



A RESOURCE
GUIDE
FOR TEACHERS
TO SUPPORT
ASPECTS OF
SENIOR
SOCIAL
STUDIES
CURRICULUM

Human Rights in the Asia Pacific 1931-1945

**SOCIAL
RESPONSIBILITY
AND GLOBAL
CITIZENSHIP**



Ministry of Education



B.C. Association for Learning & Preserving
the History of WW II in Asia

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INTRODUCTION





Human Rights in the Asia-Pacific 1931-1945: Social Responsibility and Global Citizenship is a resource guide to support aspects of senior Social Studies including History 12, Law 12, and Social Studies 11. The learning outcomes identified in “Curriculum Connections” are part of the mandated curriculum contained in Integrated Resource Packages (IRPs). Designed to provide support for approximately five to eight hours of instruction, this resource includes:

- a rationale for teaching about justice and humanity
- guidelines for teaching about controversial issues
- a teacher backgrounder on the Asian-Pacific War
- detailed lessons
- teacher and student resources and handouts

Unit Goals

The overall goals for students in this teaching resource are:

- to develop an appreciation, as Canadians, of being part of a larger human community
- to develop a better understanding of some of the historical events of the Asia-Pacific War
- to foster empathy and a sense of justice regarding the suffering of others
- to gain confidence in the possibility of improving human existence through understanding the roles individuals and nations can play in international justice
- to encourage meaningful participation in the development of a future in which such atrocities are prevented from ever happening again

“In South Africa under apartheid we knew the humiliation of being thought of as less than fully human, second-class citizens without rights who could be uprooted from our homes in the name of ethnic order and purity. We endured a regime of injustice and oppression which mercifully fell short of the “final solution.”

Desmond M. Tutu, 1984 Nobel Peace Prize Laureate

WHY TEACH ABOUT JUSTICE AND HUMANITY IN WAR?

“Those who cannot remember the past are condemned to repeat it.”

George Santayana

“Hope is the mainspring of human existence.... Without hope, there is no incentive for learning, for the impulse to learn presupposes confidence in the possibility of improving one’s existence.”

Philip Phoenix, 1974

People around the world hoped for a bright and peaceful future after the triumph of the Allies over the Axis powers of Germany, Japan, and Italy in World War II. These hopes were, at best, only partially realized.

Since the end of World War II, millions of people have lost their lives to war, and millions have become victims of crimes against humanity. From Korea to Vietnam, from Rwanda to the former Yugoslavia, war-related atrocities have continued, with women and children often suffering particular cruelties.

If we are to break the cycle of violence, humankind must constantly remind itself of its own capacity for evil and, more importantly, must educate itself on how to prevent crimes against humanity. Through our government, we as Canadians have committed ourselves to upholding and promoting human rights and peace. These are noble commitments, but Canadians are not immune from committing injustices abroad. The brutal killing of a Somali by Canadian troops while on peacekeeping duties in Somalia in 1993 is a stark reminder that we too must be vigilant.

This resource examines the lessons learned from World War II in Asia and related conflicts. Why a resource on this particular topic?

- Traditionally, Canadian textbooks have focused on the European theatre in World War II, and the war in Asia has often been neglected.
- As Canada’s gateway to the Pacific, British Columbia has an increasing number of students of Asian heritage, and their family histories include the war in Asia (1931–1945).
- Canadians had a small but significant role in the Asia-Pacific theatre during and after the war, and we can learn from this experience.

WHY TEACH ABOUT JUSTICE AND HUMANITY IN WAR?

- Many grievances related to the war have not yet been resolved, and a movement for redress has emerged.
- Finally, this resource offers an opportunity to better understand the relationship between the war and the post-war evolution of international regulations regarding human rights, justice, and armed conflict.



GUIDELINES FOR TEACHING ABOUT CONTROVERSIAL ISSUES

“Hope falters when content learned by students does not lead to better understanding.”

Walt Werner, 1995.

Some ideas presented in this resource are controversial. Such treatment of subject matter may give rise in students’ minds to anxiety and questions about the future. However, protecting students from controversial issues and global problems is not the only way to preserve or nurture their sense of hope for the future. Part of the solution rests in encouraging students to explore all sides of an issue, finding out about those who are working to lobby for improved policies and new laws, and considering solutions and actions they and others might take to improve the world. Most importantly, awareness of the issues can help them guard against allowing acts of injustice or inhumanity to recur.

A controversial topic has two important characteristics:

- It contains one or more issues that have no clear resolution on which all parties can agree or for which there are no readily available solutions.
- The issue(s) have public prominence and have received media attention over time.

Before teaching a controversial topic, teachers need to clarify their own values. They can do this by conducting a self-reflection activity to identify their own biases, recognizing and listing them before and during teaching. It is important for the teacher to present the facts as objectively as possible.

The following “ground rules” will also help to ensure that the topic is presented fairly and with sensitivity.

- A classroom is not a platform.
- Controversy is best taught through discussion rather than direct instruction.
- Discussion should protect divergence of views among participants.
- Exploring issues should promote better understanding and not be merely an exchange of intolerance.

The lesson plan for teaching a controversial topic should include:

- ground rules for interaction and discussion such as respect and the valuing of each other's offerings
- clear division of tasks and responsibilities
- time to deal with the students' concerns and questions

In implementing strategies such as large and small group discussions, independent research, and/or role plays, students should be encouraged to analyse the issue by asking questions such as the following:

- What is the issue about?
- What interest groups are involved and what views do they promote?
- What are the arguments for the various views?
- What is assumed?
- How are the arguments manipulated?

Adapted from the BC Teachers' Federation video and discussion guide, "*Shaking the Tree*" and Facilitator's package for the "*Teaching Controversial Issues*" workshop.

This resource provides documents and information about events that took place prior to and during World War II in the Asia Pacific Area. The documents and information are intended to allow students to investigate issues related to war crimes and crimes against humanity.



UNIT OVERVIEW

Lesson	Instructional Focus
Lesson One: War Crimes and Crimes Against Humanity	Students use excerpts from various agreements, including the Geneva conventions, the Hague conventions, United Nations conventions, and the Charter of International Military Tribunal, to understand legal definitions and responsibilities related to war crimes and crimes against humanity.
Lesson Two: Nanking Massacre and Other Atrocities	Students investigate war crimes and crimes against humanity committed by the Japanese Imperial Army to identify which international agreements were breached. Students express personal views about the crimes of war.
Lesson Three: Canadian Hong Kong Veterans	Students investigate the treatment of Canadian Hong Kong prisoners of war and the war crimes committed by the Japanese Imperial Army. Students identify which international agreements were breached. They differentiate between civilian and military victims and make explicit the connection to Canada.
Lesson Four: International Law, Reconciliation, and Redress	Through the vehicle of a mock justice tribunal, students weigh evidence provided to determine whether Japan has settled its obligations with regard to war crimes and crimes against humanity committed by Japanese Imperial forces.
Lesson Five: Making a Difference	Students respond to a topic that will cause them to reflect upon individual and collective responsibility for preventing war crimes and crimes against humanity.

Resources and Handouts	Suggested Time
<i>Handout 1.1</i> (War Crimes and International Law)	60 minutes
<i>Handout 2.1</i> (Timeline of Origins and Events of the Asia-Pacific War) <i>Handout 2.2</i> (Rape of Nanking and Other Atrocities)	60–90 minutes
<i>Handout 3.1</i> (Canadian Prisoners of War) <i>Handout 3.2</i> (Response Guide for Canadian Prisoners of War)	60–90 minutes
<i>Handout 4.1</i> (Organizing a Mock Justice Tribunal) <i>Handout 4.2</i> (What Victims and Survivors Want) <i>Handout 4.3</i> (International Agreements Related to Compensation Claims) <i>Handout 4.4</i> (Japan’s Responses)	60–120 minutes
<i>Handout 5.1</i> (Unit Self-Assessment)	60 minutes



CURRICULUM CONNECTIONS



We expect that teachers will select from and adapt the material from the resource to suit the needs of their classes. The learning outcomes achieved in each class will depend on the activities selected and the nature of the adaptations made.

History 12

The History 12 curriculum is designed to give students a range of experiences and opportunities to develop skills that will increase their understanding of their lives as Canadians and as global citizens, and prepare them for further study in history and related disciplines. The scope of the curriculum is sufficiently broad to allow students to see the development of major trends in the 20th century, while maintaining a perspective that is relevant to students as citizens of Canada.

If teachers wish to focus on developments in the Asia Pacific between 1931 and 1945, the following learning outcomes from History 12 can be addressed using this resource:

- analyse historical evidence to
 - assess reliability
 - distinguish between primary and secondary sources
 - identify bias and point of view
 - corroborate evidence
- draw conclusions about the influence of individuals and mass movements on historical developments
- demonstrate historical empathy (the ability to understand the motives, intentions, hopes, and fears of people in other times and situations)
- apply knowledge of history to current issues

- demonstrate an understanding of the struggle for human rights, including the civil rights movement in the United States and the anti-apartheid movement in South Africa
- evaluate the role of the United Nations in advancing international co-operation

Teachers wishing to extend students' learning about the Asia-Pacific theatre, could use this resource to address the following learning outcomes from the organizer "Turmoil and Tragedy: 1933-1945":

- compare the nature of democratic and totalitarian states and their impact on individuals
- identify causes of the outbreak of World War II in Europe and the Pacific
- explain how World War II resulted in a realignment of world power

Law 12

Law 12 fosters skills and attitudes that enhance students' abilities to address legal, social, and ethical issues, and reflect critically on the role of law in society. The study of law also promotes the skills and abilities needed to clearly express ideas, argue effectively and logically, and accurately interpret the written word.

If teachers wish to focus on applications of law at the international level, the following learning outcomes from Law 12 can be addressed using this resource:

- define law and evaluate its purposes in society
- distinguish between moral and legal issues
- demonstrate an understanding of legal principles such as the *rule of law* and *natural justice*
- describe how and why laws change and the consequences of such changes on society

- describe the processes involved in resolving disputes, including
 - litigation
 - hearings before tribunal
 - arbitration
 - mediation
 - negotiation
- analyse why society criminalizes certain behaviours

Social Studies 11

With its focus on historical and contemporary social, cultural, political, legal, economic, and environmental issues, Social Studies 11 contributes to the important goal of preparing students for their lives as Canadian citizens and members of the international community. The curriculum is designed to engage students in critical, reflective inquiry into the challenges facing Canadians at the beginning of the 21st century.

