

## **To the General Office of the National People's Congress,**

The Fourth Session of the Seventh National People's Congress (NPC) will be held in Beijing, where NPC members from across the country will perform the sacred duty entrusted by the Constitution by actively providing comments and suggestions on the country's policies and various work on behalf of and for the people. Although I am not an NPC member, I share the same excitement as an ordinary Beijing citizen. Especially in the 1990s that witnesses active construction of socialist modernization in China, we young intellectuals should inherit and promote the traditional patriotism of Chinese intellectuals and devote ourselves to the Step II strategic goal in the construction of modernization in China. At the convening of the session, I am submitting my recent research results and proposal to NPC members to offer modest suggestions for the country.

**Presented by Beijing Citizen Tong Zeng on March 25, 1991**

### **Abstract**

The compensation that Japan should pay China for the losses caused by Japanese invaders between 1931 and 1945 is in theory about USD 300 billion, which is calculated by postwar international practice and in reference to the compensation amounts of some other countries. Out of the amount, about USD 120 billion is war reparations and about USD 180 billion is damage compensation. In 1972, to enable a friendship between Chinese and Japanese peoples and reduce the burden of Japanese people, the generous Chinese government gave up the claim for war reparations from Japan, that is, the claim for the USD 120 billion compensation. However, not on any occasion has the Chinese government announced to give up the USD 180 billion damage compensation for Japanese invaders' violation of the laws of war and humanitarian principles by committing various serious crimes against the Chinese people and their property during Japan's war of aggression against China. It is the reservation of the claim for damage compensation that provides our nation with the opportunity to claim for damage compensation from Japan.

# **It Is of Great Urgency that China Demand Damage**

## **Compensation from Japan**

**By Tong Zeng**

Japanese invaders made China suffer a millennium catastrophe during 1931 and 1945, when millions of Chinese people sacrificed themselves, over 20 million Chinese were injured or killed and property worth over USD 100 billion was gone. Every time this page of the Chinese history is opened, the Chinese people feel extreme grief and sorrow. As the old Chinese saying goes, “Past experience, if not forgotten, is a guide for the future.” To firmly keep in mind the numerous crimes that Japanese militarism committed during Japan’s war of aggression against China, to prevent the historical tragedy from happening again, and to lift national spirits, we’ll examine from the perspective of international law with respect to the claims of Chinese citizens for compensation from Japan due to Japanese invaders’ crimes in World War II.

### **I. Historical Evolution of Compensation for War Losses**

Any war will bring great losses to both belligerent countries. In the 18<sup>th</sup> century, the compensation that the defeated country paid the winning country for its losses was mainly war reparations, which means that the defeated country paid a sum of money to the winning country according to the agreement due to war reasons and that this compensation was totally a fine on the defeated country. Until the second half of the 19<sup>th</sup> century, the amount of war reparations was determined by the will of the winning country, which has more or less an arbitrary tendency. There are many cases of this type in history. For example, the Frankfurt Peace Treaty of 1871 stated that France shall pay Germany war reparations of 5 billion gold francs. After the First Sino-Japanese War, the Qing government paid the winning country Japan war reparations of 230 million taels of silver as a defeated country, which was equal to 3-year fiscal revenue of the then Qing government and several-dozen-year fiscal revenue of Japan with a then population of about 30 million. Japan used this large sum of money to vigorously develop the heavy industry, the arms industry and education. After the World War I, a series of peace treaties principally including the Treaty of Versailles stated that Germany and its allies shall compensate the entente countries for all of their losses resulting from the war. It’s stipulated in Article 231 of Treaty of Versailles that Germany accepts by itself and on behalf its allies the responsibility for “the losses and damage to the entente countries and other participating countries as well as their peoples due to the war of aggression imposed by Germany and its allies.” Here, some changes were made to the significance of compensating war losses. Apart from the payment to winning countries in the traditional sense, there was also the payment for the losses directly caused by the war to the people and their property in

