

FEC Mtgs. 176 - 187

CONFIDENTIAL

FAR EASTERN COMMISSION

Transcript of 176th Meeting of the Far Eastern Commission

Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.

Thursday, December 15, 1949

NOTE: The attention of all concerned is invited to the classification of this transcript which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

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Transcript of 176th Meeting of the Far Eastern Commission
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, December 15, 1949

Representatives Present

Mr. M. M. Hamilton, Chairman	(United States)
Mr. D. McNicol	(Australia)
U Tin Maung	(Burma)
Mr. R. E. Collins	(Canada)
His Excellency Dr. W. K. Lee	(China)
Mr. J. Daridan	(France)
Mr. P. Vaidyanathan	(India)
Mr. G. J. Jobsis	(Netherlands)
Mr. G. R. Laking	(New Zealand)
Mr. M. O. A. Baig	(Pakistan)
Mr. F. Lozada	(Philippines)
Mr. V. I. Bazykin	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

Reporter: Mr. R. Holtz, Department of State--FEC

(The 176th meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:40 A.M., 15 December 1949, Mr. Maxwell Hamilton, Chairman.)

MR. HAMILTON: Good morning, gentlemen. The meeting is open.

ITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 175th MEETING

MR. HAMILTON: The first item on the agenda is the correction and approval of the provisional minutes of the last meeting. I think the Secretary General has a few minor corrections.

MR. JOHNSON: Mr. Chairman, on the summary page of the minutes just under the cover sheet, under Item 11, subitem a, the word "conference" at the end of that title should be in the plural. It would read, "Soviet Statement on Participation of Japanese Trade Unions in International Trade Union Conferences".

And on page 1, paragraph 9, under Mr. Hamilton's statement, the third word in line 2 should be "had" rather than "has". So it would read, "...representative's proposal had been before the Commission...".

Page 3, paragraph 24, the statement by Mr. Hamilton, the third word in the second line should be "on". "...attention to the Supreme Commander's remarks on the occasion of the fourth anniversary..."

And on page 4, paragraph 34, subparagraph b, the title, the words "on Procedure" should be inserted between the words "statement" and "regarding", thus reading, "Soviet Statement on Procedure regarding Admission of Burma and Pakistan...".

MR. HAMILTON: Are there any other corrections or comments in regard to the minutes of the previous meeting?

(No response)

MR. HAMILTON: If not, they will stand approved as amended.

MR. HAMILTON: We pass now to a number of items, Items 2-5, which have been on the agenda for some time.

- ITEM 2 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (Fec-242/32, /35, /37, /38, /39, /40, /41, /42)
- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIP-BUILDING AND SHIPPING (FEC-297/10)
- ITEM 3 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)
- ITEM 4 - JAPANESE PARTICIPATION IN INTERNATIONAL RELATIONS (FEC-339, /2, /3, /5, /6, /7, /8, /9, /11, /12, /13)
- ITEM 5 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)

MR. HAMILTON: Are there any comments on any of these items this morning? Any statements?

(No response)

MR. HAMILTON: If not, we will pass to Item 6.

- ITEM 6 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344)

MR. HAMILTON: I have a statement on this subject which I will read and will then circulate to the members of the Commission.

"In a statement read to the Far Eastern Commission last week the Soviet delegation charged the Supreme Commander for the Allied Powers with violations of Commission policy decisions in the matter of not allowing Japanese trade unionists to attend certain alleged trade union meetings abroad under the auspices of the World Federation of Trade Unions. At the same time the Soviet delegation considered it arbitrary on SCAP's part that other Japanese trade unionists have been permitted to attend ILO meetings in Pittsburgh and Geneva as well as the meeting of the International Confederation of Free Trade Unions held recently in London.

"As a basis for its claim that the foregoing constituted a violation of Far Eastern Commission policy decisions, the

Soviet delegation cited the passage from the Basic-Surrender Policy which states that the Far Eastern Commission powers are agreed:

'To help the people of Japan in their own interests as well as those of the world at large to find means whereby they may develop within the framework of a democratic society an intercourse among themselves and with other countries along economic and cultural lines that will enable them to satisfy their reasonable individual and national needs and bring them into permanently peaceful relationship with all nations.'

"The Soviet delegation omitted the concluding phrase 'and bring them into permanently peaceful relationship with all nations'. Furthermore, the Soviet delegation did not quote from the Basic Post-Surrender Policy where it states that it is to be an objective of post-surrender policy to bring about the 'earliest establishment of a democratic and peaceful government which will carry out its international responsibilities, respect the rights of other nations, and support the objectives of the United Nations'.