The following learning outcomes from Social Studies 11 can be addressed using this resource:

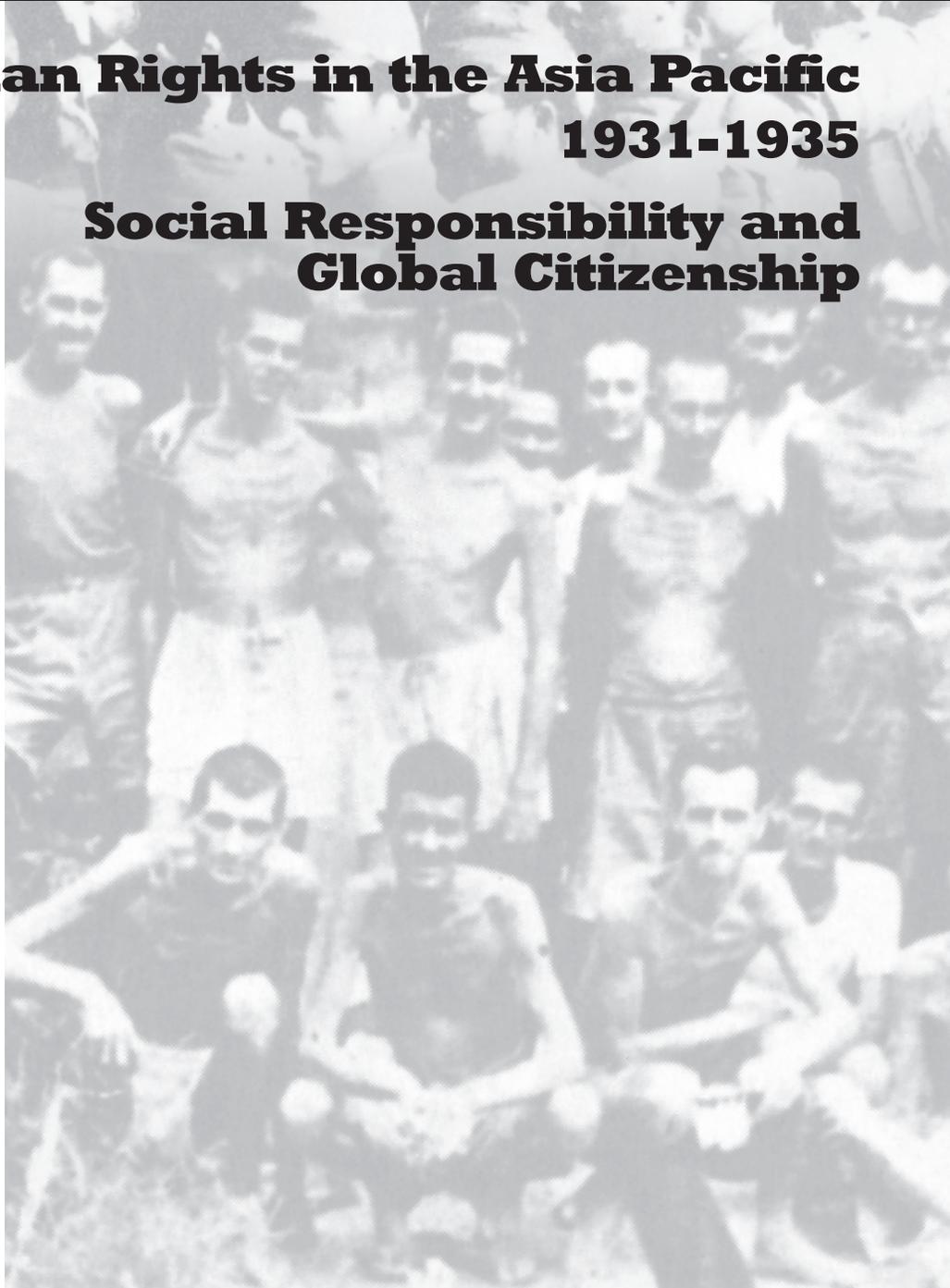
- demonstrate the ability to think critically, including the ability to define an issue or problem and to develop hypotheses and supporting arguments
- recognize connections between events and their causes, consequences, and implications
- describe Canada's role in international conflicts, including World War I and World War II, and assess the impact on Canada
- describe and assess Canada's participation in world affairs
- identify and assess social issues facing Canadians
- recognize the importance of both individual and collective action in responsible global citizenship
- identify and use approaches from the social sciences and humanities to examine Canada and the world
- communicate effectively in written and spoken language or other forms of expression, as appropriate to the social sciences
- develop and express appropriate responses to issues or problems



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."

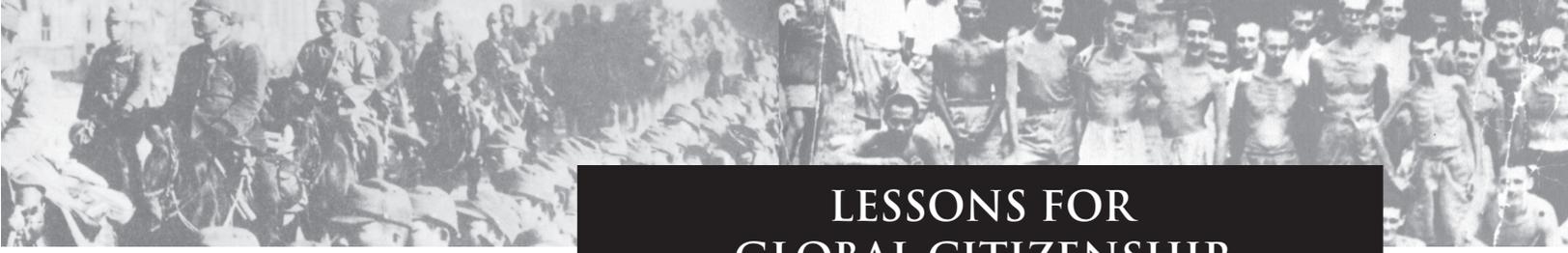
The Pacific Offensive (1941-1945)

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*



LESSONS





Lesson One

WAR CRIMES AND CRIMES AGAINST HUMANITY



Approximate Time

60 minutes

Materials

- *Handout 1.1* (War Crimes and International Law)

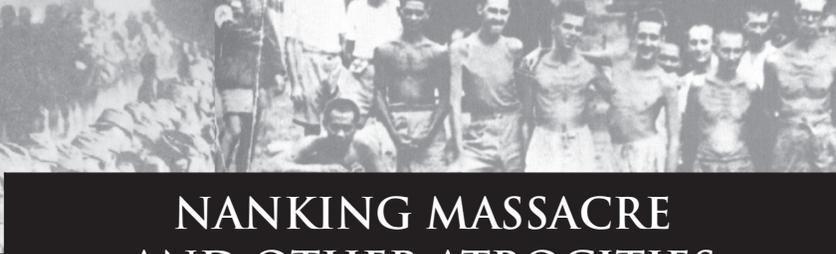
Overview

Students use excerpts from various agreements, including the Geneva conventions, the Hague conventions, United Nations conventions, and the Charter of International Military Tribunal, to understand legal definitions and responsibilities related to war crimes and crimes against humanity.

Teaching/Learning Strategies

1. Students participate in a Think/Pair/Share activity to develop answers to a set of critical questions about the rules of war.
 - Ask students to individually answer each of the following questions on a sheet of paper:
 - Are there rules for war?
 - If there are rules for war, who makes them?
 - Who ensures that the rules are followed?
 - What happens if the rules are not followed?
 - Then have each student share his or her answers with another student. When the pairs of students have decided on complete answers for the questions, have the pairs record their answers on chart paper. When completed, display their charts for use later in the lesson.
2. Students become familiar with wars around the world during the 20th century.
 - Have students make a list of wars that took place during the 20th century. They might include: Anglo Boer War, Arab Israeli conflict, Algerian Civil War, Cambodian War, Chechnya conflict, Korean War, Vietnam War, India Pakistani War, Mexican War, Middle East Wars, as well as more current armed conflicts such as the wars in the Balkans, East Timor, the Philippines, Rwanda and Burundi and Ethiopia.
 - You may want to extend the discussion by presenting articles about some of these conflicts from history textbooks, library references, the Internet, and current magazines and newspapers.

3. Students become familiar with international laws related to war crimes and crimes against humanity.
 - Provide students with copies of *Handout 1.1* (War Crimes and International Law) and invite them to compare the official rules with their answers to the questions asked in the first activity.
 - Have students revise their answers on the charts.



Lesson Two

NANKING MASSACRE AND OTHER ATROCITIES

Approximate Time

60 minutes

Materials

- *Handout 2.1* (Timeline of Origins and Events of the Asia-Pacific War)
- *Handout 2.2* (Rape of Nanking and Other Atrocities)

Overview

Students investigate war crimes and crimes against humanity committed by the Japanese Imperial Army to identify which international agreements were breached. Students express personal views about crimes committed during times of war.

Teaching/Learning Strategies

We strongly recommend that the teacher give students the following information before having them read the articles in *Handout 2.1* (Rape of Nanking and Other Atrocities)

“The articles you will be reading contain some graphic details about rape, murder and other acts of brutality. If you feel uncomfortable reading this material, please feel free to talk to me or even leave the room if necessary.”

1. Students read about war crimes and crimes against humanity committed by the Japanese Imperial army to identify which international agreements were breached.
 - Provide students with *Handout 2.1* (Timeline of Origins and Events of the Asia-Pacific War) to use as a reference in this and the other lessons in this resource.
 - Provide students with *Handout 2.2* (Rape of Nanking and Other Atrocities). Have students read the articles and make a list of the crimes committed by the Japanese Imperial Army (e.g., biological warfare, mistreatment of POWs, sexual enslavement, forced labour, murder).
 - Then ask students to identify for each case which international agreements were breached.
2. Students express personal views about crimes committed during times of war.
 - Organize students into discussion groups.

- Work with students to decide on the criteria they should demonstrate in their discussions. For example:
 - communicates effectively and respects opinions of others
 - clearly identifies and defines problems and issues of atrocities
 - refers to material presented to support personal views
 - shows willingness to reassess a position as necessary if presented with new information
 - identifies human rights violations and their implications both in a historical sense and using contemporary standards of behaviour
- Present the groups with questions such as the following to encourage them to express their personal views about atrocities committed during times of war.
 - What concerned you the most about the atrocities described in the articles? Explain your reasons.
 - How did those who set up the International Safety Zone try to help the people of Nanking? What possible risks did the members of the Safety Zone face? How do you think you would react in this situation?
 - Think about all of the atrocities described. What would allow such atrocities to happen?
 - What lessons can be learned from the study of these historical events?



Lesson Three

CANADIAN HONG KONG VETERANS

Approximate Time

60 to 90 minutes

Materials

- *Handout 3.1* (Canadian Prisoners of War)
- *Handout 3.2* (Response Guide for Canadian Prisoners of War)

Overview

Students investigate the treatment of Canadian Hong Kong prisoners of war and the war crimes committed by the Japanese Imperial Army. Students identify which international agreements were breached. They differentiate between civilian and military victims and make explicit the connection to Canada.

Teaching/Learning Strategies

Special Note: The video, *Savage Christmas: Hong Kong 1941*, is available in many libraries. It can be used with the activities that follow as an alternative to using the print materials. Note: We strongly recommend that teachers preview this video before presentation.

1. Students make explicit the connection to Canada as they investigate the treatment of Canadian prisoners of war in Hong Kong and the crimes against humanity committed by the Japanese Imperial Army.
 - Provide students with copies of *Handout 3.1* (Canadian Prisoners of War). Students can use the questions from *Handout 3.2* (Response Guide for Canadian Prisoners of War) to make notes as they read the articles or view the excerpts you selected from the video.
2. Students differentiate between civilian and military victims as they identify which international agreements were breached.
 - Tell students to refer to *Handout 1.1* (War Crimes and International Law) to help them identify which international agreements were breached.
 - Point out the differences in the laws regarding civilian and military prisoners.



