The Asia-Pacific Journal: Japan Focus
n-depth critical analysis of the forces shaping the Asia-Pacific...and the world.

Japan Should Follow the International Trend and Face Its History of World War II Forced Labor [Japanese Translation Available]

Michael Bazyler

Japan Should Follow the International Trend and Face Its History of World War II Forced Labor [Japanese Translation Available]

[Translation of Japanese Diet Proceedings on Aso Mining below]

Michael Bazyler

Japan Focus first reported in May 2006 that 300 Allied prisoners of war performed forced labor for Aso Mining Company in 1945. (See English and Japanese versions.) The ensuing Aso POW controversy led then-Foreign Minister Aso Taro to hastily withdraw an invitation to a POW memorial service near Osaka that he had issued to foreign ambassadors, as reported in August 2006. When a New York Times reporter mentioned forced labor at Aso Mining in November 2006, the Japanese government launched a counteroffensive. (See English and Japanese versions of Norimitsu Onishi's article.) The Consulate General of New York, reportedly at Foreign Minister Aso's direction, published an online rebuttal (reproduced below with a Japanese translation) insisting that the news article was not grounded in historical evidence. A 1946 report produced by Aso Mining, detailing living and working conditions for the POWs, was mailed to Foreign Minister Aso's office in June 2007. (See English and Japanese articles about the report and the English version of the document itself.) Aso's policy secretary was subsequently interviewed about the POW records at length (see English and Japanese accounts), but the prime minister stated in parliament earlier this month that the records were never brought to his attention.

Aso Takakichi (left) headed Aso Mining during the war years. His son, Aso Taro (right), ran the family's successor firm for most of the 1970s prior to embarking on the political career that has carried him to Japan's top post. [source: Aso Hyakunen Shi (The 100-Year History of Aso), Iizuka, Fukuoka: Aso Cement Co., 1975]

Mainstream Japanese media belatedly began to cover the POW story in November 2008 after newly installed Prime Minister Aso was confronted with the 1946 records in parliament by an opposition lawmaker. Last December the Ministry of Health, Labor and

Welfare confirmed the authenticity of the records by producing other proof of POW labor at Aso Mining, as Lawrence Repeta recently recounted. In January 2009, Prime Minister Aso finally admitted that Allied POWs indeed dug coal for the family firm, whose successor company he had headed in the 1970s. He offered no apology for the wartime reality or his failure to acknowledge it earlier.

Japan's opposition Democratic Party has continued to aggressively question the Aso administration in the Diet about forced labor at Aso Mining – asking why the Foreign Ministry disputed media accounts even though the Health Ministry possessed numerous records confirming them. In the article below, Michael Bazyler, a leading authority on the use of American and European courts to redress genocide, atrocities and other historical injustices, deconstructs the rebuttal that was removed from the New York Consulate General of Japan website in December 2008. Bazyler compares the refusal of Japan's government and industry to make amends for wartime forced labor with the very different German approach: a forced labor compensation fund that recently finished paying out a total of 4.37 billion euros to more than 1.6 million people in almost 100 countries, according to the website of the Foundation "Remembrance, Responsibility and Future". At the center of Bazyler's analysis is the recognition that Germany's apology and compensation not only constituted appropriate coming to terms with the past, but that they paved the way for improved relations with nations that had been victimized by Nazi policies.

Following Bazyler's critique and the text of the Consulate General's comments, we present English translations of recent Diet proceedings concerning Allied POWs at Aso Mining. The scope of questioning of the Aso administration by several Democratic Party members has broadened from Allied POWs to include Korean labor conscription, as at least 8,000 Koreans also were forced to work at Aso Mining. Japan Focus plans to present additional English translations of the ongoing, unprecedented Diet discussion of Japan's wartime use of forced labor in the near future. We thank the office of Upper House member Fujita Yukihisa, who has led parliamentary inquiries involving Aso Mining, for making the translated Diet transcripts available. ***William Underwood***

In what has become an international trend, many nations in recent years have apologized, paid compensation, and created historical commissions to reevaluate World War II policies and actions that they had failed to acknowledge for many years after the war. These include Germany, Switzerland, Sweden, France, Belgium, Austria – and even the United States.[1]

New York Times reporter Norimitsu Onishi wrote an important article, "An Unyielding Demand for Justice" (International Herald Tribune Nov. 15, 2006), in which he described how Japan was going against this trend by refusing to come to terms with her history of WWII forced labor.