"It will be recalled that the fundamental cause of the split in the WFTU was the fact that many of its affiliates believed that the WFTU had ceased to be a trade union organization and was devoting its energies to political strife activities of an inflammatory character. Thus the United States Congress of Industrial Organizations formally resolved on November 3, 1949, at Cleveland, Ohio, in disaffiliating itself from the WFTU, that 'the WFTU is now no longer a trade union organization but is entirely dominated by Communists or their puppets and is little more than an instrument of the Soviet Government'. The statements of the various WFTU leaders at the

Peiping meeting bear out the contention that the WFTU is not a trade union organization but is an international organization dedicated to revolutionary aims and to armed struggle against duly established government. For example, the manifesto issued at the Peiping Conference on December 1, 1949, directed its particular fire against the Governments of Burma, Indo-China, India, Malaya, the Philippines, Indonesia, and Thailand. After denouncing what it claimed to be the ruthless exploitation of peoples in these Asiatic countries, it called upon these peoples to rise up in armed partisan activities against the governments of countries, some of which are members of the Far Eastern Commission.

"Under these circumstances, it seems obvious that the Supreme Commander would not be fulfilling Far Eastern Commission policies if he were to allow Japanese representatives to attend conferences abroad committed to inciting revolt against established governments in East Asia and elsewhere. Would attendance at such conferences by Japanese delegates be consistent with the agreed objectives of this Commission; namely, the emergence of a Japan which, respecting the rights of other nations, can be brought into peaceful relationship with those nations?

"While my delegation can only surmise the Supreme Commander's reasons for rejecting the request of a minority group of Japanese unionists, representing the rapidly disintegrating Zenroren, to attend the WFTU-sponsored meetings, my delegation feels certain that the foregoing considerations must have weighed heavily in his decision.

"On the other hand the granting of permission by the Supreme Commander for representatives of the great majority of Japanese workers to attend the ILO and ICFTU meetings is in thorough accord with the Basic Post-Surrender Policy, the Principles for Japanese Trade Unions, and other controlling policies of

this Commission and is in complete harmony with the objectives of truly democratic trade union movements everywhere. The ILO is, of course, a recognized organ of the United Nations, in which labor, employer and government groups of each participating country are represented. The ICFTU is a true trade union organization among whose charter objectives are the achievement of full employment, the improvement of labor standards, the rebuilding of the economic life of war-devastated countries, and the establishment of permanent peace among the nations of the world.

"The United States delegation is accordingly of the opinion that, in refusing Japanese representation at the WFTU conferences and in supporting Japanese representation at the ILO and ICFTU meetings, the Supreme Commander acted in accordance with the basic policies of this Commission and in the highest interests of our whole occupation endeavor in Japan."

Copies are being made of this statement for distribution at the end of this meeting. In view of its length, I assume that representatives will desire to study it perhaps before making comment, although if there is any comment to be made on this statement or on any aspect of this item on the agenda the meeting is open for such comment.

(No desire for comment indicated by members.)

MR. HAMILTON: If there is no comment, we will pass to the next items on the agenda, Items 7-10, all of which have been before the Commission for some time.

ITEM 7 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)

ITEM 8 - REPORT OF COMMITTEE NO. 1 TO THE F.E.C. REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)

ITEM 9 - REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)

ITEM 10- ECONOMIC STABILIZATION IN JAPAN

MR. HAMILTON: Does any delegation have any comment to make on any of these items?

(No response)

MR. HAMILTON: If not, we will pass to Item 11, Other Business.

ITEM 11- OTHER BUSINESS

a. United States Reply to Soviet Inquiry regarding Salvage of Ammunition

MR. HAMILTON: I have a statement to make in response to the inquiry of the Soviet representative at the last meeting regarding the reported salvage of sunken ammunition in Japan.

"The Soviet inquiry was transmitted to the Supreme Commander for the Allied Powers who has made the following information available to the United States Government.

"The salvage of metal components of surrendered ammunition by Japanese contractors and/or the Japanese Government has been authorized in conjunction with the normal demilitarization program. In two instances these salvage operations involved the recovery of metal containers of ammunition dumped at sea. These two operations, in Odawa Bay and off Miyajima, were approved solely for the recovery of the metals involved to be used in the Japanese economy and the explosive elements correlatively connected therewith were redumped at sea or destroyed.

"In order to ensure the prohibitions of the Far Eastern Commission against the possession of non-authorized explosives by the Japanese Government and the Japanese populace are not violated, all ammunition salvage operations are under the direct surveillance of the occupation forces.

"The charge that explosives are earmarked for the Chinese Government or the Government of the Republic of Korea is without the slightest foundation."

Copies of this statement are ready for distribution.

(Copies of this statement were distributed to representatives.)

MR. HAMILTON: The British representative's inquiry which has been outstanding for several weeks unfortunately remains outstanding. The matter is being given attention and I hope soon to be in a position to make a reply to the British representative's query.

MR. GRAVES: Thank you, Mr. Chairman. We are anxious to have the information as soon as it can conveniently be obtained.

b. Recess of Commission on Thursday, December 29, 1949

MR. HAMILTON: The Secretary General has an important item connected with the Christmas holidays that he would like to bring up.

MR. JOHNSON: Mr. Chairman, I would like to have an expression of desire on the part of the Commission as to whether the meeting scheduled for the Thursday between Christmas and New Years may be canceled.

MR. HAMILTON: That is the meeting two weeks from today.

MR. JOHNSON: It would be the 29th of December.