INTERNATIONAL LAW, RECONCILIATION, AND REDRESS

Lesson Four

Overview

Through the vehicle of a mock justice tribunal, students weigh evidence provided to determine whether Japan has settled its obligations with regard to war crimes and crimes against humanity committed by Japanese Imperial forces.

Teaching/Learning Strategies

Before starting this lesson, teachers may find it helpful to review the “Guidelines for Teaching About Controversial Issues” at the beginning of this resource. The issue of Japanese redress for its wartime violations of human rights is a contentious one and can be difficult to manage in a classroom discussion. Attempts to reach a judgement on questions like these can easily lead to a “chain” of grievances (“what about the Canadian internment of Japanese Canadians?; what about human rights in Tibet?” etc.). Students may also feel they have to “take sides” based on their own ethnic identity. Teachers might want to stress that this activity is about concepts of justice, not about taking sides.

1. Students use the various handouts in this resource as well as their own research to prepare a mock justice tribunal hearing.
 - Provide students with *Handouts 4.1-4.4* (Organizing a Mock Justice Tribunal) and review the main tasks and the hearing process.
 - Divide the class into three groups, each with one of the following roles: tribunal members (judges); advocates for victims (prosecution); representatives for the Japanese government (defence). Review with students the other handouts for this and the other lessons and how each can be used by the different groups.
 - Have each group identify research questions and additional sources of information.

Time

60 to 90 minutes

Materials

- *Handout 4.1* (Organizing a Mock Justice Tribunal)
- *Handout 4.2* (What Victims and Survivors Want)
- *Handout 4.3* (International Agreements Related to Compensation Claims)
- *Handout 4.4* (Japan’s Responses)

- Remind students that the success of the hearing depends on an imaginative and thorough representation by all three role-play groups. Encourage them to use the initial group discussion to identify research tasks to be carried out by each group member.
- During the hearing, have students keep a point-form record of the arguments and counter-arguments to use as a resource for writing their responses.
- Explain the meaning of the terms *redress*, *reconciliation* and *compensate*.

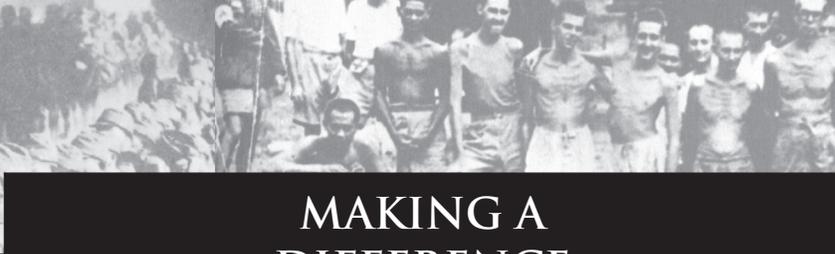
Redress: to acknowledge a wrong that was committed, the United Nations includes in its definition of redress violations of human rights (including war crimes and crimes against humanity). Redress is an act of amending injustice and may include apology, monetary compensation, as well as measures to prevent the recurrence of such injustices.

Reconcile: to harmonize; make compatible by overcoming a hatred or mistrust. To reconcile is to rebuild a sincere relationship without prejudice.

Compensate: to provide a payment of money to make up for a wrong that was committed. It may include payment to individual victims or their surviving family members. Compensation can also be funds established to victimized communities.

- Make students aware of the differences between legal and moral issues.
- Before students present and defend their views, remind them of the following guidelines:
 - the hearing process is meant to help them understand how international tribunal hearings are used to deal with conflicting positions, and to gain confidence in considering the political, moral and legal issues involved in reaching a judgement.
 - arguments are convincing to the degree that they are logical and supported by relevant facts

- the prosecution and defence address their arguments only to the tribunal and do not rebut each other directly.
 - whatever their role, their responsibility in the tribunal process is to listen carefully to the arguments presented and to respect the tribunal’s final verdict of the tribunal,
 - arguments include implications for individuals and society
 - To evaluate student’s work, consider awarding marks to students who deliver points for the prosecution or defence and additional marks for the quality of their points. Each tribunal member could be given marks for keeping a point-form record of the arguments and counter-arguments.
2. Students write a reflective response discussing what they think are the most viable solutions that will be fair to the victims and survivors of Japan’s wartime crimes and to the Japanese people.
- Have students consider the evidence from the tribunal hearing and from other lessons in this resource to develop their responses.
 - Work with students to develop criteria for assessment of their responses, for example:
 - clearly states your opinion regarding viable solutions
 - uses specific details and examples from the tribunal hearing, handouts, and other sources to support your opinion
 - groups related ideas together
 - comes to a logical conclusion regarding the most viable solutions that will be fair to the victims and survivors of Japan’s wartime crimes and to the Japanese people



Lesson Five

MAKING A DIFFERENCE

Approximate Time

60 minutes

Materials

- *Handout 5.1* (Unit Self-Assessment)

Overview

Students respond to a topic that will cause them to reflect upon individual and collective responsibility for preventing war crimes and crimes against humanity from occurring.

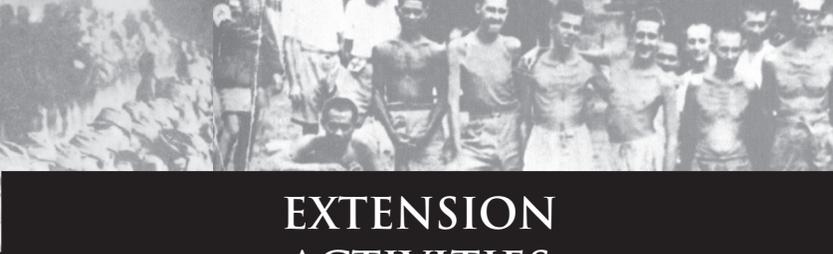
Teaching/Learning Strategies

1. Students express their personal views on individual and collective responsibility for preventing war crimes and crimes against humanity from occurring.
 - Prompt a class discussion using questions such as the following:
 - What should the international community do about crimes against humanity?
 - What actions should individuals, nations, or the international community take to compensate the victims and survivors of atrocities?
 - How can crimes against humanity be prevented in the future (e.g., do we need more laws, more education, more enforcement)?
2. Students write an essay to express their views on preventing war crimes and crimes against humanity.
 - Have students write an in-class essay or personal position paper on one of the following topics. Have students select appropriate handouts from other lessons to provide background for their essays. Possible topics include:
 - What should Canada as part of the international community do about crimes against humanity? How can crimes against humanity be prevented?
 - Tragically, crimes against humanity continued through to the end of the 20th century (e.g., Cambodia, Rwanda, and Yugoslavia). While each has its own historic conditions, what do they have in common? What should the international community do about crimes against humanity? How can crimes against humanity be prevented?

- Before they begin, work with students to develop criteria to evaluate their essays, for example:
 - clearly defines the issue
 - explains opposing points of view and supports them with examples
 - draws articulate, logical conclusions
 - develops and defends a plausible resolution
 - includes focused and relevant evidence, examples, and arguments

Unit Self-Assessment

Goals for the unit are stated in the introduction. The goals encourage critical thinking on issues related to the content of the unit, with the overall outcome of promoting understanding of the requirements of a socially responsible citizen. You might want to have the students complete a self-assessment such as the Handout 5.1 (Unit Self-Assessment) to identify the extent to which they see themselves as socially responsible citizens. Encourage them to use work produced during the unit to as part of the evidence to support their ratings.



EXTENSION ACTIVITIES

If time permits and the situation warrants, consider using or modifying one of the following extension activities, which are intended to enhance the student’s understanding of the key concepts of this unit, exploring issues, investigating evidence, and taking action to make a difference.

- 1.** Have students draft letters to the local media, Member of Parliament, MLA, or foreign government regarding a current issue they want to address. Assess their work for the extent to which the letter clearly identifies an issue, expresses a point of view, supports the view with logical argument, and recommends appropriate action.
- 2.** To illustrate how war crimes continue today, have students create a “Wall of War Crimes.” Students do a search of the web and news media to find reports of current war atrocities. They might also contact Amnesty International for information on current issues related to war crimes.



RESOURCES AND HANDOUTS



One of the most important steps toward justice for victims of war has been the recognition by nations around the world of war crimes and crimes against humanity. Over the past century, nations have struggled to define rules of war to ensure protection of the basic human rights of those caught in conflicts. Canada has played an important role in these developments, as a member of the international groups defining these laws, as a participant in international war crime tribunals, and as one of the nations most active in supporting United Nations' peacekeeping missions around the world.

Following are excerpts from some conventions related to war and peace. For the complete documentation of these conventions, visit the International Red Cross web site (www.icrc.org/IHL.nsf/FULL)

First International Rules of War

The first international rules of war were set down in the Geneva Conventions and the Hague Conventions. They covered the treatment of the wounded, prisoners of war, and civilians in wartime.

1864 The **Geneva Convention of 1864** established the International Red Cross and laid down the rules for treatment of the wounded in war.

1899 and 1907 The **Hague Conventions** of 1899 and 1907 established as international law many of the customary laws of war that existed before World War I.

October 18, 1907 **Hague IV (Convention Respecting the Laws and Customs of War on Land)**

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

Article 3: A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

October 18, 1907 **Annex to Hague IV**

Article 4: Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them. They must be humanely

treated. All their personal belongings, except arms, horses, and military papers, remain their property.

Article 6. The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Work done for the State is paid for at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

Article 21: The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention¹.

Article 23: In addition to the prohibitions provided by special Conventions, it is especially forbidden –

- (a) To employ poison or poisoned weapons;*
- (b) To kill or wound treacherously individuals belonging to the hostile nation or army;*
- (c) To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;*
- (e) To employ arms, projectiles, or material calculated to cause unnecessary suffering;*
- (g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;*

Article 25: The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

Article 27: In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

¹ Red Cross Convention, August 22, 1864

Article 46: Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated.

Article 47: Pillage is formally forbidden.

Refinement to the Rules of War

After World War I, international laws were further refined as they applied to civilians, prisoners of war, and wounded and sick military personnel. An important one is the Geneva Convention Relative to the Treatment of Prisoners of War, 1929. The Geneva Convention of 1929 was signed by Japan but not ratified because of Japanese military objections.

July 27, 1929

Geneva Convention Relative to the Treatment of Prisoners of War

Article 2: Prisoners of war are in the power of the hostile Government, but not of the individuals or formation which captured them. They shall at all times be humanely treated and protected, particularly against acts of violence, from insults and from public curiosity. Measures of reprisal against them are forbidden.

Article 82: The provisions of the present Convention shall be respected by the High Contracting Parties in all circumstances. In case, in time of war, one of the belligerents is not a party to the Convention, its provisions shall nevertheless remain in force as between the belligerents who are parties thereto.

The Need for Further Refinements

By the end of the Second World War, it was clear that the existing conventions had not been enough either to control the aggression of ambitious nations, or to cover the terrible consequences to civilian populations trapped by war. Two days after the bombing of Hiroshima, new rules were set in place defining wars against peace, war crimes and crimes against humanity. The new laws became the basis for prosecuting the German and Japanese governments — the main aggressors in the war — at the International Military Tribunals in Nuremberg and Tokyo.

