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Comment on New York Times article by Mr. Norimitsu Onishi regarding post-war settlement

Following is the comment by the Government of Japan on the article written by Mr. Norimitsu Onishi, the chief correspondent of Tokyo branch office of the New York Times, that was published on November 15, 2006 as "Wartime Chinese Laborers Sue Japan" (New York Times) and "An unyielding demand for Justice" (International Herald Tribune).

1. Regarding the comments made by William Underwood about the compensation for the victims of forced laborers:

(1) "Japan, on the state...level, took a completely opposite approach of Germany"

Concerning the reparations, property and claim issues of World War II, Japan has been acting sincerely according to the San Francisco Peace Treaty and all related treaties. Between the parties to these treaties, all issues, including those involving individual claims, have already been settled legally. The comprehensive reparations method from nation (defeated nation) to nation (victorious nation) that Japan has adopted is the most accepted method in the practice of international law. This method establishes solution on issues of loss and damages made to a counterpart nation as well as to its people through an agreement between nations. After an agreement was reached this reparations issue became a domestic problem of victorious nations, in other words, it is up to the discretion of the victorious nation to determine how to deal with the relations with its people. This approach is widely accepted and is fully legitimate in the international community. This legitimacy makes possible for Japan to reach agreements with victorious nations.

In Germany's case, after World War II the defeated nation was divided into two countries, East Germany and West Germany, and as such was not able to deal with issues such as reparations under an international peace treaty, as Japan did. Therefore, Germany took another approach: distributing compensation to individuals such as the victims of Nazism. We understand that such compensation was mainly for the victims of the holocaust and Nazi concentration camps and not for general war victims. Thus, Japan and Germany have dealt with the postwar issues differently under very different postwar circumstances. Simple comparison and evaluation of the responses by the two nations is inappropriate.

On this point Mr. Onishi says in the article "Tokyo ... have argued ... that treaties between Japan and China invalidated all individual claims. ... In rebuffing the claims, the Japanese ... have bucked an international trend in recent years to put aside legalisms and compensate the era's slaves and forced laborers while they are still alive (New York Times). The Japanese government ... have argued ... that bilateral treaties invalidated all individual claim. In so doing, the Japanese government ... have bucked an international trend in recent years to put aside legalisms and compensate the era's slaves and forced laborers before it is too late (International Herald Tribune)." Mr. Onishi uses Germany and Austria as examples of a new "international trend in recent years" that is different from the method Japan has taken. However, in the case of Germany, as mentioned above, there were peculiar circumstances involving division into East and West after the war. As for Austria, its position is not to take any responsibility for the acts of Nazi Germany during its annexation from 1938 to 1945. Therefore it is not necessary for Austria to make reparations or compensations on war. Austria did not deal with general damage caused by war through postwar settlement between nations such as concluding peace treaties or bilateral treaties as Japan has done. Mr. Onishi has completely mistaken the unusual situations that surround Germany and Austria as an "international trend in recent years." In fact, both nations could not pursue the generally accepted practice of international law by concluding peace treaties because of their special circumstances and thus the two countries had no choice but to individually compensate victims. On top of this, Mr. Onishi, ignoring the circumstances that caused different approaches to postwar issues between Japan and Germany and between Japan and Austria, as described above, makes simplistic comparisons and

evaluations, and one-sidedly decides and criticizes the Japanese government as resisting this “international trend in recent years.” Through his misunderstanding of postwar settlements, Mr. Onishi misleads readers of The New York Times, as well as The International Herald Tribune, which is totally unacceptable for us.

(2) “it is not hard to describe the past 60 years in Japan as an unbroken history of insincerity in telling the truth and in coming to terms with the past, particularly on the issue of forced labor.”

Concerning historical issues such as so-called “forced labor,” the Japanese government has publicly expressed remorse and apologized on numerous occasions. To describe Japan’s sixty years after World War II as a “history of insincerity in telling the truth and in coming to terms with the past” ignores these essential facts. Moreover, it ignores the path that Japan has taken to date to reflect sincerely on the past, to protect freedom, democracy, and fundamental human rights, to pay its best efforts in cooperating economic development of nations, mainly in Asia, and to contribute to international peace as a democratic and peaceful nation. The article’s labeling is unacceptable.

2. Regarding the passage that reads “...politicians in Japan, including Prime Minister Shinzo Abe, have led efforts to play down Japan’s militarist past in current school textbooks.”

The description that Prime Minister Abe led the efforts to play down Japan’s militarist past is completely unfounded. Furthermore, the description is irrelevant on another ground: the textbook authorization system was built on the premise that the state is not in the position to determine specific historical understandings or historical facts. One-sided condemnation without producing relevant evidence is unacceptable.

3. Regarding the passage that reads “The Foreign Ministry also declined an interview request.”

The Japanese Foreign Ministry declined an interview request by Mr. Onishi with a clear explanation that it would not wish to comment on the ongoing judicial case involving the Japanese government, which we believe is an adequate and rational reason.

4. Regarding the passage that reads “Abe has repeatedly

said that he wants to build closer ties with Australia, India and other Asian democracies that respect human rights - in a not too subtle jab at China,”

Prime Minister Abe has declared that he will engage in strategic dialogues with nations that share basic values, such as Australia and India. At the same time, through existing frameworks such as APEC and East Asia Summit Meeting, he intends to advance cooperation with all countries in the region, including China, and contribute actively to fostering solidarity in Asia. To secure long term regional stability and prosperity in Asia, Mr. Abe believes it is important to advance multi-layered coordination and cooperation through existing and, if necessary, new frameworks, and to deepen the constructive and cooperative relationships with all nations concerned. Therefore, the description of “a not too subtle jab at China” is never that of intention of the Japanese government, and is contrary to truth. It is totally inappropriate that Mr. Onishi prejudices and labels Japan in that way with no valid evidence.

5. Regarding the passage that reads, “Abe has championed the cause of a dozen or so Japanese abducted by North Korea a quarter of a century ago, emphasizing Japanese victimhood,”

The issue of abduction by North Korea is a major violation of Japan’s sovereignty, as well as a violation of human rights that robbed Japanese abductees of happy lives. These crimes against humanity include the abduction of a 13-year-old girl whose fate is still unaccounted for decades later. As the leader of a government that protects its citizens’ lives and property, Prime Minister Abe has every reason to seriously pay his efforts to help abductees and their families. Mr. Onishi’s sense of human rights which leads to the description of “emphasizing Japanese victimhood” defies our understanding.

6. Regarding the passage that reads, “Abe’s grandfather and political model, Nobusuke Kishi, served as prime minister in the late 1950’s. During the war, Kishi oversaw the forced labor program as minister of commerce and industry,” and “The family of the current foreign minister, Taro Aso, owned a Fukuoka-based coal mining company, Aso Mining, which used Asian and Western forced laborers. During the 1970s, Aso headed the company, now called Aso Cement” (the latter only appeared on International Herald Tribune),

Government of Japan is not in a position to comment on employment forms and conditions of a private company, Aso Mining, at that time. However our government has not received any information the company has used forced laborers. It is totally unreasonable to make this kind of judgmental description without presenting any evidence.

At this passage readers may wonder if thinking of Prime Minister Abe and Foreign Minister Aso on the forced labor issue during World War II may have been influenced one way or another by his family background. We believe the article overall is intended to diminish the position of these two politicians, who respect and honor fundamental values, such as freedom and human rights, and who has been working sincerely and painstakingly to encourage their adoption worldwide. Thus, the article's stance is far from being wholesome.