MR. HAMILTON: We would like to get some informal expression of view. I understand some delegations have plans for the holidays and it will be helpful to them in making final arrangements if they knew.

MR. COLLINS: Mr. Chairman, I should think that it might be quite appropriate to cancel the meeting on the understanding that if any urgent item of business arises the Chairman could call a session on the regular day.

MR. HAMILTON: Is that agreeable to the other members?

(No response)

MR. HAMILTON: All right. We will proceed on that basis then. There will be no meeting two weeks from today unless some item of urgent business arises in which case the Commission can be convened on call.

MR. HAMILTON: Are there any other items to be brought up under other business?

(No response)

MR. HAMILTON: If not, the meeting is adjourned.

(The meeting adjourned at 10:55 A.M.)

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Transcript of 177th Meeting of the Far Eastern Commission

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Thursday, December 22, 1949

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Transcript of 177th Meeting of the Far Eastern Commission
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Thursday, December 22, 1949

Representatives Present

Mr. M. M. Hamilton, Chairman	(United States)
Mr. D. McNicol	(Australia)
U Tin Maung	(Burma)
Mr. R. E. Collins	(Canada)
His Excellency Dr. W. K. Lee	(China)
Mr. A. Fequant	(France)
Mr. P. Vaidyanathan	(India)
Mr. G. J. Jobsis	(Netherlands)
Mr. G. R. Laking	(New Zealand)
Mr. M. O. A. Baig	(Pakistan)
Mr. F. Lozada	(Philippines)
Mr. V. I. Bazykin	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

Reporter: Mr. R. Holtz, Department of State--FEC

(The 177th meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:35 A.M., 22 December 1949, Mr. M. M. Hamilton, Chairman.)

MR. HAMILTON: Good morning, gentlemen. The meeting is now open.

ITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 176th MEETING

MR. HAMILTON: The first item on the agenda is the correction and approval of the provisional minutes of the 176th meeting.

The Secretary General advises me that he has no corrections.

Do any of the members have corrections?

(No corrections indicated)

MR. HAMILTON: If not, the minutes of the last meeting will stand approved.

ITEM 2 - JAPANESE PARTICIPATION IN INTERNATIONAL RELATIONS (FEC-339, /2, /3, /5, /6, /7, /8, /9, /11, /12, /13)

a. JAPANESE OFFICIAL AGENTS ABROAD FOR TRADE PURPOSES (FEC-345)

b. JAPANESE OFFICIAL AGENTS ABROAD FOR HANDLING CIVIL STATUS AND PROPERTY MATTERS (FEC-346)

MR. HAMILTON: We then pass to the second item on the agenda, Japanese Participation in International Relations.

Fec-339 is a proposed policy decision submitted by the United States representative on April 21. FEC-339/2 - FEC-339/13 contain governmental statements and relevant information on the subject. The subject was also referred to Committee No. 4 on the 19th of May. Following deliberations in that Committee and in the Steering Committee the two aspects of the subject are now before the Commission: a. Japanese Official Agents Abroad for Trade Purposes (FEC-345); b. Japanese Official Agents Abroad for Handling Civil Status and Property Matters (FEC-346). The first of these papers was forwarded from the Steering Committee, as you know, by a vote of 7 in favor, 2 opposed, with 4 abstentions. Two members

noted reservations. And the second paper was forwarded from the Steering Committee by a vote of 7 in favor to 3 opposed with 3 abstentions; two members noted reservations.

I would like to recapitulate briefly the views expressed by the United States representative in the committees, especially in the Steering Committee, on these two papers.

The first paper is the need for Japanese agents abroad for trade purposes. My delegation feels that this is an important paper from the point of view of Japan's economy. As the members of the Commission are abundantly aware, strenuous efforts are being made to enable the Japanese economy to attain a basis of self-support. The United States Government, ever since the beginning of the occupation, has had a constant drain on its financial resources to meet certain essential deficiencies in the Japanese economy. Consequently, the United States is perhaps especially interested in seeing that the Japanese are given an opportunity to redouble and intensify their own efforts to expand their foreign trade.

A good deal of the trade which the Japanese can carry on abroad is trade in small amounts. Many potential purchasers or sellers in foreign areas are not equipped to handle this matter. If left to their own initiative to make inquiries on their own behalf quite often they will take no action. If the Japanese have their own representatives in countries or areas where there may be an interest in some Japanese product, if these representatives are qualified and equipped to answer information about current trade practices in Japan, about what is available, oftentimes trade will result which in the absence of these representatives would not be forthcoming.

As to the second paper, the United States representative in the Steering Committee has explained that there are many or several hundred thousand of Japanese abroad, principally in a few countries. The vital statistics, personal property records, personal property matters relating to these Japanese nationals require a great deal of time and attention. In one country, in Brazil, the Swedish Govern-

ment has been in charge of Japanese interests for a considerable period of time. The Swedish Government has not been paid for the services it has rendered on behalf of Japanese nationals in these vital statistics, personal status matters. We, or the United States Government, are advised that because of the heavy burden on Swedish representation and the extra expense involved, the Swedish Government will probably feel compelled, perhaps early in the year, to discontinue the representation of this type of function on behalf of Japanese nationals. It therefore is important, in the view of my Government, that the Japanese--that arrangements be made whereby the Japanese can send agents of their own to these countries to take care of these matters which are important to Japanese nationals, but which are not of special importance perhaps to other countries.