The Japanese Foreign Ministry soon posted its rebuttal to this article on the website of its New York Consulate General. I understand that the page was removed recently because one reason for the rebuttal, the charge that POW forced labor was employed at the current Prime Minister's family coalmine, turned out to be true.

However, I found other parts of the rebuttal also problematic.

First, the rebuttal argues that comparing Germany and Japan is inappropriate because of the different postwar circumstances surrounding the two countries. But the Onishi article was about WWII forced labor, which both countries dealt with only recently. That the German

government's approach in compensating the victims of the Holocaust and Nazi concentration camps was different from Japan's postwar settlement with her former enemy countries is irrelevant.

What happened to Germany and Japan in recent years on the issue of WWII forced labor was in fact very similar. Corporations of both countries were sued for compensation in the U.S. by victims. Although the courts found that neither German nor Japanese companies were legally responsible for providing compensation, they took opposite courses of action after the dismissal of their cases.

As for Germany, two American courts in 1999 decided that postwar treaties between Germany and the Allied nations barred individual suits for compensation against German industry. Judge Dickinson R. Debevoise wrote in his ruling to dismiss the forced labor case against German companies Degussa and Siemens:

> The critical issue is whether in light of post-World War II diplomatic history, the plaintiff victims, and representatives of victims of the Nazi regime, can bring an action in this Court against private German companies which participated in and profited from the atrocities committed against plaintiffs and those they seek to represent.
>
> To state the ultimate conclusion…the questions whether the reparation agreements made adequate provision for the victims of Nazi oppression and whether Germany had adequately implemented the reparations agreements are political questions which a court must decline to determine.[2]

Judge Joseph Greenway Jr. also dismissed the lawsuit against Ford and its German subsidiary Ford Werke, although he found that Ford's "use of unpaid, forced labor during World War II violated clearly established norms of customary international law."[3]

Yet the German government and its industry, even after these legal victories, did not walk away from the bargaining table. Rather, they continued to negotiate to bring the matter of the wartime role of German private industry to a moral closure. This led to the creation in 2000 of the German forced labor foundation, "Remembrance, Responsibility, and the Future," which has paid more than $5 billion to more than 1.5 million Nazi slave/forced labor victims.

As for Japan and its industry, both also claim that the 1951 San Francisco Peace Treaty bars private claims for slave labor. In 2000, Judge Vaughn Walker accepted that argument and dismissed the lawsuits filled by American POWs and Allied POWs against Japanese companies for WWII forced labor.[4]

Unlike Germany, however, Japan's government and corporations refused even to sit down and discuss this matter of slave labor claims with the victims and the U.S. Government, which had played the facilitating role in the German settlement. In one of his last interviews before leaving public office, Stuart Eizenstat, Deputy Secretary of the Treasury in the Clinton Administration and the point person for the U.S. government in the negotiations with the German government and industry, publicly expressed disappointment at Japan's failure to discuss these claims against Japan's private industry.

Eizenstat told a reporter, as I recount in my book *Holocaust Justice*, that "one of his

regrets was his inability to get Japan to make a similar commitment to Chinese, Koreans and others whose assets had been seized or who had been forced into slave labor. The 1951 treaty with Japan clearly foreclosed a lot of options to seek redress, he said, adding, 'In the end we never heard back from the Japanese government or companies.'"[5]

Young Korean labor conscripts at Aso Mining's Atago coal mine: workers assigned to the Jowa dormitory in 1942 (top) and the Yamato dormitory in 1943 (bottom). Aso's very large Korean workforce was harshly treated and never properly paid. (Hayashi Eidai photos)

Therefore, the Japanese Foreign Ministry's rebuttal that the circumstances surrounding Germany and Japan were different is just not true. As far as WWII forced labor was concerned, they are quite similar. What was different was that Germany and Japan took different approaches after being legally exonerated.

It is worth emphasizing that Germany never admitted any legal liability and, upon settlement, insisted that its only liability is moral and not legal. Yet Germany, unlike Japan, did not hide behind legal technicalities to avoid accepting its moral responsibility – not even after being told by two American judges that its legal position was correct: the peace treaties indeed barred claims against Germany and its industry.

Secondly, the Japanese Foreign Ministry's rebuttal refuses to recognize that the approach taken by countries like Germany and Austria in dealing with WWII issues constitutes "a new international trend." It ignores the fact that Mr. Onishi is writing about this recent development, especially in the area of dealing with WWII forced labor. Many books and articles have been written about this new international trend and Germany and Austria are indeed prime examples of it.