the participating countries. At the end of the World War II, the defeated countries compensating winning countries for their losses experienced major changes in the practical sense because the significance of compensation expanded from economic and military scopes to moral and political responsibilities. At that time, war reparations and damage compensation clearly emerged. They have four main differences. First, regarding the reason for compensation, war reparations are mainly compensation for the losses that the defeated countries launching the war caused to the countries they invaded. In other words, the losses that winning countries suffered from the war are a direct outcome of the war of aggression launched by defeated countries. For example, the compensation for the casualties and property losses caused to the winning countries by the war must be undertaken by defeated countries. By contrast, damage compensation must be made by defeated countries for multiple severe crimes they committed to the people and their properties in the belligerent countries by violating the laws of war and humanitarian principles. Such compensation is paid for losses that are not a direct outcome of the war, but are caused by the invaders' frenzied, intentional acts such as massacring civilians, the wounded and prisoners of war, etc. Second, regarding the form of compensation, war reparations are reparations in kind made by defeated countries to winning countries according to the international agreements entered into during the World War II. For example, "The UK, America and France decide at the Yalta Conference that Germany shall pay the compensation with its industrial potential and that the specific measures are demolition of Germany's factories and annual reparations in kind". The Article 11 of the Potsdam Proclamation states that Japan shall pay reparations in kind. By contrast, damage compensation is mainly paid in currency according to the international practice after the World War II. Third, the parties involved in war reparations are basically two countries. By contrast, the parties involved in damage compensation include individuals and groups in addition to countries. In other words, damage compensation is not only an issue of international law, but an issue of private international law. Fourth, a new development in postwar international law is the separation between war reparations and damage compensation. Many countries have consistently adopted the international practice for quite a long time after the war. Thus, it gives birth to the practice of damage compensation where winning countries demand compensation for invaders' crimes from defeated countries. Therefore, the difference between war reparations and damage compensation goes without saying in theory of international law and is irrefutable in practice of postwar international law.

Regarding war reparations, defeated countries launching the war shall mainly pay war reparations in kind to winning countries according to a series of international documents such as Yalta agreement, Cairo Declaration and Potsdam Proclamation. After the World War II, East Germany and West Germany consecutively paid part of war reparations to all winning countries. According to the estimation by West Germany, the Soviet Union had been paid war reparations worth 66 billion Mark by 1953 and Poland was also compensated. Moreover, according to the calculation by the Western Allies, America, UK and France had received a

large amount of war reparations worth 3 billion Mark from West Germany by early 1953. Germany also paid war reparations to many other countries including Yugoslavia, Albania, Belgium, Egypt and Greece. Italy paid war reparations to the Soviet Union, Albania, Greece, Yugoslavia and Ethiopia. The Asian countries that suffered most from the war of aggression launched by Japanese militarism also demanded war reparations from Japan. At the end of 1951, Indonesia was the first to negotiate with Japan about the issue of compensation, followed by Philippines, Myanmar and South Vietnam. After years' negotiation, Japan signed a compensation agreement consecutively with these countries and paid compensation of about USD 1.012 billion in total. To reduce the burden of Japanese people, the generous Chinese government signed the Joint Statement between the Government of Japan and the Government of the People's Republic of China with the Japanese government on September 29, 1972, which states that "the Chinese government gave up the claim for war reparations from Japan for the purpose of friendship between Japanese and Chinese peoples." In 1978, Japan and China entered into the Sino-Japanese Peace and Friendship Treaty. However, if any changes are made to objective circumstances, such as Japan breaks the "three principles for establishing diplomatic ties", allows resurgence of militarism or denies the history of invading China, this means that Japan violates the Peace and Friendship Treaty and Joint Statement and that China's highest authority NPC may propose to modify, suspend the Treaty and re-identity the Joint Statement according to relevant laws. In this case, the Chinese government can totally resubmit a claim for war reparations. Mr Deng Xiaoping and Mr Sun Pinghua whom the Chinese people have a deep respect for once talked about the issue of Sino-Japanese war reparations on different occasions, causing great response at home and abroad. The Polish government announced in 1953 to give up the claim for continued receipt of war reparations from East Germany, but due to the objective circumstance of the unity of East Germany and West Germany, the Polish government has made multiple announcements that it will resubmit a claim for war reparations. Additionally, Egypt, Libya, Finland and Yugoslavia are all considering submitting a claim for war reparations. The American historian Susan Linz wrote in a study report that the Soviet Union is likely to submit a claim for a large amount of war reparations.