I would like to point out also that the appointment of the Japanese agents would be subject to the approval of both SCAP and the receiving country. No country which does not wish to receive Japanese agents for either of the purposes would be required to receive them under the proposed policies.

Some reference has been made to the fact that Japan does not have a peace treaty and until it has a peace treaty it is therefore inappropriate that Japanese be permitted to go abroad for these rather restricted purposes. It does not seem to my delegation that that argument stands up well. We know the experience of some of the former enemy countries in Europe where, in 1945, some of the governments represented at this table agreed that diplomatic relations could be looked into by those countries--the question of re-establishing diplomatic relations with the former enemy countries. We know that diplomatic relations were established; we know that those relations were in effect with some of these former enemy countries a year and a half--almost two years--before the going into effect of the peace treaty. In Japan we have had a government in existence for over two

years which was elected under a new and democratic constitution pursuant to the general policies of the Allied Powers and the policies of the Far Eastern Commission.

As I have said, the United States regards both of these papers as important and as urgent. We realize that some governments have not yet received instructions. We realize also that some governments have not as yet seen their way clear to going forward with these papers. It is our earnest hope that during the next two weeks, ten days or two weeks, the governments which have not seen their way clear to going forward with these matters can give them further consideration and that early in the new year the Commission will be able to take action on the papers, and, of course, we hope in an affirmative manner. My Government feels strongly that it is important that the countries represented at this table take the lead in encouraging Japan progressively to resume peaceful contacts with other countries.

Are there any other comments, or do the representatives prefer to leave the matter for consideration at the next meeting? The meeting is of course open for comment on the part of any representative.

MR. GRAVES: Mr. Chairman, I would like to say a word or two on the first paper, FEC-345.

I wonder whether occasionally we are not prone to overlook some of our own policies and we have passed a number of important policies bearing on this subject. The most important is a policy we passed on the 21st of October 1948, FEC-293/12, which was designed to give a measure of freedom for the travel outside Japan of Japanese commercial representatives. That policy provides that "in order to widen the scope of trade and to further the policy of preventing Japanese monopolies in foreign trade, a limited resumption of private trade contacts by the travel of Japanese commercial representatives

abroad may, subject to the approval of the country of destination, be permitted under" certain conditions which follow. The policy also then provides that, "The activities of Japanese commercial representatives abroad should be confined to trade. They should not be a cover for other activities such as for instance those of a political or propaganda nature". That policy met the wishes of the Commission and it certainly met the wishes of my own Government. We consider that for the time being that policy is all that should be required for the normal expansion of Japanese trade, and it does give very adequate facilities, in our opinion, for Japanese commercial representatives.

This policy which we have before us now of course goes a little bit farther. But we ourselves don't feel any need to invite other official representatives of Japanese trade. We can under this policy, if we wanted to do so, invite Japanese private trade representatives to British territory and it doesn't appear to us there is any ground for the stationing of Japanese official trade representatives in the United Kingdom until it's clear that the earlier policy no longer meets the situation. Well this is not so at present, nor do we think that any good case has been made out for sending such trade representatives to other countries before a peace treaty is signed.

For those reasons, Mr. Chairman, we cannot support FEC-345. That is the position which I have been instructed to state and that will be our position when the paper comes before us at a later date.

MR. HAMILTON: Are there any other comments?

MR. LOZADA: Mr. Chairman, the Philippine delegation fully agrees with the statement made by the United Kingdom. We have given serious thought to these policy proposals. We are very much concerned about the entry of Japanese into the Philippines as it would arouse latent antagonisms of the Philippine people who suffered very greatly

under the brutal treatment of the Japanese military forces and civilians as well.

The position taken by the Philippine delegation at the 157th meeting of the Steering Committee on December 13 was the result of consideration of three important items: first, Japan's legal right to assume consular responsibility; second, the policy of the Philippine Government on trade relations with Japan; and third, the prevailing antagonism in countries which suffered very greatly under the oppressive rule of the Japanese army.

Mr. Chairman, our position in opposing this paper has not changed.

MR. HAMILTON: As United States representative I would like to remark, in reference to the comments of the Philippine representative, that under the paper as now before the Commission no country would be required to receive Japanese agents unless that country itself signified its full assent.

Are there any other comments?

MR. VAIDYANATHAN: Mr. Chairman, my delegation thinks that it is very important for countries to receive the Japanese trade agents, but as you suggested just now there won't be much difficulty if this paper is passed because it entirely depends on the country to receive the Japanese trade agent or not. So if some country wants to receive a Japanese trade agent, if there is a Far Eastern Commission policy decision to that effect then it will be following a policy decision of the Far Eastern Commission in the case of a country taking unilateral action. So if the United Kingdom, for example, or Australia, or the Philippines, is not prepared to receive trade agents, then it is left to them. But if there is a policy decision on the matter then a country which wants to receive trade agents will be following the Far Eastern Commission policy. Otherwise they may take unilateral action which would be against Far Eastern Commission policies.