August 8, 1945

Charter of the International Military Tribunal

(a) Crimes against peace:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War crimes:

Violations of the laws or customs of war include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

(c) Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connexion with any crime against peace or any war crime.

Formation of the United Nations

To further ensure that world peace would be preserved after World War II, the United Nations was formed. The Charter of United Nations held all member nations to a commitment not to act aggressively against another member and to settle their disagreements by peaceful means. Canada was one of the founding members of the UN.

June 26, 1945

Charter of the United Nations

Article 2(3) All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered

Article 2(4) 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.

Stronger Rules Established

As the world came to terms with the terrible consequences of the Second World War, the members of the United Nations committed themselves to stronger rules that would protect the rights of civilians both in times of war and of peace. The horrors of the Holocaust led to the **Convention on the Prevention and Punishment of the Crime of Genocide**. This was followed by the **Universal Declaration of Human Rights** in 1948 and the **Geneva Convention Relative to the Protection of Civilian Persons In Time Of War**.

December 9, 1948 **Convention on the Prevention and Punishment of the Crime of Genocide**

Article 1: The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article 2: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;*
- (b) Causing serious bodily or mental harm to members of the group;*
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) Imposing measures intended to prevent births within the group;*
- (e) Forcibly transferring children of the group to another group.*

Article 3: The following acts shall be punishable:

- (a) Genocide;*
- (b) Conspiracy to commit genocide;*
- (c) Direct and public incitement to commit genocide;*
- (d) Attempt to commit genocide;*
- (e) Complicity in genocide.*

August 12, 1949 **Geneva Convention Relative to the Protection of Civilian Persons in Time of War**

Article 27: Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Article 148: No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

Principles of International Law

In 1950 the International Law Commission of the United Nations adopted the Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal. These include the recognition (Principle VI) of the definitions established by the Charter of the International Military Tribunal of crimes against peace, war crimes, and crimes against humanity.

1950

Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal

Principle II: The fact that international law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

Principle III: The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.

Principle IV: The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

Principle VII: Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

Non-Applicability of Statutory Limitations

The United Nations adopted the **Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity** on 26 November 1968. This convention addresses the world concern about the application of municipal law relating to the period of limitation (legal expiry date) for ordinary crime, since it prevents the prosecution and punishment of persons responsible for those crimes. This forms the legal basis for the claims of victims and survivors against the Japanese government for war crimes and crimes against humanity committed during the Asia-Pacific War. (Excerpts from the Convention are presented in *Handout 4.3: Legal Basis for Claims Against Japan*).

Enforcement of the Rules of War

In spite of efforts to regulate warfare and promote peace since the end of World War II, millions of people have lost their lives to war, and millions have become victims of crimes against humanity. To halt such atrocities and for redress in the former Yugoslavia and Rwanda, ad hoc international tribunals for the prosecution of persons responsible for genocide and violations of international humanitarian law were set up in 1993 and 1994.

On July 17, 1998, nations gathered in Rome and adopted the **Rome Statute of the International Criminal Court**. This is an attempt by nations to enforce international laws of war and peace by setting up a permanent international criminal court to bring individual perpetrators of the most serious crimes to justice. Of course, the elimination of war remains the best safeguard against human rights violations. The Preamble of the Rome Statute speaks of the hope of the world for peace and its urge to stop any acts of inhumanity. It states:

***Conscious** that all peoples are united by common bonds, their cultures pieced together in a shared heritage, and concerned that this delicate mosaic may be shattered at any time,*

***Mindful** that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity,*

***Recognizing** that such grave crimes threaten the peace, security and well-being of the world,*

***Affirming** that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation,*

***Determined** to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes,*

***Recalling** that it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes,*

***Reaffirming** the Purposes and Principles of the Charter of the United Nations, and in particular that all States shall refrain 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,*

***Resolved** to guarantee lasting respect for and the enforcement of international justice...*

- 1894** The first Sino-Japanese War begins.
- 1895** Shimonoseki Treaty. After defeat in the Sino-Japanese War, China unwillingly cedes Taiwan to Japan and pays a financial indemnity.
- 1902** The Anglo-Japanese Alliance is signed. Japan and Great Britain agree to assist one another in safeguarding their respective interests in Asia. The Alliance is renewed in 1905 and 1911.
- 1905** Upon Russia's defeat in the Russo-Japanese War of 1904-05, the US mediates the Treaty of Portsmouth. The treaty forces Russia to give up its concession in southern Manchuria to Japan and recognizes Japan as the dominant power in Korea.
- China unwillingly signs another treaty with Japan, recognizing Japan's imperialistic rights in southern Manchuria.
- After the Treaty of Portsmouth, the Taft-Katsura memorandum is signed between Japan and the US. This agreement recognizes Japan's rights in Korea, and in return, Japan recognizes US control of the Philippines.
- 1907** Some major conventions on the laws of war are made in the **Hague Conference of 1907**, including the Hague IV - Laws and Customs of War on Land.
- 1910** Japan's "official" annexation of Korea.
- 1914** World War I starts.
- Japan as one of the Allied countries against Germany occupies Shantung Peninsula of China, and assumes the imperial rights of Germany in that region.
- 1926** Hirohito becomes Emperor of Japan.
- 1929** The Geneva Convention Relating to Prisoners of War is made.
- 1931** The Japanese army launches a full-scale attack on Manchuria.
- 1932** The Japanese army seizes Manchuria and establishes the puppet state of Manchukuo.
- Japan establishes biological warfare units in Japan and China.

- 1933** The League of Nations declares that Manchukuo is not a legitimate state and calls for the withdrawal of Japanese troops.
- Japan withdraws from the League in protest.
- Expanding from Manchuria, the Japanese army gains control of much of North China.
- 1937** “Marco Polo Bridge Incident”. Japan’s full-scale invasion of China begins.
- Peking (now Beijing) and Shanghai are captured.
- When Nanking (now Nanjing), the capital falls, the Japanese military commits the Nanking Massacre.
- The military sexual slavery system for the Japanese military expands rapidly after the Nanking Massacre.
- 1939** World War II starts in Europe.
- 1940** Japan moves into northern Indo-China (now Vietnam, Laos and Cambodia).
- Japan joins the Axis Alliance with Germany and Italy.
- 1941** Tojo Hideki becomes Prime Minister of Japan.
- Japan raids Pearl Harbor on December 7. British Malaya and Hong Kong are simultaneously attacked. The Pacific phase of World War II begins
- Hong Kong falls on December 25. Of the 1,975 Canadian soldiers sent to defend Hong Kong, 290 are killed in action and 1,685 are captured and interned by the Japanese military. 267 die in internment.
- 1942** Forced relocation and internment of Japanese Americans in the United States and Japanese Canadians in Canada begin.
- By May 1942, Japan has gained control over wide territories including Hong Kong, Philippines, Vietnam, Laos, Cambodia, Thailand, Burma (now Myanmar), Malaya (now Singapore and Malaysia), Dutch East Indies (now Indonesia), and many other Pacific islands.

- 1945 The first atomic bomb is dropped on Hiroshima on 6 August.
The Soviet Union declares war on Japan on 8 August.
The second atomic bomb is dropped on Nagasaki on 9 August.
Japan surrenders on 15 August. World War II ends.
- 1946 The Charter of the International Military Tribunal for the Far East is formulated and the Tribunal is set up to prosecute instigators of the War.
- 1951 The San Francisco Peace Treaty is signed between Japan and 48 other nations. Some states are not parties to the Treaty, including Burma, China, India, Korea and the Soviet Union.

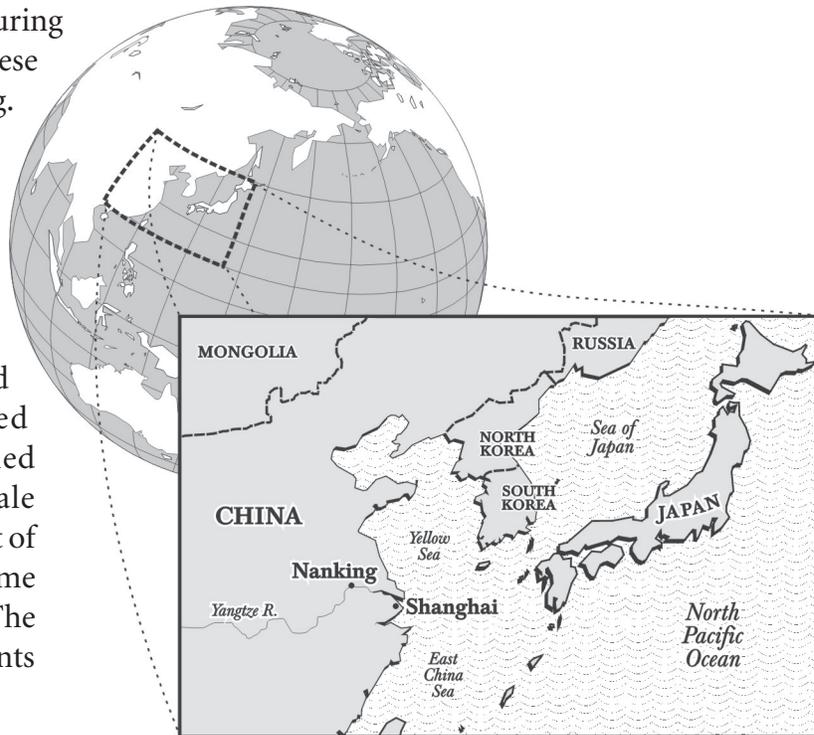


Japanese military aggression against China and other Asian countries before and during the Second World War is remembered for the cruelty and brutality of Japan's imperial forces. Besides soldiers in the armies that fought Japan, the victims included an untold number of civilians of China, Korea, the Philippines, Japan, other southeast Asian countries, as well as civilians from North America and Europe located in Asia when war was declared. Millions died and millions more were held under brutal military rule. Civilians and prisoners of war faced some of the worst atrocities, including the sexual slavery suffered by "comfort women," slave labour, live human medical experiments, and the use of chemical and biological weapons.

The Rape of Nanking

In 1928, the Chinese government moved the capital of China to Nanking. The city normally held about 250,000 people, but by the mid-1930s its population had swollen to more than one million. Many of them were refugees, fleeing from the Japanese armies that had invaded China in 1931.

On November 11, 1937, after securing control of Shanghai, the Japanese army advanced towards Nanking. In December 1937, Japanese troops invaded the city of Nanking. Much of the city was destroyed by bombing raids. The Japanese imperial forces marched thousands of Chinese civilians into the countryside and murdered them; they raped women, and looted and burned people's homes. The large-scale massacre and gross mistreatment of Chinese people at Nanking became known as the Rape of Nanking. The following timeline highlights events related to the massacre.

