

IHRP Final Report – Toronto ALPHA Internship

My internship with Toronto ALPHA this summer has been extremely rewarding, not only academically but on a personal and emotional level. I spent the summer studying forced labour litigation against Japanese corporations arising from World War II in Asia. It was a difficult topic not only because of the ugly history involved but also the political and emotional component that is as strong today as it was seventy-years ago. It is also a topic that necessitated spanning the globe, as I began at the U.S. National Archives in Washington DC and later journeyed to China, South Korea, and finally Japan. I would see some amazing places, work with incredible legal scholars and activists, and meet inspirational survivors of WWII atrocities.

After three months of research, travelling, and meetings, I was left fairly exhausted, but also with an understanding of why these issues from so long ago are still important today and how far they are from being properly addressed. After meeting those who have spent years, if not decades, fighting to help forced labour victims achieve some form of redress, their frustration at the failure to achieve success in the courtroom was evident; however, even more apparent was the resolve and optimism that still remains. To date, after decades of litigation, there have been no successes for claimants in Japanese courts despite the merits of the claims being acknowledged as worthy by the courts; these cases instead focused on procedural obstacles and defences based on treaty-rights, statute of limitations, and jurisdictional issues. This has reinforced the critical role the rule of law can play in protecting (or failing to protect) one's rights to seek redress for terrible and undisputed wrongs. A 2007 Supreme Court decision has seemingly closed the door on any chance at success for victims of WWII atrocities through the Japanese courts, as all rights to seek compensation were found to have been waived in a highly controversial decision. Outside of Japan, the story was much the same, with typical obstacles making it difficult to find a jurisdiction that would hear the cases; however, that all changed during my internship. On May 24th of this year, the South Korean Supreme Court ruled in favour of the forced labour claimants, finding multiple Korean subsidiaries of Japanese corporations responsible for compensating

victims of forced labour camps run by these companies. As the amount of damages have yet to be determined, the fallout from this case is yet to be seen, but from the legal experts I spoke to in South Korea, the impact should be significant.

Another key finding was that outside of the courtroom, a major battle is taking place to shape how current generations learn of the atrocities of WWII in Asia. I saw firsthand the attempt to rewrite and gloss over the unsavoury aspects of the War; in Japan, textbooks frequently leave out any mentioning of well-documented events like the Rape of Nanking and use of sexual slavery, museums referred to the invasion of China as an “incident” rather than war, and public figures deny any wrongdoing by Japanese forces during the War. In China and South Korea, nationalistic and political messaging is pervasive at most memorials and museums dedicated to WWII. I met some scholars who are attempting to properly preserve and disseminate an unbiased history of WWII in Asia, such as jointly written history textbooks, but at the same time there are powerful groups and political leaders trying to do the exact opposite. These observations made clear how critical Toronto ALPHA's mission to preserve an accurate history of WWII really is, as those in western nations are usually unaware of what happened in Asia during WWII, and those in China, South Korea, and particularly Japan are often receiving a distorted account of this history. Having met victims of forced labour and other atrocities during WWII and heard their ongoing fight for some kind of closure and redress for what happened to them all these years ago, it really struck home how far international law has left to go in order to properly protect human rights even today. It is not the merits of the claims that have stood in the way of victims achieving redress, but rather treaty interpretations, procedural obstacles, and failures of domestic courts to provide relief. Although forced labour victims have not achieved redress to this date, I got to meet all of those engaged in this fight both inside and outside of the court-room as the struggle continues as strong as ever all these years later. It was a humbling, overwhelming, and ultimately an extremely rewarding experience.