MR. GRAVES: Mr. Chairman, I should like to interpose for a moment to say that we are not against receiving Japanese trade representatives. It's the question of the official status of those representatives which is alluded to and provided for in this paper. We do receive Japanese commercial representatives of course to do the things which are provided for in the policy which we helped to pass. It is that we consider it to be an adequate provision for the expansion of Japanese trade through the provisions of that particular policy. It is the extended nature of the policy which we now have before us in FEC-345, Japanese Official Agents, that we think in the circumstances is not required. I don't want anyone to get the impression that we are against the proper expansion of Japanese trade because we are in favor of adequate expansion. It's just the official nature that we are against until there is a peace treaty.

MR. HAMILTON: The United States delegation of course regrets to find itself in opposition to the views of the United Kingdom representative. In our view the Far Eastern Commission policy decision which was passed over a year ago is useful insofar as it goes. We think that the experience of mercantile countries in modern times demonstrates the utility and need of official representatives in addition to private representatives. We think that the history of every great trading and commercial nation, in which we would put toward the front the United Kingdom, is striking evidence of the expansion of trade, the facilitation of trade that results from the stationing in foreign areas of official representatives especially competent to give information and to look into matters which private trade representatives are not capable of furnishing.

I would again refer to the statement I previously made that if any country is disinclined to receive official agents or feels that those agents may engage in undue activities, the receiving country can by agreement with Japan define and delimit the functions

and activities of the Japanese official trade agents.

MR. GRAVES: Mr. Chairman, I would like to ask one question. During this period, that is, before a peace treaty, what facilities are open to official representatives of foreign nations to get in touch with the Japanese Government, otherwise to have the facilities which officials normally have in countries which are exercising sovereignty?

MR. HAMILTON: I think the United Kingdom representatives knows better than I do what the arrangements are in Japan for the carrying on of Japanese trade and for Japanese trade matters by the official representatives of foreign countries. That would take a pretty extended answer, would it not?

MR. GRAVES: I just wondered whether they have complete facilities.

MR. HAMILTON: No, they would have some restrictions. As I understand the matter there are some restrictions. This proposed policy decision does not contemplate that Japanese representatives abroad would necessarily have all the functions of official representatives in times of peace. That's a progressive matter.

MR. LAKING: Mr. Chairman, my delegation would prefer to see any intensive consideration of these matters delayed at least until early in the new year. That is for the reason that my delegation has no instructions on these matters. My delegation, therefore, is not immediately in a position to take any intelligent part in the discussion. It is the desire on the part of my Government to delay the consideration of these matters and I would expect that by the new year we might be in the position to proceed as far as my delegation is concerned. But at the moment we are not able to do that.

MR. HAMILTON: Well it would be my suggestion that we pass over these papers until early in the new year at which time my Government hopes that we can proceed to a vote. As I say, we continue to hope that the vote will be favorable.

MR. HAMILTON: We now pass to other items on the agenda. We have items 3-10. I would invite comments on any of those items.

MR. VAIDYANATHAN: Mr. Chairman, before we pass on to other items, may I refer back to Item 2 with your permission. Item 2 b, Japanese Official Agents Abroad for Handling Civil Status and Property Matters, FEC-346.

The United States delegate at the Steering Committee voted against the whole paper because he didn't agree with paragraph 2 in the paper. In your preliminary comments this morning you have given an idea that you accept the paper. So I would like to know whether the United States has changed its position regarding paragraph 2 in this paper. Oh, I am sorry. It is not on the agenda.

MR. HAMILTON: We will pass on to other items then if that is agreeable with all the members.

MR. BAZYKIN: Mr. Chairman, I would like to speak on Item 6, Participation of Japanese Trade Unions in International Trade Union Conferences.

ITEM 3 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)

- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIP-BUILDING AND SHIPPING (FEC-297/10)

ITEM 4 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)

ITEM 5 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)

(No discussion of the above-listed items.)

ITEM 6 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)

MR. BAZYKIN: Mr. Chairman: "At the meeting of the Far Eastern Commission on December 15, the United States representative submitted his reply to the Soviet delegation's statement of December 8 on participation of Japanese trade unions in international trade union conferences and stated the position of the United

States delegation on this question.

"In his reply the United States representative did not deny that General MacArthur was pursuing the policy of discrimination against the progressive Japanese trade unions, in particular, against the All-Japan Liaison Council of Labor Unions (Zenroren) which unites four million workers of Japan and is affiliated with the World Federation of Trade Unions. And it was natural that the United States representative could not deny this clearly obvious fact. Therefore, the United States representative tried to justify General MacArthur's policy of discrimination. However, being without any convincing arguments, the United States representative resorted to the notorious fabrications of certain schismatic trade union leaders and presented these fabrications as proof of his arguments to justify General MacArthur's policy of discrimination.