Japan should join this trend. In making the legal arguments set out on its Consulate General's website, Japan is being disingenuous. Lawyers can come up with countless clever

arguments distinguishing one scenario from another. There are always differences in facts. No two postwar settlements are concluded identically. At the end of the day, however, there remains a moral obligation on the part of Japan and its private industry to (1) admit the wrongs they committed during World War II, (2) apologize, and then (3) compensate the still-living survivors of these wrongs.

Last, as the hidden role of German companies during the Nazi era came to light in the 1990s, these companies opened their archives to Holocaust historians to write reports on their wartime history. American companies have also done the same.[6] Aso Mining should follow these examples and appoint a reputable historian to write a report of its wartime history and allow researchers full access to its wartime archives.

Michael J. Bazyler is Professor of Law and The "1939" Club Law Scholar in Holocaust and Human Rights Studies at Chapman University School of Law in Orange, California.Bazyler is a leading authority on the use of American and European courts to redress genocide and other historical wrongs. His book on the subject, Holocaust Justice: The Battle for Restitution in America's Courts (New York University Press, 2003; soft cover, 2005), was cited by the U.S. Supreme Court and reviewed in the Harvard Law Review, Washington Post, Los Angeles Times, Financial Times (London), and The Economist. He has testified in Congress before the House Reform Committee on the subject of Holocaust restitution. He has also been interviewed by CNN, 60 Minutes, CBS Sunday Morning, Dateline NBC, ABC News, Voice of America, the Australian Broadcasting Company, National Public Radio and the BBC. http://www.michaelbazyler.com/

He wrote this article for The Asia-Pacific Journal. Posted on January 29, 2009.

Recommended citation: Michael Bazyler, "Japan Should Follow the International Trend and Face Its History of World War II Forced Labor" The Asia-Pacific Journal, Vol. 5-3-09, January 29, 2009.

The following recent related texts explore issues of war crimes, atrocities, historical memory, apology and compensation, offering Japanese and American archival documentation and comparative perspectives on the legal and humanitarian issues at stake.

Lawrence Repeta, Aso Revelations on Wartime POW Labor Highlight the Need for a Real National Archive in Japan.

Kinue Tokudome, Waterboarding: The Meaning for Japan.

Consult in addition the category "War Crimes and Atrocities" for numerous related articles, particularly those by William Underwood, Oe Kenzaburo, Herbert Bix, Jennifer Lind, Philip Seaton, Gavan McCormack, Mark Selden, Yuki Tanaka, Teresa Svoboda and Paul Kramer.

NOTES

[1] For example, Swiss Banks settled the case of WWII dormant accounts while Germany and

Austria created foundations to compensate their WWII slave/forced labor victims. Historical commissions were created by such countries as Switzerland (Bergier Commission), France (Matteoli Commission), Sweden, Italy, and even the United States (Bronfman Commission). See Michael Bazyler, Holocaust Justice (New York: New York University Press, 2003) pp. 300-301.

[2] Burger-Fischer v. Degussa A. G., 65 F. Supp. 2d 248 (D. N. J. 1999).

[3] Iwanowa v. Ford Motor Co., 67 F. Supp. 2d 424 (D. N. J. 1999).

[4] In re World War II Era Japanese Forced Labor Litigation, 114 F. Supp, 2d 939 (N. D. Cal. 2000), affirmed in Deutsch v. Turner Corp, 317 F.3d 1005 (2002).

[5] David Sanger, Report on Holocaust Assets Tells of Items Found in the U.S., N.Y. Times, Jan. 17. 2001, p. A3. Quoted in Bazyler 2003.

[6] For example, Yale University historian Henry Ashby Turner, Jr., was given access to General Motors company archives and wrote a book on the subject. See General Motors and the Nazis (New Heaven: Yale University Press, 2005).

****

[The following article was posted at the website of the Japanese Consulate General in New York in November 2006 and removed in December 2008. Japanese translation available.]

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).ã€€ 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 prejudges 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.