Regarding damage compensation, the Western Allies signed the London Debt Agreement with West Germany in early 1953, which allows West Germany more time to pay off debts, but also states that West Germany must pay 60 billion Mark from 1953 for casualties and property losses caused by Nazi Germany. According to West Germany, it has implemented this clause by making compensation to relevant countries. The London Debt Agreement that clearly separates war reparations from damage compensation has made a major contribution to postwar international law and is conducive to improvement of the international humanitarian spirit. We all know that the Nazis committed countless crimes against the Jews during the World War II. Yet after the war, the Jews demanded compensation from East Germany and West Germany for the Jews' persecution by the Nazis instead of as war reparations. After long and difficult negotiations, the Jews received compensation of over

3.4 billion Mark from the Federal Republic of Germany, which should be paid in installments within 12 years according to the agreement signed in Luxembourg on September 10, 1952. In 1988, the former Democratic Germany (East Germany) admitted for the first time that the Jews have the moral right to claim for compensation and agreed to compensate 6.2 million Deutsch Mark to the Jews who survived the massacres during the World War II. In 1953, Poland announced to give up the claim for continued receipt of war reparations, but not the people's claim for compensation for being held in the Nazi concentration camps, forced to be slave labor and exiled. Since 1987, Poland has been claiming compensation for over 1 million Polish people who were sent to the Nazi Germany to be slave labor during the World War II. Although France didn't claim for war reparations due to the London Debt Agreement of 1953, West Germany paid damage compensation of 300 million Mark to the French people who were persecuted by the Nazis. Libya submitted a claim for compensation for the expenses incurred in removing the mines laid by Nazi troops in Africa. Thousands of gypsies who were persecuted by the Nazis during the World War II are planning to demand compensation from the reunified Germany. Finland is also demanding compensation from Germany for 24,000 heads of reindeer killed by Germany when retreating in 1944. The compensation that Japan should pay China for the losses caused by Japanese invaders between 1931 and 1945 is about USD 300 billion in theory, which is calculated by postwar international practice and in reference to the amounts of compensation calculated by some other countries. Out of the amount, about USD 120 billion is war reparations and about USD 180 billion is damage compensation. In 1972, the Chinese government gave up the claim for war reparations from Japan, that is, the claim for the USD 120 billion compensation. However, not on any occasion has the Chinese government announced to give up the USD 180 billion damage compensation payable by Japan for the crimes of Japanese militarists in the war. It is the reservation of the claim for damage compensation that provides us with the opportunity to propose to Japan the international law issue about damage compensation.

## **II. Japanese Militarism's Numerous Crimes That Brutally Violate International Law**

After the World War II, the verdict of the International Military Tribunal for the Far East listed Japanese invaders' numerous heinous crimes that violated international law, which are shocking and unforgettable. Although some war criminals were put on trial, no progress has been made in the compensation payable by Japan to the Chinese people for great losses and pain caused by Japan's violation of the laws of war.

**1. It is one of the oldest principles of war that civilians shall not be attacked or killed in military actions.** According to the principle of international law, any individual