"The unfoundedness and the tendentious character of these fabrications in respect to the World Federation of Trade Unions as well as the purposes pursued by the schismatic trade union leaders acting on the instructions of their imperialistic bosses are clearly obvious. As is known, the World Federation of Trade Unions is a genuine international organization which unites within its ranks 72 million trade union members representing almost all the countries of the world. This organization practices no discrimination, either political, national, or religious, and all its activities are based on the respect of opinion of all the organizations represented in it. This organization is being guided in its activities by the most important objectives of the international trade union movement, such as the improvement of economic and social conditions for the working people, the assurance of their democratic rights, and the assurance of peace and friendship among nations. It is also known that the

World Federation of Trade Unions for a long time has been the only non-governmental organization which, through its centers and its propaganda, disseminated the principles of the United Nations throughout the world.

"The Peking Congress of trade unions of Asia and Australasia, the participation in which of the Japanese trade unions affiliated with the Zenroren was not permitted by General MacArthur, constituted the largest event in the workers' movement. The schismatic trade union leaders of certain national trade unions of Europe and America, in defending the imperialistic policy of their governments, strove to obstruct the unity of trade union movement in Asiatic countries.

"However, notwithstanding their efforts, the Peking Congress was of a tremendous success. It is quite natural that in their statements and resolutions the delegates to the Congress expressed ardent aspirations of the working people for the rights to self-determination and complete national independence, their aspirations to do away with all kinds of discrimination, based on race, color of skin, nationality or religion, in the trade unions of Asiatic countries, and their aspirations for the establishment of labor legislation to guarantee the protection of the interests of the working people in their respective countries. The work of this Congress, which discussed the questions of protecting the interests of workers in Asiatic countries was directly concerned with the activities of Japanese trade unions and, consequently, General MacArthur had no ground to reject the request of Japanese trade unions for the permission to their representatives to attend this Congress. Likewise, General MacArthur had no grounds to deny the permission to the representatives of Japanese trade unions to attend other trade union conferences mentioned in the Soviet delegation's

statement of December 8.

"In trying to justify General MacArthur's policy of discrimination, the United States representative cited certain provisions from the Far Eastern Commission policy decision 'Basic Post-Surrender Policy for Japan'. In particular, he cited the provision which states that it is to be an objective of post-surrender policy to bring about the 'earliest establishment of a democratic and peaceful government which will carry out its international responsibilities, respect the rights of other nations, and support the objectives of the United Nations'. As is clearly seen, this passage does not exclude, but on the contrary, does confirm the necessity for Japanese trade unions to participate in international trade union conferences held on the initiative of the World Federation of Trade Unions, which is consistently carrying on the struggle for peace against the preparation of a new war. In support of this, it will be sufficient to cite the following passage from the Manifesto of the Second World Trade Union Congress adopted in Milan in July of 1949:

'In the interests of peace and general security, the World Federation of Trade Unions vigorously opposes the fascist regimes in Spain and Greece and acts to secure the speediest and most genuine demilitarization and democratization of Germany and Japan--which is an essential factor for peace and the security of the peoples.

'The World Federation of Trade Unions is active in the world-wide peace movement and heads the struggle of the working class against the warmongers in behalf of stable and lasting peace.'

"The United States representative considers trade union statements for the defense of peace and national independence of the peoples as 'inciting revolt' etc., but he can hardly deny

the fact that the workers' movement for democratic rights and freedoms, for national independence and for stable and lasting peace is a legitimate and widely-accepted movement in every genuine democratic country. The participation in this movement or in political activity as well as the support of political parties cannot deprive the trade unions of the character of a trade union organization, as the United States representative tried to assert in his statement. In connection with this, it should be reminded that in the policy decision of the Far Eastern Commission 'Principles for Japanese Trade Unions' of December 6, 1946, it is specifically provided that:

'Trade unions should be allowed to take part in political activities and to support political parties.'

"Thus, it is quite evident that the policy of discrimination pursued by General MacArthur cannot be justified by those arguments which were advanced by the United States representative in his statement. Even the more, such policy cannot be justified by references to the policy decision 'Basic Post-Surrender Policy for Japan' which directly states that:

'Laws, decrees, and regulations which establish discrimination on grounds of race, nationality, creed or political opinion shall be abrogated.'

"It is clear from the aforesaid that the policy of discrimination pursued by General MacArthur against Japanese progressive trade unions is in direct contradiction with the policy decisions of the Far Eastern Commission 'Basic Post-Surrender Policy for Japan' and 'Principles for Japanese Trade Unions'.

"As regards the 'inciting' of which the United States representative spoke, it is the very feature of the work of the international conferences convoked by the 'true trade unions', as the United States representative called them, for the par-

ticipation in which General MacArthur's headquarters, without any hindrance, issues permits to the representatives of the so-called 'Democratization League' which depends on the Japanese government.