The abandoned Aso Yoshikuma work office (left) and ruined Aso Yoshikuma mine buildings in the late 1970s. Neither structure remains today. (Hayashi Eidai photos)

DIET TRANSCRIPTS (English translations)

Partial Record of Japan Diet Questioning of Aso Administration about Allied POWs at Aso Mining

[Full record available using the official Diet Records Retrieval System (Kokkai Kaigiroku Kensaku Shisutemu)]

RECORD 1 (November 13, 2008):

Upper House Committee on Foreign Affairs and Defense / Questions by Fujita Yukihisa (Democratic Party) / Answers by Prime Minister Aso Taro and Foreign Minister Nakasone Hirofumi

(Q) FUJITA:

Materials have been distributed and I would like to call your attention to the display panel, showing a document obtained from the US National Archives. This document is a detailed report submitted by Aso Mining Company to the Japanese government's Prisoner of War Information Bureau on January 24, 1946 (Showa 21), regarding Aso Mining's Yoshikuma coal mine. The panel shows pages 1 and 16 of this document of more than 10 pages. In addition, I have distributed other materials in English that the Japanese government submitted to the Allied Forces in Manila in 1945. This 2-page English document is also one part of a multiple-page document, and it also indicates there were prisoners of war at Aso Mining Company.

Prime Minister Aso, how do you view the fact that POWs worked at Aso Mining during World War II?

(A) ASO:

I think you know that I was born in Showa 15 (1940) and was only 4 or 5 years old at that time. Because that age is a bit too young for recognition, honestly speaking, I had absolutely no knowledge at that time about those facts concerning the former Aso Mining Company.

Moreover, I understand that at the present time the factual circumstances have not been confirmed.

(Q) FUJITA:

You, the prime minister of a country, raise the issue of how old you were at the time. If you recognize only matters from the period of your personal knowledge, then what about past

history? And regarding necessary political dealings involving people you have not personally met, it means you can have nothing to do with them.

At the very least, a letter concerning these facts was sent from Australia when you were Minister of Foreign Affairs. There has also been quite a lot of discussion about these factual circumstances. So at least concerning the documents that exist in the US National Archives or the Japan National Diet Library, the failure to recognize them is surely irresponsible.

That is, POW issues also are an extremely important matter for a nation's diplomatic policy. Therefore, I think your lack of recognition of this problem, despite even these concrete materials, shows you are not qualified for the responsibility of being the prime minister of a country. What do you think?

(**A) ASO:**

Honestly speaking, these documents have merely been requested. The fact is there has been no verification of them whatsoever. That's the first point.

Secondly, you just asked something about an Australian former POW, but I never received the letter in question while I was foreign minister.

(Q) FUJITA:

The two pages that have been distributed are from the US National Archives. They tell about the number of POWs and all kinds of other information. I would say these are facts which naturally must be confirmed by the Foreign Ministry.

Also, when the New York Times published an article related to this issue, the Japanese Consulate in New York stated that the Japanese government had received no information about it. But back in 1945, the Japanese government submitted this document to the Allied nations. Isn't it strange that the Japanese government says it has not received such information?

(A) NAKASONE:

The New York Times article of November 15, 2006, that the Committee Member mentioned actually does not contain any description of Aso Mining. However, the International Herald Tribune of the same date does have an article concerning Aso Mining. Regarding these articles, the Japanese government did post a rebuttal on the website of the Japanese Consulate in New York.

This rebuttal included the part about Aso Mining that you mentioned. Based on information that was available to us at the time, the home office of the Foreign Ministry in Tokyo performed the necessary confirmation. Then at the instruction of the home office, the Consulate in New York posted the rebuttal article on its website.

At this point, considering the materials presented by the Committee Member, I would like to carry out a careful examination including the possibility of revising the rebuttal on the New York Consulate website.

(Q) FUJITA:

Prime Minister Aso, back when you were foreign minister, on July 3 of the year before

last, you visited a temple in East Osaka whose name I believe is pronounced “Juganji.” Remains of foreign POWs who died in various parts of Japan are there, and I understand you attended a memorial service. Why did you visit Juganji temple? Also, after originally inviting the ambassadors to Japan of eight nations to attend the memorial service with you, why did you suddenly cancel the invitation at the last minute? I would like you to explain your intention and the chain of events concerning the invitation to the ambassadors that was withdrawn just before the service.

(A) ASO:

It is pronounced “Juganji.” Continuously during the postwar period, Juganji temple has held memorial services for war victims. I really wanted to show my respect for this, and various friends of mine have long attended the ceremonies. So in order to express a spirit of mourning for the war victims by visiting the temple, and having heard that a memorial service for war victims of all nations is held annually, I made a promise beforehand to attend the event. Because coincidentally I was to be in the vicinity at the time, I was able to attend it. That is what happened.