who is not directly or indirectly with the armed forces of a belligerent country shall not be killed or held as a prisoner and his/her property shall not be deprived. But the Nanking Massacre, known as the darkest page in the contemporary history of China, brutally violates this principle and the article about protecting civilians in the Volume 2 and Volume 3 in the attachments of the 1899 Hague Convention II and the 1907 Hague Convention IV. After occupying Nanking, the Japanese army killed Chinese men and women along the street without any reason. Instantly, the squares, streets and alleys were covered with dead bodies. The Japanese army used brutal killing methods including beheading, disemboweling, cutting the heart out, drowning, cutting off genitals, piercing vaginas or anuses. What's more outrageous is that two Japanese officials held a game of killing for fun to see who can kill the most number of Chinese people in the shortest time. They walked towards the streets, each carrying an extremely sharp steel sword, and cut in half any Chinese person they saw. In the end, the game was won by the Japanese official who consecutively killed 106 Chinese people. In addition, the beastly Japanese army raped and killed Chinese women in an unheard way. The records read that "After raping a 7-month pregnant Chinese woman from Nanking, the Japanese soldier cut her belly open with a bayonet, causing the fetus to flow out and instantly killing two lives. After raping a Chinese old lady who was nearly 70, the Japanese soldier bayoneted her to death and then pierced her vagina with a wooden pole for fun." In the massacre, over 300,000 Chinese people were cruelly killed by the Japanese army. According to the international practice about damage compensation and the value of property in 1952, Japan should compensate over USD 5 billion to the families of the victims and survivors of the Nanking Massacre. Horrible crimes similar to Nanking Massacre were often committed by the Japanese army in China during the war. Millions of innocent Chinese people were cruelly killed by the Japanese army and this figure didn't include those Chinese people killed on the battlefield.

**2. It is a general principle of international law that war prisoners shall be given humane treatment.** War prisoners are legal participants who fall in the hands of the enemy in a war or military conflict. According to the attachments of the 1899 Hague Convention II and the 1907 Hague Convention IV and the Diplomatic Conference of Geneva of 1929, the legal participants in a war shall be members of military troops instead of individuals. The belligerent countries arrest and detain prisoners not because of any of their illegal act, but for the purpose of preventing them from participating in the war again. War prisoners must be given humane treatment and any member with the army of belligerent countries, whether they are combatants or not, shall be treated as war prisoners when they were captured. Therefore, they shall not be punished, tortured or killed. After the war, the Charter of the International Military Tribunal incorporated "murder and torture to war prisoners" as a war crime. However, during the painful World War II, instead of giving proper treatment to Chinese war prisoners and the wounded Chinese people by following the principle of humanism, the Japanese army inhumanly, brutally tortured and killed them by flagrantly violating international covenants. More shockingly, the Japanese army used the meat of war prisoners

they killed to make soup for Japanese soldiers. According to the accusation of George Stevenson, an Italian who was captured by the Japanese army as a military driver during the World War II, he transported 300 boxes of human meat to the concentration camps where war prisoners of the Allies were held in February 1943. In the boxes were meat pickled with sugar and ginger that had a foul odor and maggots on it. War prisoners thought it was horsemeat or pork, but a Japanese officer told him that's the meat of dead Chinese people. The Chinese people massacred by the Japanese army were dismembered and then their meat was pickled. "The good meat" was mostly offered to Japanese soldiers.

**3. It is a war crime to force the civilians in the occupied land to be slave labor.** In nearly 12 years from 1934 to 1945, Japan forced a large number of Chinese people to build fortresses along the border of Manchukuo. Among them, about 100,000 were killed. In 1942 alone, 3,000 Chinese people from Liaoning were captured to build military facilities. After their job was done, they were all killed for confidentiality purposes. Not long after the Pacific War, about 40,000 Chinese people were captured and sent to Japan, among whom the oldest was 78 and the youngest 11. They were forced to work as slave labor for 135 Japanese companies. The records record that "The Chinese people were so starved that they began to pick up and eat rice vomited by others and pluck and eat weeds. The Chinese slave laborers scrambled to eat the orange peels that Japanese foremen threw away after peeing on them. A young man called Li Danzi even brought human meat that was burned back to his dormitory so he could eat it secretly. The Japanese foremen responsible for monitoring the labor of Chinese people were mostly disabled or retired Japanese veterans who had experience of killing people in Mainland China. They inflicted a variety of cruel punishments on the Chinese people, such as applying a red hot iron bar to their legs, applying cigarette butts to their necks, kicking them with shoes with iron spikes, injecting water in the body of Chinese people after hanging them up and then placing them on the ground and stepping on their bellies to make water come out of their noses and eyes. The Chinese people couldn't bear the inhuman torture, so they launched the Hanaoka riot that shocked Japan. After the riot was put down, every two Chinese people were tied together with their hands on their back and weren't given anything to eat for three days and nights. Many of them had no choice but drink their urine with blood in it. If either of the two people died, the other had to drag the dead body to go to the toilet." These tragic scenes are direct proof that Japanese militarism cannot shirk the responsibility for persecuting Chinese people no matter from a moral or political perspective, or by international law or Japanese laws. Today, Kajima Construction Company of Japan has admitted its responsibility for the survivors of the Hanaoka incident and made an apology to them for the first time. The issue of damage compensation is left for future negotiation. This is a good reflection of Japan's performance of its obligations under international law and its responsibilities for the war of aggression against China as well as it is of great significance to preventing war crimes and maintaining world peace.