"This is confirmed, for example, by the statement of Irving Brown, one of the notorious schismatic leaders of American trade unions, at the conference held recently in London. Brown openly stated in his statement that one of the objectives of a newly-created schismatic trade union center was to 'help to overthrow the existing governments in Eastern Europe'. It is clearly seen from this statement, what objectives are being pursued by this organization claimed by the United States representative to be a 'true trade union organization'.

"In his preliminary statement at the Far Eastern Commission meeting on December 3 on the subject under discussion, the United States representative spoke of the accomplishments made by General MacArthur in the field of democratization of Japan, and stressed that the Allies should feel pride in these accomplishments.

"In connection with the subject under discussion, I would like to refer to the facts adduced in the statements of the Soviet delegation on the labor question which show that as a result of the revision of labor legislation made at the demand of General MacArthur, the Japanese workers were deprived of their elementary democratic freedoms and rights to protect their interests. From the report published in the 'New York Times' of December 14 it is seen what rights remained in the hands of Japanese workers to defend their interests. This report says that 104 leaders of the Japanese Railway Union resorted to a lengthy hunger strike, eight of them going foodless for nine-five hours. The hunger strikers demanded the rise in wages and payment of bonuses to the workers. Thus, Mr. Chairman, you see

to what methods the Japanese workers are forced to resort to defend their interests.

"Perhaps you, Mr. Chairman, as the United States representative are inclined to consider this as 'the accomplishments' of General MacArthur, but I do not believe that there could be found impartial persons who would share the pride of the United States representative in these 'accomplishments'.

"Only thus one can explain General MacArthur's efforts to isolate by the iron wall the progressive Japanese trade union organizations defending the interests of Japanese workers and striving for the democratic reforms in Japan from the contacts with international workers' organizations affiliated with the World Federation of Trade Unions.

"The Soviet delegation expresses its hope that the Far Eastern Commission will take measures to assure the discontinuance by the headquarters of the Allied Supreme Commander of the policy of discrimination against the aforesaid Japanese trade unions, and to assure these trade unions the possibility of sending their representatives to international trade union conferences."

That is all, Mr. Chairman.

MR. HAMILTON: Is there any comment by any delegation?

(No response)

MR. HAMILTON: I assume that the representatives of the other governments have read and considered the statement made by me as United States representative at the last meeting on this subject.

The gist of that statement was that this Commission, in its policies, and the Commander in Chief for the Allied Powers, in the discharge of his responsibilities, are dedicated to the emergence of a Japan which respects the rights of other nations and which can be brought into peaceful relationships with those nations. In the

exercise of the Supreme Commander's responsibilities certain Japanese trade unionists who wish to attend certain meetings were denied permission to leave Japan for that purpose. These meetings, as shown by the Manifestoes issued at the meetings themselves, criticized a number of governments including a number of governments represented at this table for what was claimed to be ruthless exploitation of peoples. These meetings called upon the peoples of these countries to rise up in armed partisan activities. I think it is incidental that the meetings in question had to do with the subject of labor and professed to have to do with the subject of labor. They might have had to do with activities of any character. If those activities had as an important part the inciting of people to armed revolt, the encouragement of people to enlist in what is called partisan units, it seems to the United States delegation obvious that it was a clear duty of the Supreme Commander, under the Commission policies, to deny permission of Japanese to attend such meetings.

I would like to read one or two excerpts from the Manifesto of the Peking Conference to which reference was made in my statement last week.

"But British, French, and Dutch imperialists have gone back upon their promise. They have undertaken an armed offensive against the national liberation movement of the peoples of Asia. American imperialism has taken the lead in this offensive and is arming the reactionary forces of Asia.

"The popular masses in a number of oppressed countries in Asia, such as, for instance, Viet Nam, Malaya, Indonesia, Burma, the Philippines, and Southern Korea, unable to bear any longer the cruel yoke of imperialism, have taken up armed resistance, are organizing popular units which fight partisan warfare, are setting up partisan areas and large or small liberated areas, and are carrying on a relentless struggle against the onslaughts of the imperialists and their agents.

"The conference expresses its admiration for the national heroes leading a patriotic struggle in a just one, through which the peoples can achieve, under a good leadership, at the end of all their efforts and sacrifices, their sacred aim: freedom and national independence.

"In India, tens of thousands of active trade unionists and members of other progressive democratic organizations have been imprisoned.

"In Burma democratic organizations are persecuted, their militant members arrested, and in the concentration camps torture and murder are a frequent occurrence.

"In Siam the democratic forces are hunted by the reactionary regime backed by American imperialists.

"The conference calls on the workers and on all the oppressed peoples of Asia to resist determinedly the armed offensive of the colonialists, and to give all the help that they possibly can to the patriots waging a hard struggle to defend independence and freedom of their country.

"Workers and trade unionists of the oppressed countries of Asia: Your delegates to the conference have related how, when you can no longer carry on your action in the cities under white terror, you rejoin the areas under partisan control to rally their units. Through relentless struggle you broaden and strengthen the role of the working class...as the backbone and the leader of these armed people's units."

Is there any further comment on this item?