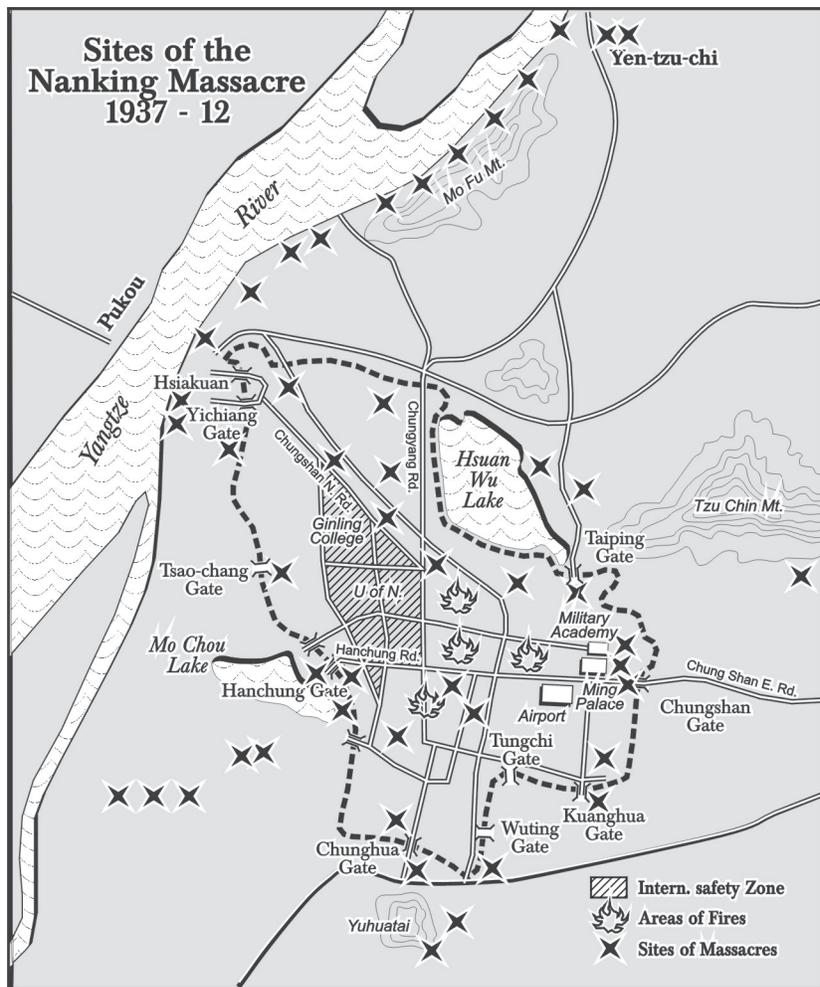


12 November 1937 Japanese troops capture Shanghai after 3 months of fierce fighting. The march towards Nanking (now Nanjing) begins and the "Three-all" policy ("Loot all, kill all, burn all") is used to terrorize civilians along the advancing route.

- 22 November 1937** The International Committee for the Nanking Safety Zone is organized by a group of foreigners to shelter Chinese refugees.
- 12 December 1937** Chinese soldiers are ordered to withdraw from Nanking.
- 13 December 1937** Japanese troops capture Nanking.
- 14 December 1937** The International Committee for the Nanking Safety Zone lodges the first protest letter against Japanese atrocities with the Japanese Embassy.
- 19 February 1938** The last of the 69 protest letters against Japanese atrocities is sent by the Safety Zone Committee to the Japanese Embassy and the Committee is renamed as the Nanking International Relief Committee.

Many eyewitness accounts of the Nanking Massacre were provided by Chinese civilian survivors and western nationals living in Nanking at the time. The number of Chinese killed in the massacre has been subject to much debate. The Encyclopedia Britannica (1999-2000 Britannica.com) states that estimates of the number of Chinese killed ranges from 100,000 to more than 300,000.

Several accounts of the Nanking Massacre come from the group of 25 foreigners (mostly American, but also some German, Danish, and Russian people) who had established a neutral area called the International Safety Zone to shelter the Chinese refugees whose lives had been threatened and homes destroyed by the invading Japanese soldiers. When Nanking fell, the Zone housed over 250,000 refugees. The committee members of the Zone found ways to provide these refugees with the basic needs of food, shelter, and medical care.



Miner Searle Bates

Dr. Miner Searle Bates was a missionary and professor of history at the University of Nanking. He was also an organizing member of the Nanking International Safety Zone Committee.

Only two days after the fall of Nanking, Bates lodged his first protest letter to the Japanese Embassy and continued to do so throughout the massacre at Nanking. Following is the letter he wrote to the Japanese Embassy.

December 27, 1937

Beginning more than a week ago, we were promised by you that within a few days order would be restored by replacement of troops, resumption of regular discipline, increase of military police, and so forth. Yet shameful disorder continues, and we see no serious effort to stop it. Let me give a few examples from University property [the University of Nanking was within the Zone]....

Last night between eleven and twelve o'clock, a motor car with three Japanese military men came to the main University gate, claiming that they were sent by headquarters to inspect. They forcibly prevented our watchman from giving an alarm, and kept him with them while they found and raped three girls, one of whom is only eleven years old. One of the girls they took away with them.

Stray soldiers continue to seize men to work for them, causing much fear and unnecessary inconvenience. For example, a soldier insisted on taking a worker from the Hospital yesterday; and several of our own servants and watchmen have been taken.

Several of our residences are entered daily by soldiers looking for women, food, and other articles. Two houses within one hour this morning.

...Yesterday seven different times there came groups of three or four soldiers, taking clothes, food and money from those who have some left after previous lootings of the same type. They raped seven women, including a girl of twelve. In the night larger groups of twelve or fourteen soldiers came four times and raped twenty women.

The life of the whole people is filled with suffering and fear — all caused by soldiers. Your officers have promised them protection, but the soldiers every day injure hundreds of persons most seriously. A few policemen help certain places, and we are grateful for them. But that does not bring peace and order. Often it merely shifts the bad acts of the soldiers to nearby buildings where there are no policemen....

While I have been writing this letter, a soldier has forcibly taken a woman from one of our teachers' houses, and with his revolver refused to let an American enter. Is this order?

Many people now want to return to their homes, but they dare not because of rape, robbery, and seizure of men continuing every day and night. Only serious efforts to

enforce orders, using many police and real punishments will be of any use. In several places the situation is a little better, but it is still disgraceful after two weeks of army terrorism. More than promises is now needed.

With respectful distress and anxiety,

(Published in *American Missionary Eyewitnesses to the Nanking Massacre, 1937-38*, Edited by Martha Lund Smalley, Yale Divinity School Library, Occasional Publication No. 9, 1997, pp. 31-32.)

John Rabe

John Rabe was a German businessman and leader of the Nazi Party in Nanking. He saved so many lives during the Nanking Massacre that some refer to him as the “Oskar Schindler of China.” When Rabe returned to Germany, he wrote to Adolf Hitler, telling him what he had witnessed in Nanking, and hoped that Hitler could prevent further atrocities by the Japanese military. Two days later, the Gestapo arrested him. Fortunately, he was released, but he was warned never to talk publicly or publish anything about the events taking place in Nanking. Following is an excerpt from the diary of John Rabe.

December 16, 1937

All the shelling and bombing we have thus far experienced are nothing in comparison to the terror that we are going through now. There is not a single shop outside our Zone that has not been looted, and now pillaging, rape, murder, and mayhem are occurring inside the Zone as well. There is not a vacant house, whether with or without a foreign flag, that has not been broken into and looted ...

No Chinese even dares set foot outside his house! When the gates to my garden are opened to let my car leave the grounds — where I have already taken in over a hundred of the poorest refugees — women and children on the street outside kneel and bang their heads against the ground, pleading to be allowed to camp on my garden grounds. You simply cannot conceive of the misery.

I’ve just heard that hundreds more disarmed Chinese soldiers have been led out of our Zone to be shot, including 50 of our police who are to be executed for letting soldiers in.

The road to Hsiakwan is nothing but a field of corpses strewn with the remains of military equipment. . . There are piles of corpses outside the gate . . . It may be that the disarmed Chinese will be forced to do the job before they’re killed. We Europeans are all paralyzed with horror. There are executions everywhere, some are being carried out with machine guns outside the barracks of the War Ministry.

(Published in *The Good Man of Nanking: The Diaries of John Rabe*, Edited by Erwin Wickert, Alfred A. Knopf Inc., 1998, p. 98-102.)

Sexual Slavery

An estimated 200,000 women from Korea, the Philippines, China, Burma, Indonesia and other Japanese occupied territories were forced by the Japanese military forces to work in brothels. The Japanese soldiers referred to them as “comfort women”. Only about 30% of the women survived the war. Following is the story of a former “comfort woman” who is now living in North Korea.

Testimony of Kim Young-shil

“I am Kim Young-shil. I was born on October 23, 1923 and was raised in Yang-gang-do, Bochon County.

It was 1941. One day I encountered a well-dressed man in western clothes. He asked me if I wanted to have a good job. Thinking that any job would be better than working as a maid, I accepted his offer and followed him to where there were already eight other girls ahead of me. They were all about 14 or 15 years old.

So we all got on a truck, and after about 30 minutes’ ride, we arrived at a place where there were many Japanese soldiers. From there we were taken north near the border of China and Russia. There was a huge military camp, and many girls had already arrived before us. A soldier came up to me and put a name tag on my chest. It had a Japanese name “Eiko” written on it. He then told me, “From now on, you must not speak Korean. If you do, we will kill you. Now, your name is Eiko.”

The officer who took us to the camp wore a good-looking uniform with a three-star insignia. He came into my room that night. Scared, I jumped up. He sat down, laid his sword on the floor, and proceeded to take off his clothes. Why was he doing this? Where is my job? I started to cry. He shouted, “You obey my orders. I will kill you if you don’t.” He then held me down and raped me. I was a virgin until that moment.

From the following day on, I was forced to service sex to ten to 20 soldiers every day, and 40 to 50 on Sundays. We were exhausted, weakened, and some of us could not even eat meals. We were in the state of “half-dead.” Some girls became really sick and could not recover from the ordeal. The soldiers took them away. We did not know what happened to them but we never saw them again. A new batch of girls arrived to replace the missing ones, like we did.

There was a girl next to my cubicle. She was younger than I, and her Japanese name was Tokiko. One day an officer overheard her speaking to me and accused her of speaking Korean. He dragged her out to a field and ordered all of us to come out there. We all obeyed. He said, “This girl spoke Korean. So she must die. You will be killed if you do too. Now, watch how she dies.” He drew his sword. Horrified, I closed my eyes and turned my face away. When I opened my eyes, I saw her severed head on the ground.

On Sundays we were made especially busy. Soldiers stood in line in front of our cubicles. ...

I was totally exhausted. I could keep neither my sense of humiliation nor my dignity. I felt like a living corpse. When soldiers came to my room and did it to me one after another, it was done to a lifeless body. Again. And again. And again....”