Regarding the attendence of the foreign ambassadors, since Japanese are not the only ones being memorialized, I thought it might be good for the ambassadors to attend such a solemn event. When I asked several ambassadors, some said they would like to go with me, some waited to wait, and some did not want to be involved. Various positions emerged, so I decided to forget the whole idea. I considered which of the various approaches would be most appropriate, and realized that if things got exaggerated and became like a tourist attraction, that would be the last thing those being remembered would want. That is, I thought about the quiet manner in which the service has always been held, and about my attendance as a government minister or in a private capacity. A big commotion would be the least desirable thing for those being remembered. That is how I came to withdraw the invitations I had extended.

(Q) FUJITA:

Well, let’s get back to the various documents. For example, this document is more than a dozen pages, and there are others. There are also quite a lot of materials in the National Diet Library as well as in the US National Archives. Would the prime minister himself promise to examine these documents and carefully investigate the actual situation of the POWs at Aso Mining at that time, and to give me a firm answer after you have done so?

(A) ASO:

If the materials are adequate, I will certainly respond to you.

(Q) FUJITA:

The reason I have raised this topic is that I believe POW issues are a current matter of foreign affairs. How to respond to such issues is something that is extremely relevant to civilian control of the military and historical views.

RECORD 2 (December 18, 2008):

Upper House Committee on Foreign Affairs and Defense / Questions by Fujita Yukihisa (Democratic Party) / Answers by Foreign Minister Nakasone Hirofumi and Oikawa Katsura (Deputy Director-General, Ministry of Health, Labor and Welfare)

(Q) FUJITA:

Hello, everyone. On November 13, when I questioned Prime Minister Aso, I submitted to the members of the committee two documents concerning Aso Mining Company. A part of these is on the last page of the hand-outs you were given. I questioned PM Aso regarding these Aso Mining documents found in the U.S. National Archives and elsewhere, to which he answered that he would reply, were the materials to be found relevant. As the Japanese Government has done some investigation on their relevancy, I'd like the Ministry of Health, Labor and Welfare (MHLW) to comment on that matter.

(A) OIKAWA:

I will report on the results of our careful research on the documents we preserve in the MHLW, which we performed following the discussion held the other day.

As for the results, we could not find among the materials the same documents as the honorable committee submitted. However, we did find documents regarding the POW camp that was opened in the Yoshikuma Coal Mine of Aso Mining Company, the content of which has much in common with the honorable committee's material. Therefore, we believe that the material submitted by the honorable committee, which had been submitted by the Aso Mining Company to the POW Information Bureau (PIB), can be appropriately regarded as genuine documentation.

(Q) FUJITA:

The material distributed today is titled on the cover page as "Summary of Documents Regarding Aso Mining Company." These are the valuable documents dug out of the dust-covered archives kept in the basement of the MHLW, after long hours of hard work and careful examination by Mr. Deputy Director-General Oikawa and others. The Table of Contents of this 43-page document, along with several other pages, have been copied and handed out today. Would you explain briefly the details of this camp, such as the number of POWs from each country, the duration of the work period, type of work, and so on?

(A) OIKAWA:

As we examined the archives preserved at the MHLW, we found documents which were handed down from the PIB, such as a "Summary of POW Camps and Branches." According to these documents, a POW camp was opened at the Yoshikuma Coal Mine of Aso Mining Company at Katsuragawa-machi, Kaho-gun, Fukuoka Prefecture, as the 26th Branch of the Fukuoka POW Camp Group. It was opened on May 10, 1945, and was closed on August 15 of the same year. As of August 15, 1945, 300 POWs were held there, which consisted of 101 British, two Dutch, and 197 Australian POWs. They were made to work digging coal, etc., at the coal mine, and two Australian POWs died in captivity.

(Q) FUJITA:

Looking at the end of these documents, which were recognized as genuinely having been submitted originally by Aso Mining Company, on the second page from the last of the hand-out, it shows that, on February 22, 1945, a request was submitted by Aso Mining Company to Army Minister Sugiyama for permission to utilize 300 POWs for one year. It also says that around 150 able-bodied men were used for labor in the coal mine or for digging air-raid shelters and so on. This report was then submitted to the PIB on January 24 of the

following year, 1946. It's quite a detailed report, including data on food nutrition and other things.