**4. International law prohibits the manufacture and use of toxic, chemical and**

**bacteriological weapons in a war.** One of the oldest principles of war is prohibiting the use of poisons and toxic weapons that humans abhor in a war. During the World War I, Germany's use of asphyxiating and various toxic, chemical weapons caused the death of 10,000 people and injury of 1.27 million people and was strongly opposed and severely condemned by the people across the world. When formulating the Treaty of Versailles after the war, the participating countries carefully discussed how to prohibit the use of poison gas and Japan was a signatory to the Treaty. Other international agreements about prohibiting the use of poison gas include The Hague Convention concluded in July 1899 and the Geneva Protocol signed in June 1925. During the World War II, neither Germany nor Italy used poison gas, and only Japan used it in China. Japan secretly produced and experimented with biological weapons in Northeastern China and established Unit 731 and Unit 100 consecutively in 1931 and 1936, which specialized in preparations for germ warfare and experimented on living people. In each winter, the Japanese army would escort some Chinese people to a strictly-protected large compound, where they were forced to expose their hands, legs, arms and feet in the air and let them freeze for different periods of time specified by the Japanese army, normally from 20 minutes to one hour under minus thirty or forty degrees until the sound of "bang, bang" could be produced by hitting their body parts with a wood stick. Then, the Japanese army would drag them inside a room and directly put their frozen body parts in hot water to observe the effect and provide treatment. Those parts that couldn't be cured would be sawed off and the people would be dragged out to be shot dead or buried alive. During eight years from 1937 to 1945, the Japanese army carried out a total of 1,312 poison gas battles, directly injuring 36,968 people, among whom 2,086 were killed. The casualties of innocent civilians cannot be calculated.

**5. The Japanese army heavily bombed Chinese towns by violating the laws and customs of war.** The Article 25 in the attachment of the 1907 Hague Convention IV states, "Undefended towns, villages and residents shall not be attacked or bombed in any way." The Article 17 states, "Buildings related to religion, technology, academy and charity such as hospitals and shelters shall not be used as a target for siege or bombing." Moreover, a relevant treaty states, "Causing horror to civilians, destroying or damaging private properties of a non-military nature, and air-bombing with the purpose of injury non-combatants are prohibited." However, the Japanese army publicly violated these regulations by bombing peaceful towns, shooting unarmed Chinese residents or throwing incendiary bombs to towns from planes flying low. Especially, the bombs dropped to slums burned row upon row of houses and residents to ashes. Almost all important cities in China were threatened by air raids. In Chongqing, the Japanese army produced consecutive bombing that shocked all people at home and abroad. The whole urban area in Chongqing became a sea of fire with dead bodies everywhere and even broken body parts on tree branches. British and French embassies and American churches were also bombed. More tragically, the suffocation in tunnels caused by the bombing resulted in the death of nearly 10,000 people. "For several days after the massacre, many shops and residential houses in the urban area kept doors



closed because the whole family died.”