(Excerpted from *Comfort Women Speak* edited by Sangmie Choi Schellstede, published by Holmes and Meier, pp. 48 –51)

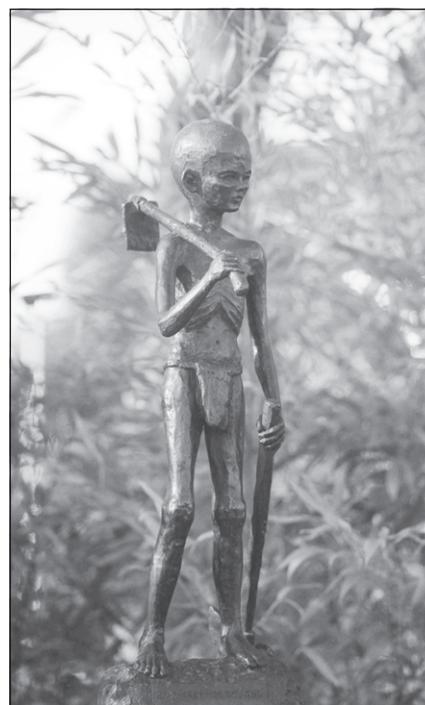
Other Atrocities

Japan’s government sponsored experiments into biological and chemical warfare. Under the leadership of Ishii Shiro, Unit 731 and other similar units performed tests on living humans. For example they injected victims with germs to see the effects and to test the effectiveness of vaccinations. They performed operations on living humans without the use of anaesthetic. To keep their activities secret, the victims of medical experiments were then killed. These units killed thousands of POWs and civilians, mainly from China. Germ-filled bombs produced by these units were dropped on Chinese cities. Chemical weapons were mass-produced in Japan and used widely. It is estimated that even today between 600,000 and 2,000,000 shells filled with poisonous chemicals remain buried in China.

Over 61,000 Allied POWs and 250,000 Asian civilians (mainly Chinese, Malay, Tamil and Burmese) were used as slave labourers to build the 415 kilometre-long Burma-Thailand Railway, the infamous “Death Railway.” It is estimated that half of the Asian labourers, and one-fifth of the Allied POWs, perished on the railroad.

Japanese private corporations also relied on slave labourers during the War. An example is Kajima Corporation, a well-known Japanese company. In 1944, a group of 986 Chinese were taken to Japan and forced to work in Kajima’s mining and construction site at Hanaoka in northeast Honshu. More than 400 of them died from torture, starvation, and the horrifying conditions of Kajima’s slave camp.

After Japanese Imperial Forces captured Indonesia (the Dutch East Indies) in March 1942, over 40,000 Dutch soldiers and 100,000 Dutch civilians, including women and children, were interned. As many as 14,000 Dutch civilians died in captivity.



In Indonesia in 1944, all boys between the ages of 10 and 14 were imprisoned with their mothers by the Japanese military. The children were forced to do hard labor. This statue represents one of the imprisoned children.

Adapted From **THE Valour
AND THE Horror**



The Canadian prisoners of war released by Japan in 1945 were mostly skin and bones, but very happy to have lived through their ordeal.

It was August of 1945. Japan had just surrendered, ending the war in the Pacific. One job of the USS *Wisconsin* was to pick up a group of Canadian prisoners of war who were being released from the work camp at Niigata Japan.

The hollowed-eyed, jaundiced men that came aboard had barely enough flesh to hold their bones together. Among them were Bob Manchester, John Stroud, and Bob Clayton. At six feet, one inch, Bob Manchester weighed only 105 pounds. At five feet, eleven inches, John Stroud was reduced to 79 pounds. Bob Clayton was 5 feet, five inches tall and 95 pounds. Armand Bourbonnière was down from 200 pounds to 117. They

were four of the survivors of the 1,975 Canadian soldiers sent to fight in Hong Kong. This is their story.

Canada Responds

By 1941 the Pacific theatre of war was about to take a turn for the worst. The allies were to experience the full brunt of the Imperial Japanese army. One especially vulnerable spot was the British Crown colony of Hong Kong.

The British government made a request of its independent Canadian ally: would Canada consider sending one or two battalions to bolster the garrison currently in Hong Kong? The British reassured the Canadians that the men would not

be in great danger. Their only responsibility would be maintaining a garrison, a visible presence, in the face of the Japanese [Imperial forces], who were at war with neighbouring China. Even if the Japanese [forces] attacked, said the British general commanding Hong Kong, the enemy was merely 5,000 strong. He stated that the Japanese troops were ill-equipped and unaccustomed to night fighting; they had little artillery support; their aircraft were mostly obsolete; and their pilots were “mediocre, unable to do dive-bombing because of poor eyesight.”

The Canadian defence staff did not ask for an independent

assessment of the situation in Hong Kong. They urged Prime Minister Mackenzie King to send the soldiers, and the decision was made. In the eyes of the Canadian government, they would now have the opportunity to take an active role in the war. If the Japanese [Imperial forces] decided to attack, Canadian soldiers would be there and ready for action.

The British request was met with about 2,000 troops from the Winnipeg Grenadiers and the Royal Rifles. These were young, untrained men who had recently been designated “not recommended for operational consideration.” Along with the others, Bob Manchester, John Stroud and Armand Bourbonnière were sealed aboard transcontinental trains, sent to Vancouver, and shipped out to Hong Kong. The man chosen to lead the Canadians was Colonel John Lawson — the man who had designated them as unfit for combat.

The Reality

Although Canadian military intelligence came exclusively from the British, who were selective in what they shared, in retrospect it is difficult to comprehend that the Canadian government did not know Japan was close to invading Hong Kong and that the situation would be very difficult when that happened.

In a memo by British Prime Minister Winston Churchill on January 7, 1941, he concluded that the tiny Asian outpost of Hong Kong was indefensible and should not be reinforced. “If Japan goes to war with us, there is not the slightest chance of holding Hong Kong or relieving it. It is most unwise to increase the

... it is difficult to comprehend that the Canadian government did not know Japan was close to invading Hong Kong and that the situation would be very difficult when that happened ...

loss of life we shall suffer there.” Churchill wrote this 10 months before the Canadians were shipped out. “Instead of increasing the garrison, it ought to be reduced to a symbolic scale ... Japan will think long before declaring war on the British Empire, and whether there are two or six battalions in Hong Kong will make no difference to her choice. I wish we had fewer troops there.”

And the enemy was hardly the incompetent few depicted by the British command. They were in fact seasoned victors of the Sino-Japanese war: determined, dedicated, and disciplined soldiers. Within three weeks Japanese soldiers would overwhelm the garrison and claim the island of Hong Kong for their own.

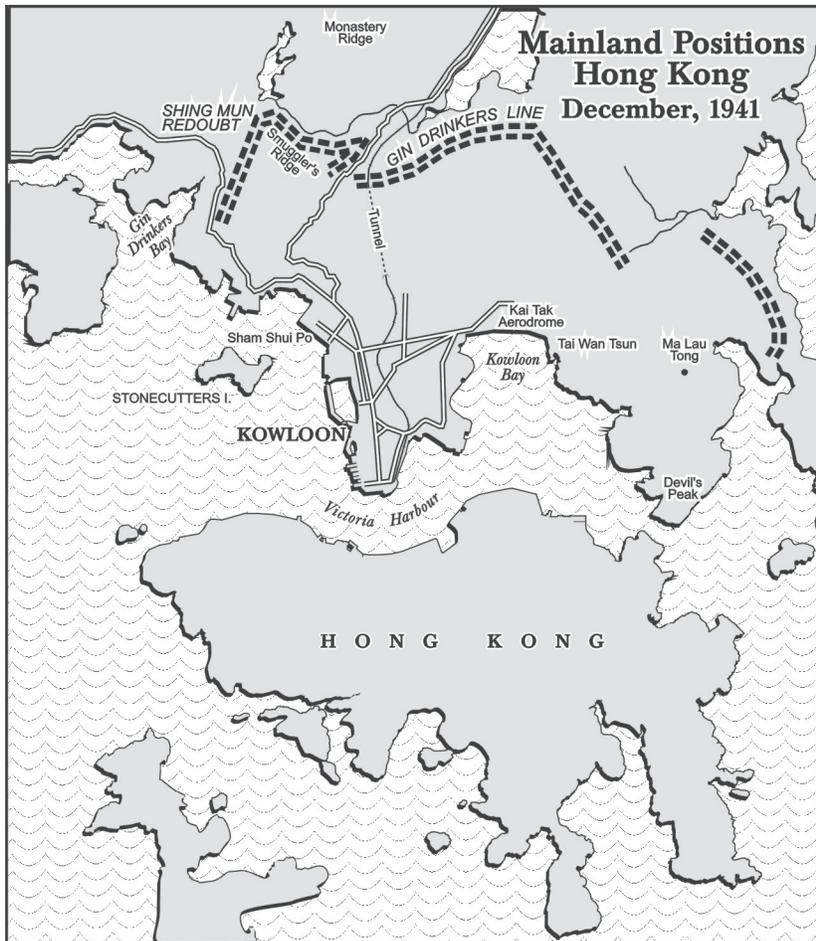
Japan Attacks

The Japanese high command chose Sunday, December 7, 1941, to order its troops into action across the Pacific. Despite the earlier British estimation of 5,000 troops, there were at least 50,000 troops amassing along the border of Hong Kong. Superior weapons and training gave them confidence; the Emperor

Hirohito was their cause. Hirohito had pledged to bring “peace” to the Far East, and these troops were there to enforce it.

On December 11, four days after the Japanese attack on Pearl Harbor, the British commander of Hong Kong ordered the Chinese mainland (Kowloon and New Territories of Hong Kong) evacuated in the face of the attack by Japanese imperial forces. Without mental or technical preparation, the two Canadian battalions designated unfit for combat were suddenly pitted against the Japanese forces at the peak of its power. The Commonwealth troops, along with hundreds of thousands of Chinese, desperately tried to find passage to Hong Kong Island. Most of them made it to the island; however a few like John Gray did not. Tied to a lamppost at the Star Ferry Wharf in Kowloon and shot dead at 21, he became a footnote in history: the first Canadian soldier to be killed in the first wave of the Japanese invasion of Hong Kong.

Beginning December 12, 1941, the Japanese imperial forces began a week-long series of flying raids over the island of Hong Kong. Having demonstrated their military superiority, the Japanese dispatched a peace mission to the island, demanding that the British and their Commonwealth army surrender or be annihilated. Within 15 minutes, the ultimatum received a one-word reply: “No!” The Japanese met the Commonwealth defiance with a ferocious artillery barrage. For the next five days, the Japanese forces hit the island with everything they had, softening it up for the coming amphibious assault. The British reorganized their defences.



The Fall

On December 18, 1941, 3,500 Japanese soldiers swarmed onto the island. A second assault force of 4,000 men followed at midnight. Within hours of landing, the Japanese forces had taken control of the bluff on the island's northeast coast. Grenadiers, including the 100 men in Bob Manchester's D Company, had been sent to Wong Nei Chong Gap. This remained the only way through the center of the island. To control Hong Kong, the Japanese would have to take the pass.

Two Japanese infantry regiments, about 2,000 men, were assigned to the task. Facing them were 100 Canadian Grenadiers. The Japanese

outnumbered their defenders 20 to one but were taking four times the casualties. The Canadians hung on until they ran out of ammunition. Lawson led the last desperate stand of the Canadians at Wong Nei Chong Gap. After his death, the handful of men still alive surrendered. They had no food, no water and no ammunition. The bodies of their comrades lay bullet-ridden in the trenches.