Looking at these phrases such as 'except officers,' and also according to the official of the MHLW, it appears they treated POWs adequately, being conscious of the Geneva Conventions although Japan was not a member of it, which makes me glad they did. But anyway, I'd like to make further research of the document.

However, I'd like to ask the official of the MHLW why such archives were preserved by the Japanese government and have never been examined?

(A) OIKAWA:

Allow me to begin with the particulars of how these POW-related documents came to be under the MHLW's care. In 1941, the PIB was established in the former Japanese Army as an organization which dealt with matters regarding foreign POWs, and after the war became the 1st Demobilization Ministry, successor to the former Army. When this was abolished in 1957 through the Prime Minister's Office, the archives were then taken over by the MHLW.

Regarding archival investigations, not only is it somewhat difficult now to understand the old period right after the end of the war, but there has been no occasion in recent times which has urged a thorough examination of these materials, and I think that has led to the current situation.

(A) NAKASONE:

While PM Aso was Foreign Minister, necessary confirmation work was done at the Ministry of Foreign Affairs (MOFA). However, at that time it was not possible to confirm information about Aso Mining Company inducing Allied POWs to work. That's my understanding.

(Q) FUJITA:

In spite of it not being able to be confirmed, the New York Times and Herald Tribune issued fairly detailed articles in November 2006, under the name of a NY Times reporter. To deal with them, statements denying these very facts were posted on the homepage of the Japanese Consulate in New York and letters were sent out by a publicity official of MOFA, and also in the Strait Times, I believe, under the name of the Japanese Ambassador in Singapore.

And so, even though confirmation was not possible, why was such a total denial posted on the homepage and sent to newspapers?

(A) NAKASONE:

Regarding the article in the International Herald Tribune on November 15, 2006, which included the statement that Aso Mining used forced laborers, the Japanese Government's objection was posted on the homepage of the Japanese Consulate in New York. This objection was made based on the necessary confirmation procedure carried out by MOFA at that time and information available then.

(Q) FUJITA:

Well, at the time, quite a lot was out there in the National Diet Library as well as in

general book stores, including the proper names of those who died.

Then on the homepage of the New York Japanese Consulate it said that it was extremely regrettable that the NY Times article used such critical words without any reliable proof. So here the reason for attacking only the NY Times was being made so clear, and yet you say MOFA could get no information.

As far as reading it in English, it said that information had not been received that the company in question was involved in such a matter. This means no positive research had ever been done, you see. Moreover, the claim was publicized by MOFA on the official homepage and in not one, but in three different means of publication. Certainly it reveals that no investigation was done. After all, this information was commercially available and at libraries.

One more point – who in MOFA at the time gave final permission for that publication?

(A) NAKASONE:

Regarding your question as to who gave permission, I personally do not know, and so if you would allow, I'd like to have someone from the Office explain that later. However, we eliminated the said objection from the homepage as new facts emerged from the investigation by MHLW.

RECORD 3 (January 6, 2009):

Lower House, Main Session / Questions by Hatoyama Yukio (Secretary General, Democratic Party) / Answers by Prime Minister Aso Taro

(Q) HATOYAMA:

Does Aso politics consist of closing your eyes to inconvenient facts? As foreign minister, in response to an American media report that Allied POWs were made to work at the former Aso Mining Company during World War II, you made the Ministry of Foreign Affairs (MOFA) disseminate a written objection. However, because the Ministry of Health, Labor and Welfare (MHLW) disclosed documents indicating that the media report was accurate, it has been pointed out that the objection has been withdrawn. Is this true?

I do not say that you bear total responsibility for the past of the company you took over. But you issued a denial without examining the historical facts and the truth was later exposed. This shows the essence of your inconsistent political stances. No matter how much you claim that we should leave economic and foreign policy to you, no one can trust a prime minister who cannot recognize facts and reality. You should realize that the political position and capability of Prime Minister Aso are being severely questioned, even in the international community.

(A) ASO:

The media report you have indicated deals with forced labor involving Japanese industry during the past war, and I understand that one part of the article mentioned the former Aso Mining. As the said article misconstrued the facts in various ways, MOFA posted a rebuttal on the website of the New York Consulate as part of its regular duties. Later, through the investigation conducted by MHLW at the end of last year, the fact of Allied POW labor at the former Aso Mining became newly clear. I understand that the Foreign Ministry has

removed the rebuttal from the website, based on the establishment of facts that were unknowable at the time the rebuttal was posted.