**6. Opium aggression constituted a crime against humanity.** Before the World War II, Japan joined three international agreements prohibiting the use of drugs. One of the agreements states that, “Japan shall formulate a law to ensure the effective abolition of opium production, distribution and export” and “Smuggling drugs into China or Japan’s leased territory, residence and concession areas in China is prohibited”. But in the World War II, Japan used opium and other narcotics as a part of conquering China by violating the above agreements in a way and scale that not only exceeded the Opium War launched by old imperialist UK, but was not even foreseen by its European Nazi allies. Hundreds of thousands of Chinese people became victims of opium, while profits of hundreds of millions US dollars kept flowing in the Japanese treasury. The poor Chinese people once again suffered from opium. A foreign friend described, “In cold winter, many long-time opium-smokers would fall and die on the ground in Harbin. Their bodies would lie in the street for days and even dogs weren’t interested in them. The scenes in opium dens in Tianjin were even more unbearable to see, where the Chinese people lied on dirty planks, including even 2-or-3-year-old skinny kids with a swollen head. Every night, laborers and traders could be seen selling heroin in the street. In near-by brothels, young women were giving a dirty performance to get enough money for a shot of morphine. The needles for injecting morphine weren’t washed at all and their consecutive use in different people caused the spread of syphilis. It could be seen that several people who had smoked opium for years had their chest partly rotten, with the size of the hole enough to fit a fist.” In fact, the crimes that Japanese invaders committed against Chinese people cannot be fully described with words. Today, we talk about numerous crimes of the Japanese army from the perspective of international law in order to remember a past national crisis, strengthen Japan’s awareness and reflection of her responsibility for the war of aggression against China and urge Japan to make damage compensation to Chinese people for their great life and property losses according to postwar international practice. Just as Sun Pinghua said in a discussion meeting, “We submit a claim for compensation not to change the Sino-Japanese Peace and Friendship Treaty, or act shamelessly.” The purpose is to prevent war crimes and maintain world peace.

### **III. China Faces a Historical Choice**

The Constitution of China states, “One of the powers exercised by the National People’s Congress is decision on questions of war and peace”. The claim for compensation for Japanese invaders’ crimes is a specific form of such power excised by the National People’s Congress and its Standing Committee. No matter what, the great cause about compensation that will inspire patriotism shall be nailed down according to the Constitution and relevant laws, China’s legislative process and relevant principles of international law and international

practice to show the international community that the Chinese people will never forget the tragic history between 1931 and 1945 and that China is a country that emphasizes the rule of law, which is conducive to China's political image in the international stage.

It is urgent to set up by law an association of Chinese people persecuted by Japanese invaders or an organization under the Red Cross Society of China. Such association or organization shall be a civil institution responsible for registration of victims and surveys, etc. In the early stage, such association or organization shall make full preparations for damage compensation. Then, the Chinese government shall submit a claim for damage compensation from Japan at a proper time, or such association or organization may pursue a solution from relevant Japanese or international organizations from the perspective of Private International Law. All similar acts are in line with the principles of international law and international practice.

As countries are the subjects of international law, the above association or organization may submit a claim for damage compensation from Japan through the agency of the country. One principle of international law is when the interests of a person are damaged by another country, only the country that such person belongs to can pursue the responsibility of such another country according to international law to protect the interests of such person. The historical Case of Russia against Turkey is praised by most experts in international law, where Turkey agreed to compensate Russians for their losses in the war after the Russian government made multiple requests. After the World War II, over 10,000 people persecuted by the Nazis have registered with the Yugoslav Red Cross and the Yugoslav government will submit a claim for compensation for them. Recently, the Yugoslav government stressed that with the unity of East Germany and West Germany, it will submit a new claim for compensation. It can be seen that our government claiming for damage compensation from Japan is in line with the principles of international laws and international practice.