At 3:15 p.m. on Christmas Day 1941, the British commander officially surrendered to the forces of the Emperor. The defenders, their backs to the sea, had been all but vanquished in a one-sided battle that lasted only 18 days. The corpses

Within hours of landing, the Japanese forces had taken control of the bluff on the island's northeast coast

of 1,600 Commonwealth soldiers, including 303 Canadians, lay on the beaches and in the rugged mountains and valley passes of Hong Kong.

Prisoners of War

The 1,672 Canadian survivors of the Battle of Hong Kong were herded into prisoner of war camps at North Point on Hong Kong Island and at Sham Shui Po on Mainland China. They were exhausted by battle and many were wounded. They didn't know what they faced but could reasonably hope the Japanese would follow the rules for humane treatment of prisoners set out in the Geneva Convention. Three and half years of misery proved this to be a false hope.

Building the Airport

The conditions at Sham Shui Po were hard. Inside the vermin-infested huts, some slept on wood plank double bunks, others on cement floors. There was no heat. Despite the meager rations — too often, only a handful of rice — the POWs were soon pressed into the service of the Empire of the Rising Sun as slave labour — against the rules of the Geneva Convention.

“They decided that there was no sense in wasting good manpower, that these lazy buggers had better

find something to do,” recalls Bob Manchester. “They decided they were going to enlarge their international airport. And so, they shipped us over there in work details at seven in the morning. And we’d stay over there until six at night.”

“We chopped down bloody mountains with pick and shovel and a wheelbarrow. We had our breakfast before we went — some kind of punky rice and fish head soup or something. We’d have to take a goddamn can or anything we were able to accumulate to carry our lunch for our midday meal. An old bottle or whatever. And it was generally the rice and the soup all mixed together or seaweed. Then we’d get out there and have our lunch out there and then we’d have to come back. And we’d get the same old crap when we got back into camp.”

Compelled by the threat of starvation, the prisoners began to build the runway. But they sabotaged the construction by mixing too much sand in the concrete, which would make the tarmac weak. It worked. The first Japanese aircraft to use the runway, a large fighter escort filled with dignitaries, crashed on landing. The Japanese engineer in charge of the project was decapitated. It was a small, sad victory in a long defeat.

Niigata

Bob Manchester, John Stroud, and Armond Bourbonniere were among the 500 POWs sent to a work

camp at Niigata, an industrial port 250 miles northwest of Tokyo.

“They said we would be better housed and better fed,” recalls Manchester. “We wouldn’t be worked as hard as when we were working on the airport runway. So we assumed, okay, this is what they’re saying, this must be true. But it was a shit of a camp. Because of the type of work we had to do and the brutality of the camp staff and the weather, we lost more men than all the rest of the work camps put together.”

Manchester loaded coal, while other Canadian and British prisoners worked old mines, reopened to feed the battleships and factories of the Japanese war machine. If Sham Shui Po was purgatory, this was hell. The work was dirty, dangerous, and often dragged on for 15 to 16 hours a day.

“The weather killed us more than anything,” reports Manchester. “When we arrived it was late September, early October. And then the winter set in, and in the middle of November, the snow came. We had seven feet of snow. The Japanese provided us with heavy matted grass capes to help ward off the cold and dampness on our backs. But they were more of a hindrance than help, because they became thoroughly soaked and they weighed you down. The snow was so heavy that it crushed one of our shacks. That’s where we lost 16 men on New Year’s Eve, 1944.”

There was also disease: dysentery, thyroid infections, wet beri beri (hot feet), diphtheria, plague, and pneumonia. Often those suffering from hot feet would keep the men up at night with their uncomfortable moaning, so they were put in their own hut, nicknamed the “misery ward.”

And always, there was hunger. Armond Bourbonniere recalls one time when they decided to try the local rats. “We asked our medical officer if we could cook some rats. He kind of laughed and said if you boil them for three or four hours, you’ll boil the poison out of them. So me and my friends, we caught 22 rats. And they were big — just like cats. We stole a little wood at the foundry, a couple pieces at a time. And hid it in the camp. We asked our officer to ask the Japs if we could make a little fire, you know, at Christmas, the few days we were off. They granted us that much anyway.” (Note: “Japs” is a racist term, used in the context of war.)

“So we cooked our rats. And then we took the meat, eating it and the juice, the fat. So we figure we got protein. We drink the juice — hey, vitamins. We were like a bunch of kids. So the next day we went to work, and we were sick! Every two minutes we got to go to the lavatory. We get diarrhea, you could not believe it. We never had any meat of any kind for two years. Nothing. And then drink the juice and that meat. We nearly died, the three of us. We couldn’t walk. But they were good, those rats. Just like chicken.”

“We asked our medical officer if we could cook some rats. He kind of laughed and said if you boil them for three or four hours, you’ll boil the poison out of them.”

“The snow was so heavy that it crushed one of our shacks. That’s where we lost 16 men on New Year’s Eve, 1944.”

Release

On August 6, 1945, and again on August 9, 1945, atomic bombs were dropped on Hiroshima and Nagasaki. The tremors reached the Canadian POWs, more than 500 miles away. Emperor Hirohito surrendered, and the POWs were brought from the work camps of Niigata to American ships anchored in Tokyo Bay. Their misery as POWs was over. But now there were new battles of a different sort to fight.

The Long-Term Effects

One recent study enumerates the many chronic illnesses intensified by the prison camp experience: 30 percent of Hong Kong veterans suffer from deteriorating eyesight or blindness, 46 percent from psychological problems ranging from anxiety-caused sleep disturbance to psychosis, 50 percent from gastrointestinal illness, 50 percent from oral and dental ailments. Another study in 1965 concluded that due in large part to prolonged malnutrition and vitamin deficiency, the death rate of Hong Kong survivors is 24

percent higher than that of soldiers who fought in Europe.

Compensation and an Apology

The Hong Kong veterans have spent the decades since the war fighting for compensation for the work they did and an apology from the Japanese government. According to the Geneva Convention, Japan is required to pay POWs who they forced to work the same pay as civilians. Initially, following the war, Hong Kong Veterans got less than a penny a day from Japan for their time as captive slave labourers.

Since 1987 the War Amps organization has been arguing a claim for compensation for former Hong Kong POWs before the Human Rights Commission of the United Nations. Canada has continued to ignore this claim. Canada insists that the 1951 San Francisco Peace Treaty signed with Japan formally extinguished all claims. Under this treaty each prisoner received \$1 a day for the time spent in captivity. In 1958, Canada kicked in another \$.50 per day. The official government policy remains that the Canadian government “will not be seeking reimbursement for the compensation payment from the Japanese government.”

In December 1998 the Canadian government awarded the Hong Kong veterans nearly \$24,000 per person. This figure was based on \$18

a day for 44 months of captivity. Although grateful for the money received, the Hong Kong veterans are frustrated that it did not come from Japan. “Canadian taxpayers don’t owe us this money. Japan owes it to us,” say Lionel Speller, President of the BC Branch of the Hong Kong Veterans Association.

For many veterans, receiving compensation is less important than what they feel is their right to an apology from the Japanese government for their treatment.

For the aging veterans, time is of the essence. However, a letter to a student, Danny Albietz, from Fred Mifflin, Minister of Veteran’s Affairs, stated the following: “the Canadian government will not be seeking reimbursement for the compensation payment from the Japanese government” as government-to-government claims were settled by the 1952 peace treaty. Despite this official policy of the Canadian government, veterans continue to fight for compensation and an apology from the Japanese government and corporations who enslaved them — and to tell their story so that the service they and their comrades proudly and bravely gave their country will not be forgotten.

*Adapted from Merrily Weisbord and Marilyn Mohr, *The Valour and the Horror*. Toronto: Harper Collins, 1991.*

Use the materials provided to make notes about each of the following questions. Use your notes to prepare a written response on the topic, “Hong Kong, December 1941 to the present.”

Include in your written response:

- information related to all questions listed below
- quotations from the text to support your responses
- accurate details and complete explanations to show that you understand the issues
- your own stand and feelings on the issue to summarize your response

Focus Questions

1. What led to Canadian troops being sent to Hong Kong in 1941? Provide reasons why this seemed a good idea from the points of view of the British and Canadian governments.
2. What were living conditions like for those who went into POW camps? Include specific information about the numbers of those who were captured, killed and fell ill to various diseases. What international war crime laws in effect during this time did the Japanese treatment of prisoners violate?
3. What is your view of payment to the Canadian Hong Kong Veterans in 1998 by the Canadian government? What is your view of the Japanese government’s obligation to the veterans? What do you think of the veterans’ reaction?

The Task

Imagine that you are part of an international tribunal that has been given the task of deciding how justice can be served for the victims of Japan's war crimes and crimes against humanity during the Asia-Pacific War. The tribunal will hear arguments from victims' advocates (the prosecution) and from the government of Japan (the defence) on the following question:

“Has Japan settled its obligations with regard to war crimes and crimes against humanity committed by Japanese Imperial forces?”

The tribunal judges will then issue their judgement on the question and recommend any action they feel is necessary on the part of the government of Japan to restore justice.

You will take part in the Recovery of Justice Tribunal in one of the following roles:

- as a member of the team representing victims and survivors (the prosecution)
- as a member of the team representing the government of Japan (the defence)
- as a member of the tribunal (the judges)

Preparing for the Tribunal Hearing

First meet with the other members of your group and read through the directions (below) that apply to your group. Then, based on those instructions, your group can begin researching the information needed for the hearing.

Tribunal members: This group has a unique responsibility because they must stay completely neutral during the trial. Discuss how you will ensure a fair trial in which the evidence from both sides is considered and weighed. Then decide how you will reach a verdict (by majority vote? by reaching consensus? by secret ballot?)

To prepare for the arguments of the prosecution and defence teams:

- review *Handout 1.1* (War Crimes and International Law) and *Handout 4.3* (International Agreements Related to Compensation Claims) so that you are familiar with relevant international law
- review the other handouts in this resource to be familiar with the issues under discussion.
- decide what other information you need to be prepared for the hearing and divide up the research tasks among the members of your group

- consider researching the work of real international tribunals and examining how other nations have dealt with issues of redress and reconciliation (for example, the Canadian government's settlements with Japanese Canadians who were interned during the Second World War, the South African Truth and Reconciliation Commission, the German government's agreements with Israel for compensation of the victims of the Nazi regime, the war crime tribunals related to the Balkans).

Prosecution team: This group needs to be familiar with the war crimes and crimes against humanity committed by the Japanese Imperial forces during the Asia-Pacific War.

To build a convincing case that Japan has not settled its obligations:

- Assign some members of your team as “witnesses” who present their testimonials directly to the tribunal. Use the details from the handouts for Lessons 2 and 3 to create eye-witness accounts.
- Be sure your team's presentation addresses Japan's obligations under international law (review *Handout 1.1* (War Crimes and International Law) and *Handout 4.3* (International Agreements Related to Compensation Claims)) and does not rely on appealing to the judges' sympathy.
- Read *Handout 4.2* (What Victims and Survivors Want) to be clear about what you are asking for.

