals awaiting trial by the Tokyo Tribunal were released, and various other war crimes committed throughout Asia were ignored, such as the use of biological and chemical weapons, the system of sexual slavery, and forced labour. In particular, war crimes committed against Asians did not receive adequate attention.

In September 1951, as the Korean War raged, 48 countries, including Canada, signed the San Francisco Peace Treaty with Japan. The Soviet Union did not sign, and representatives from China and Korea were not even invited. The peace treaty saw Japan abandon all claims to its colonial territories, accept the Tokyo war crimes judgment, and give up its properties and assets abroad. At the same time, other countries received very modest reparations from Japan. Hong Kong veterans, for example, received \$1.50 for each day imprisoned.

The Cold War climate of fear in the 1950s allowed conservative forces in Japan to deny the country's war crimes responsibility. This led to a chronic problem of government promotion of textbooks that downplayed Japan's colonial past. Consequently, today many younger Japanese have little idea of Japan's wartime activities. However, other citizens have demanded that the Japanese government face its responsibilities. Japanese historians and journalists, for example, chronicled the Nanking massacre for Japanese readers 20 years before Iris Chang wrote her book *The Rape of Nanking* for English-speaking audiences in 1997.

Victims of the war, however, were left with little recourse after the closing of the military tribunals and the signing of the San Francisco Peace Treaty. Canada's own Hong Kong war veterans are a case in point. For years, the Hong Kong Veterans Association of Canada campaigned for both a formal apology and compensation from the government of Japan for abuse suffered by POWs. In 1987 veterans took their case to the United Nations Human Rights Commission, but the government of Canada refused them support, asserting that all rights were extinguished by the San Francisco Peace Treaty. Finally, in 1998 the Canadian government paid the veterans compensation of \$18 per day of

Asian contributions to defeating the emperor's soldiers and sailors were displaced by an all-consuming focus on the American victory in the Pacific War."

John Dower, in his Pulitzer prize-winning history, *Embracing Defeat*

captivity. Although grateful for the compensation, many veterans remain embittered by their experiences, particularly by the lack of redress from the Japanese government and corporations.

The large majority of the victims of Japanese war crimes were people from China, Korea, the Philippines, and other Asian countries. In the 1980s, as the Cold War hostilities began to settle and as Japan's economic influence in Asia grew, elderly victims came forward to demand an apology and redress.

The violations of the international law of war were broad in scope and include:

- inhumane treatment of prisoners
- mass killing of civilians and surrendered soldiers, such as at Nanking
- military sexual slavery
- biological and chemical weapons and experiments on humans
- forced relocation and forced labour

Survivors and their supporters have pressed their claims for redress in a number of ways. Some have lobbied their own as well as the Japanese government and demanded a full apology and compensation from Japan. Some victims have pursued their cause through legal means, filing civil suits in Japan's courts and, more recently, in courts in the United States. In other cases, proponents of redress have taken their cases to international bodies such as the United Nations or the International Labour Organization.

As a result, the governments of South Korea and the Philippines, as well as the state legislature of California and Hong Kong, have passed motions demanding that Japan squarely address its responsibilities regarding the commission of war crimes by its military.

The Case of the “Comfort Women”

The case of the “comfort women,” the women who were forced to become sex slaves in brothels set up by the Imperial army, stands out as a significant milestone in the redress movement. It also exemplifies the complexities of war crimes issues.

When former female victims in Korea and other countries stepped forward to demand redress, the Japanese government at first denied any involvement. Subsequent research, however, uncovered documentation clearly showing that the system had been administered by the Imperial forces. The Japanese government thereafter apologized and created a support foundation, the Asian Women’s Fund, which provides “atonement” monies to former sex slaves. The government pays administrative and welfare costs, but the “atonement” monies are provided through private donations. This fund has been criticized as a means by which the Japanese government continues to avoid taking direct responsibility for war crimes. A special investigation by the United Nations has called on Japan to fully compensate victims.

The Japanese government has, for the most part, resisted the claims for compensation, arguing that:

- The Japanese government has apologized for the war.
- All outstanding claims were waived with the signing of the San Francisco Peace Treaty and subsequent treaties.
- Individuals cannot sue a state for compensation for war crimes; only states have that right.
- The statute of limitations for filing suit for serious crimes is 20 years in Japan, and thus the period for filing suits has expired.

In rejecting the Japanese government’s position, the victims argue that:

- The apologies offered are unacceptable, as they did not have the full support of Japan’s parliament.
- The lenient treatment regarding reparations in the San Francisco Peace Treaty was based on Japan’s economic

“An apology, you will agree, is equivalent to an admission of guilt. I am confident that your government will eventually compensate the victims of these crimes. The sooner this is done, the better for Japan’s image abroad. I say this, Mr. Chairman, in a spirit of friendship for Japan.”

John P. Humphrey, Canadian co-author of the *Universal Declaration of Human Rights*, speaking at the International Public Hearing on Postwar



PAK Young-sim testified at the Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery, Tokyo,

circumstances at the time. The treaty envisaged possible changes, which have indeed occurred. Japan can now afford to pay.

- Individuals do have the right to sue a state under article III of the 1907 Hague (IV) Convention.
- The state cannot extinguish individual rights.
- Under the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity—passed November 26, 1968, by the United Nations—there is no statute of limitations regarding war crimes.

Some may argue that Canada, as a signatory to the 1951 San Francisco Peace Treaty, has a responsibility to ensure justice for the redress movement. Global citizenship requires that we work for justice, reconciliation, and peace on behalf of all.

“The number of cabinet members who, by denying Japanese atrocity or aggression, have raised the ire of other countries demonstrates the depth of historic revisionism in Japanese society.”

David Suzuki and Keibo Oiwa, in *The Japan We Never Knew*