Japan taking the responsibility for war crimes of Japanese invaders is also in line with the principles of international laws and international practice. During the World War II, Japan not only authorized the army and individuals to invade China and other Asian countries, but publicly connived at their war crimes. War crimes were attributed to a policy promoted by the then Japanese government. As the Japanese army massacring civilians, war prisoners and the wounded and burying Chinese people alive in China violated international principles as well as Japanese laws. Japan should perform the responsibility of punishing its war criminals according to the principles of international law. However, instead of severely punishing war criminals and timely preventing the crimes of its army and individuals, the Japanese government connived at, publicized and praised their behavior. After the game of killing in Nanking Massacre was revealed by the Japanese media, the Japanese government and Japanese base camp in China considered it an "honorable act" that "demonstrated national

strength” instead of condemning and punishing the Japanese officers involved. According to (Article 3 of) the Hague Convention on land warfare of 1907, “A belligerent country that violates the terms of the Convention shall make compensation when necessary and take all responsibility for the behavior of its army and individuals.” The first half of the previous sentence means a belligerent country has the obligation of compensating for national acts that violate the Convention, and the second half means the country is responsible for the behavior of its army and individuals that violate the Convention. In other words, the country has the obligation of compensating for the damage caused by the behavior of its army and individuals. There is a new development to this provision of international law after the World War II, where war criminals shall be brought to justice apart from holding the country responsible for the behavior of its army and individuals. Here, holding the country responsible is mainly reflected in the following aspects according to the international practice after the World War II: 1) The government of the country shall take the responsibility for invading another country according to international law and the compensation resulting from such responsibility is war reparations; 2) In addition to the responsibility for invading another country, the government of the country shall take the responsibility for the war crimes committed by its armed forces according to international law. In other words, the government of the country shall take economic, political and moral responsibility for serious war crimes committed by its army and individuals. The compensation resulting from such responsibility is damage compensation. Therefore, Japan shall assume the responsibility for not only the war, but war crimes. After the World War II, the Allies not only put the Nazi war criminals on trial, but pursued the responsibility of Germany. Germany shall take the responsibility for the war of aggression as well as for the crimes of the Nazis. Since 1954, “Bonn has actively performed the responsibility of compensation by paying 1 billion Mark to 16 European countries and made a special announcement that this is not war reparations, but compensation for the people who were persecuted under the Nazi regime and failed to claim for personal compensation. Among the 1 billion Mark in cash, 400 million Mark was given to France, 125 million Mark to Netherlands, 115 million Mark to Greece, 100 million Mark to Poland and Austria respectively and 80 million Mark to Belgium.”

Since it is in line with the principles of international laws and international practice for the Chinese government to claim for damage compensation from Japan and for Japan to undertake the responsibility of the crimes committed by Japanese invaders, the Chinese government can announce on some international occasions on behalf of the Chinese victims that it hasn't given up the claim for compensation for the crimes committed by Japanese invaders and then contact and peacefully negotiate with Japan to develop a compensation agreement as a legal basis. Although Poland announced to give up the claim for continued receipt of war reparations, it and other East European countries, announced in about 1954 to West Germany that they haven't given up the claim for compensation for the crimes committed by the Nazis. Then, after multiple negotiations with West Germany, the West German government and Polish government signed a payment agreement in 1972, which

states that West Germany shall pay 100 million Mark to Poland to compensate Polish victims. In 1975, Poland received a 1-billion Mark credit with an interest of 2.5% and a payment of 1.3 billion Mark to cover the fees that Polish people shall receive from German pension insurance companies. The model that Poland used to claim for damage compensation may be used by China as a reference. According to a principle proposed in the Yalta Conference on February 11, 1945, "The compensation shall be first given to the countries that undertook major tasks in the war, that is, the countries that suffered the most losses and organized activities to win victory." During the World War II, China suffered more losses than neighboring southern or western countries and was the primary country that helped defeat Japanese invaders, so China's claim for compensation for the crimes committed by Japanese invaders shall be given a priority. China claiming for damage compensation from Japan reflects that China exercises its legal international right as well as fulfills its international responsibility for history. But we should also see that the people from Southeastern Asian countries who fought with the Chinese people also suffered from Japan's aggression as Japanese invaders implemented massacres in over 100 places of countries across the Pacific region. In a massacre in Hong Kong, the Japanese army rushed in a hospital, bayoneted the patients to death on their beds and raped and killed nurses. The Japanese army also forced Hong Kong citizens to work as slave labor and exchange the Hong Kong currency for military payment certificates, and destroyed historical relics. At the end of the war, only 600,000 Hong Kong people out of 1.6 million survived. According to the postwar international practice, Hong Kong victims can submit a claim for damage compensation about USD 20 billion from Japan. In a massacre in a place in Manila, Philippines, after raping the local women, the Japanese army poured gasoline on their heads and set them on fire. The Manila Massacre caused the death of over 130,000 people. After the war, although Philippines received war reparations from Japan, it hasn't claimed for damage compensation. If it does, it can claim for damage compensation about USD 2 billion for Manila Massacre alone. Moreover, according to the postwar international practice, the families of the victims and survivors of the Bataan Death March and Thai-Burma Death Railway can submit a claim for damage compensation of about USD 1 billion and USD 1.5 billion respectively. Overseas Chinese organizations can also claim for compensation from Japan to overseas Chinese people who were persecuted or killed by the Japanese army during the World War II. Additionally, other countries such as Singapore, Indonesia, Malaysia, Myanmar, Vietnam and India have the right to claim for damage compensation. It can be seen that Southeastern Asian countries share the same interests with China, so China needs to unit with them to claim for compensation for crimes committed by Japanese invaders, which is more beneficial and constructive.