Defence team: As the defence, your task is to represent the interests of the government of Japan to the best of your ability. To do so convincingly:

- You must be familiar with what victims want, what the government of Japan has already done, and why the Japanese government refuses to do more
- Review *Handout 1.1* (War Crimes and International Law) and *Handout 4.2* (Legal Basis for Claims) so that you are familiar with the relevant international law. Then use *Handout 4.4* (Japan's Response) to help build your defence. Decide what additional research your team needs to do to make its case. Then divide the research tasks among your team members.
- As your presentation will follow the prosecution's, you will need to anticipate their arguments and be well prepared to address the prosecution's claims. It is necessary to do this ahead of time, as you will not have time to prepare arguments during the activity.

Conducting the Hearing

The tribunal process follows this order:

1. *Presentation of the prosecution's case against Japan (8 minutes)*: The prosecution addresses its argument to the tribunal and then answers questions from the tribunal members.
2. *Presentation of the defence (8 minutes)*: The defence presents its argument to the tribunal and then answers questions from tribunal members.
3. *Rebuttal by the prosecution (2 minutes)*: The prosecution has the opportunity to present to the tribunal its response to any points raised by the defence.
4. *Rebuttal by the defence (2 minutes)*: The defence responds to the prosecution's rebuttal.
5. *Closing Statements (2 minutes each)*: Each side provides a clear and persuasive summary of: the evidence it presented; the weaknesses of the other side's case; the application of the law to the case; and why it is entitled to the result it is seeking.
6. *Deliberation and verdict of the tribunal*: The tribunal recesses to deliberate their verdict and then returns to class to announce their decision and their reasons for it.

The following summarizes information from various publications and web pages about what the victims and survivors of the Japanese atrocities want.

1. Survivors want a full and sincere apology resolution to be passed by the Upper House and the Lower House of the Japanese parliament (the Diet).
2. They want compensation for the damages and suffering inflicted.
3. They want the Japanese government to follow the example of Germany and make commitments such as the following to ensure that such atrocities never happen again:
 - provide school education on humanity issues of the Asia-Pacific War
 - establish museums for public education on crimes against humanity in the Asia-Pacific War
 - legislate a national day of remembrance for victims of Japanese Imperial forces aggression and atrocities
 - public denial of war crimes committed by the Japanese imperial forces is to be outlawed
 - legislate domestic laws to prosecute, for crimes against humanity, the many Japanese war criminals who escaped war crime trials after the end of the war

The following are quotations from various associations supporting victims and survivors.

“Although they expressed their regret and sorrow about what they did to Koreans whenever the Japanese Prime Ministers had diplomatic meetings in Korea, especially with respect to Korean women during the colonization period, this was challenged and denied by Japanese cabinet members.” (The Korean Council for the Women Drafted for Military Sexual Slavery by Japan)

“ the Peace Treaty was a compromise between the principle that Japan was liable to pay compensation for violations of the law for which it was responsible and the recognition of the reality that the condition of Japan in the aftermath of the war was such that it could not be expected to pay full compensation at that time. The Allied States therefore waived most of their claims on the Inter-State level in order to assist Japanese recovery. It is entirely compatible with that approach that they intended to leave open the possibility of individuals bringing claims in the Japanese courts but based upon international law once that recovery had taken place.” (The Association of British Civilian Internees Far East Region)

“... the individual human rights of the Hong Kong Veterans are not affected by the Peace Treaty as the governmental representatives of the countries who were the signatories to the Treaty had no authority or mandate to release these basic legal rights...” (The War Amputees of Canada in association with the Hong Kong Veterans Association of Canada)

“While my report [study report for UN Sub-Commission on Human Rights on systematic rape and sexual slavery during armed conflict] welcomes the expression of atonement and support from the people of Japan, it maintains that the Asian Women Fund does not satisfy the legal responsibility of the Government of Japan toward the survivors of Japan military sexual slavery. The Fund has been the focus of a great deal of divisiveness and controversy, and a majority of survivors have not accepted it. So long as it is seen as vehicle for Japan to avoid its legal obligation to pay compensation, all the good that the Asian Women Fund tries to do will be under a cloud of suspicion and resentment.” (Gay J. McDougall, Special Rapporteur of United Nations Commission on Human Rights)

“If Japan’s ‘Peace Exchange Fund’ is used to propagate Japanese culture, then it cannot be used as a means of atonement for Japanese war crimes.” (The Korean Council for the Women Drafted for the Military Sexual Slavery by Japan)

San Francisco Peace Treaty of 1951

Article 14(a) of the treaty

“It is recognized that Japan should pay reparations to the Allied Powers for the damage and suffering caused by it during the war. Nevertheless, it is also recognized that the resources of Japan are not presently sufficient if it is to maintain a viable economy to make complete reparation for all such damage and suffering and at the same time meet its other obligations.”

Article 14(b) of the treaty

“Except as otherwise provided in the present treaty, the Allied Powers waive all reparation claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war, and claims of the Allied Powers for direct military costs of occupation.”

**Convention on the Non-Applicability of
Statutory Limitations to War Crimes and
Crimes against Humanity**

(Adopted and opened for signature, ratification and accession by General Assembly of the UN resolution 2391 (XXIII) of 26 November 1968, *entry into force* 11 November 1970).

Preamble of the convention states:

“Noting that the application to war crimes and crimes against humanity of the rules of municipal law relating to the period of limitation for ordinary crime is a matter of serious concern to world public opinion, since it prevents the prosecution and punishment of persons responsible for those crimes.

Recognizing that it is necessary and timely to affirm in international law through this convention the principle that there is no period of limitation for war crimes and crimes against humanity and to secure its universal application.”

Article 1 of the convention states:

“No statutory limitation shall apply to the following crimes, irrespective of the date of their commission:

- (a) War crimes as they are defined in the Charter of the International Military Tribunal, Nuremberg, of 8 August 1945 ... for the protection of war victims;
- (b) Crimes against humanity whether committed in time of war or in time of peace as they are defined in the Charter of the International Military Tribunal, Nuremberg, of 8 August 1945...even if such acts do not constitute a violation of the domestic law of the country in which they were committed.”

Japan's Position on Compensation

The San Francisco Peace Treaty (1951) between Japan and 47 nations (including Canada) and other subsequent agreements have settled all compensation issues between states (Articles 14(a) and 14(b) of the Peace Treaty).

Japan paid compensation to the military and civilian prisoners of wars of the Allied Powers in accordance with treaties between countries. Examples of compensation paid out are:

- \$1.50 for each imprisoned day paid to the former imprisoned Canadian Hong Kong veterans
- £76 to each British military prisoner of war and about £48.5 to each adult civilian internee
- \$1 (US) for each day of internment for the United States military and civilian prisoners of war and \$0.50 (US) for child internees

According to Japan's domestic laws, the legal expiry date (statutory limitation) is 15 years for legal responsibility of the most serious crimes. More than 50 years has passed since the end of the Asia-Pacific War, so Japan has no legal obligation to victims of atrocities that were committed so long ago.

The governments, including Canada, who signed the San Francisco Peace Treaty had agreed to waive their own citizens' right to make claims (Article 14(b) of the Peace Treaty). Since treaties govern relations between states, individual prisoners of war have no legal right to claim further compensation directly from the Japanese government.

In 1995 the Japanese government supported the establishment of the Asian Women's Fund.

Its primary aim is to settle compensation of the so-called "comfort women" issue. The fund gets donations from the Japanese public and distributes them to each former "comfort woman" — about \$19,000 (US). With the financial support of the government, it extends welfare and medical services to victims.

In 1995 Japan established the Peace, Friendship and Exchange Initiative to support historical research into relations between Japan and other countries and also to support exchanges with those countries. Approximately \$1 billion (US) over ten years would be allocated to this project.

Japan's Position on Apology***No War Resolution***

A No War Resolution that expressed Japan's apology was adopted by the Lower House of the Diet (Japanese Parliament) in 1995. This was to commemorate the 50th anniversary of the Asia-Pacific War.

"The House of Representatives resolves as follows:

On the occasion of the 50th anniversary of the end of World War II, this House offers its sincere condolences to those who fell in action of wars and similar actions all over the world.

Solemnly reflecting upon many instances of colonial rule and acts of aggression in the modern history of the world, and recognizing that Japan carried out those acts in the past, inflicting pain and suffering upon the peoples of other countries, especially in Asia, the Members of this House express a sense of deep remorse.

We must transcend differences over historical views of the past war and learn humbly the lessons of history so as to build a peaceful international society.

This House expresses its resolve, under the banner of eternal peace enshrined in the Constitution of Japan, to join hands with other nations of the world and to pave the way to a future that allows all human beings to live together.” (translation by the Secretariat of the Lower House of the Japanese Parliament)

Individual Apologies

Dignitaries in Japan have offered their individual apologies to victims. The most acclaimed one is by Japan's Prime Minister Murayama Tomiichi. He issued the following statement on August 15, 1995, the 50th anniversary of the Asia-Pacific War, to express an apology to victims.

“Now that Japan has come to enjoy peace and abundance, we tend to overlook the pricelessness and blessings of peace. Our task is to convey to younger generations the horrors of war, so that we never repeat the errors in our history. I believe that, as we join hands, especially with the peoples of neighboring countries, to ensure true peace in the Asia-Pacific region — indeed in the entire world — it is necessary, more than anything else, that we foster relations with all countries based on

deep understanding and trust. Guided by this conviction, the Government has launched the Peace, Friendship and Exchange Initiative, which consists of two parts promoting: support for historical research into relations in the modern era between Japan and the neighboring countries of Asia and elsewhere; and rapid expansion of exchanges with those countries. Furthermore, I will continue in all sincerity to do my utmost in efforts being made on the issues arisen from the war, in order to further strengthen the relations of trust between Japan and those countries.

...During a certain period in the not too distant past, Japan, following a mistaken national policy, advanced along the road to war, only to ensnare the Japanese people in a fateful crisis, and, through its colonial rule and aggression, caused tremendous damage and suffering to the people of many countries, particularly to those of Asian nations. In the hope that no such mistake be made in the future, I regard, in a spirit of humility, these irrefutable facts of history, and express here once again my feelings of deep remorse and state my heartfelt apology. Allow me also to express my feelings of profound mourning for all victims, both at home and abroad, of that history.”

Making a Difference

I try to make a difference:	Evidence from self and others
I take action to help to improve our community	by _____ _____
I speak up against racism and intolerance	for example _____ _____ _____
I support human rights and am willing to take action to help	for example _____ _____
I have ideas about how to make the world a better place	for example _____ _____
I take action to influence politicians or other decision-makers to make changes our community/world needs	for example _____ _____

OVERALL RATING. Choose the overall description that best fits the evidence above.

Not yet within expectations	Meets expectations (minimal level)	Fully meets expectations	Exceeds expectations
Tends to focus on self and own needs; shows little interest in helping others; often apathetic or negative.	Shows some sense of community; may support positive actions organized by others, but without much commitment.	Takes responsibility to work for an improved community and world; increasingly willing to speak out and take action.	Shows a strong sense of community and optimism that own actions can make the world a better place; finds opportunities to take action.

The assessment rubric is based on the Provincial Standards for Social Responsibility.