We can predict that China's claim for damage compensation from Japan may lead to two results. One result is that Japan will perform the responsibility for damage compensation and may pay symbolic compensation at first. For example, Democratic Germany promised to pay 100 million-Mark symbolic compensation to the Jews. Recently, Poland praised the amount of part of the symbolic compensation, that is, 2,000 to 3,000 Mark for each of the

millions of Polish people who were forced in a concentration camp by the Nazis. The other result is that Japan rejects the claim for damage compensation on the ground of Joint Announcement and makes a fuss about it. In this case, China can take the measures commonly used to settle international compensation issues by resorting to the International Court of Justice according to relevant regulations or applying for international arbitration when possible.

In addition to inter-governmental channels, Chinese associations and Red Cross Society of China may submit a claim for a certain amount of compensation through non-governmental channels and negotiate with Japan about moral and economic compensation. There are many examples of non-governmental organizations claiming for compensation in the international community. The Polish Association has submitted a claim for up to 537 billion Mark compensation and plans to appeal to the United Nations when necessary. Even overseas Japanese people have gained some compensation through non-governmental organizations. For example, Japanese Americans are still demanding compensation from America for the losses resulting from their deposits frozen during the World War II. Recently, the American government paid compensation to the Japanese Americans who were interned by America during the World War II. The American government paid a compensation of USD 20,000 to each of nine Japanese Americans aged over 70 and then forwarded an apology letter from President Bush. In 1990 the American government announced a compensation of USD 500 million in 1990, and an additional USD 500 million in 1992 and USD 250 million in 1993. Japanese Canadians were forced to relocate and imprisoned by the Canadian government during the World War II. So, after the war, these victims negotiated with the government and demanded justice and economic compensation. After 46 years' efforts, the Canadian government finally made a formal apology to the Japanese victims and paid a compensation of 21,000 Canadian dollars to each survivor, that is, a total of nearly 300 million Canadian dollars. Given the above situations, Japanese associations or the Red Cross Society of China seeking compensation is in line with international practice.

Objectively speaking, any compensation from Japan cannot make up for the great losses caused to the Chinese people during 1931 and 1945. We are giving Japan a generous gift and opportunity to fulfill its responsibility for damage compensation and reflect on its war crimes.

## **Suggestion on China Demanding Damage Compensation from Japan**

It has been 60 years since the September 18 Incident. To enable the people in China and

across the world to firmly remember the tragic history, educate the future generations to be vigilant in peace time and remember the past national crisis, inspire patriotism and lift national spirits, I hereby suggest that the National People's Congress should authorize the Red Cross Society of China to investigate and register the innocent Chinese people who were persecuted or killed by the Japanese invaders during 1931 and 1945, calculate the property losses and develop a damage compensation plan according to the principles of international law and international practice, and allow the Red Cross Society of China to seek damage compensation from Japan through various channels in order to settle the historical issue of damage compensation within this century.

**Proposed by Beijing Citizen Tong Zeng**

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