(No response)

MR. HAMILTON: If not, the meeting is open for comment on any of the other items down to other business.

ITEM 7 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)

ITEM 8 - REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)

ITEM 9 - REPARATIONS REMOVALS; ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)

ITEM 10- ECONOMIC STABILIZATION IN JAPAN

(No discussion of above-listed items.)

ITEM 11- OTHER BUSINESS

MR. HAMILTON: Under other business I would remind the Commission that in accordance with the views expressed at the last meeting there will be no meeting on Thursday, 29 December, and the next meeting will be on January 5. The Steering Committee agreed at its Tuesday meeting to postpone its regular meeting next week and it will meet accordingly for the next time on January 3.

Are there any other items?

(No response)

MR. HAMILTON: If not, the meeting will stand adjourned.

(The meeting adjourned at 11:30 A.M.)

CONFIDENTIAL

FAR EASTERN COMMISSION

Transcript of 178th Meeting of the Far Eastern Commission

Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.

Thursday, January 5, 1950

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NOTE: The attention of all concerned is invited to the classification of this transcript which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

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FAR EASTERN COMMISSION

Transcript of 178th Meeting of the Far Eastern Commission
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, January 5, 1950

Representatives Present

Mr. M. M. Hamilton, Chairman	(United States)
Mr. D. McNicol	(Australia)
U Tin Maung	(Burma)
Mr. R. E. Collins	(Canada)
His Excellency Dr. W. K. Lee	(China)
Mr. J. Daridan	(France)
Mr. P. Vaidyanathan	(India)
Mr. G. J. Jobsis	(Netherlands)
Mr. D. Dunlop	(New Zealand)
Mr. M. Shafqat	(Pakistan)
Mr. F. Lozada	(Philippines)
Mr. V. I. Bazykin	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

Reporter: Mr. R. Helts, Department of State--FEC

(The 178th meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:40 A.M., 5 January 1950, Mr. M. M. Hamilton, Chairman.)

MR. HAMILTON: Good morning, gentlemen. The meeting is open.

ITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 177th MEETING

MR. HAMILTON: The first item is the correction and approval of the provisional minutes of the 177th meeting. The Secretary General advises me that he has some corrections.

MR. JOHNSON: Mr. Chairman, the Indian delegate has the following corrections:

On page 3, paragraph 13, line 2, for the word "important" insert the word "desirable".

On page 3, paragraph 13, line 7, after the word "Commission" insert full stop for the comma. Delete the rest of the sentence beginning with "and would obviate.....Commission policy".

MR. HAMILTON: Are there any other corrections or revisions?

(No response)

MR. HAMILTON: If not, the minutes will stand approved as corrected this morning.

ITEM 2 - JAPANESE PARTICIPATION IN INTERNATIONAL RELATIONS (FEC-339, /2, /3, /5, /6, /7, /8, /9, /11, /12, /13)

- a. JAPANESE OFFICIAL AGENTS ABROAD FOR TRADE PURPOSES (FEC-345)
- b. JAPANESE OFFICIAL AGENTS ABROAD FOR HANDLING CIVIL STATUS AND PROPERTY MATTERS (FEC-346)

MR. HAMILTON: The next item is Item No. 2 on the agenda, Japanese Participation in International Relations.

On this subject the Commission has before it two papers: Japanese Official Agents Abroad for Trade Purposes (FEC-345), and Japanese Official Agents Abroad for Handling Civil Status and Property Matters (FEC-346).

As the United States representative has pointed out on

several occasions, the United States Government regards both of these papers as urgent and important. The degree of urgency with respect to the second paper is somewhat greater than with respect to the first paper, in that the United States Government is receiving new information more or less constantly that the Swedish Government, which is handling Japanese affairs and civil status and property matters in Brazil, feels impelled to discontinue this function and will probably do so very shortly. So, if agreeable to the Commission, I would suggest that the Commission first consider the second of these two papers, Japanese Official Agents Abroad for Handling Civil Status and Property Matters.

Are there any comments?

MR. McNICOL: Mr. Chairman, with your permission, sir, I would like to speak on both papers. The reason for my desire in this connection will become apparent.

At the 158th meeting of the Steering Committee the Australian delegation noted that there was no provision in document SC-339/18, that is the document since divided into two parts as FEC-345 and FEC-346, whereby Japanese agents appointed to facilitate trade or handle matters affecting civil status or property rights of Japanese would be precluded from engaging in undesirable activities of a political or propaganda nature. The Australian delegation at that time recalled that a provision of this kind had been included in a similar policy decision adopted by the Commission on Travel outside Japan of Japanese Commercial Representatives. Paragraph 1 d of this policy decision states, "The activities of Japanese commercial representatives abroad should be confined to trade. They should not be a cover for other activities such as for instance those of a political or propaganda nature".

The suggestion that a provision be included in the two papers now before us was not taken up by the delegations which support the proposed policy decisions. The Australian delegation there-

fore, although not a proponent of these policies, submits the following amendment to both FEC-345 and FEC-346. The amendment is to add a second paragraph to read as follows:

"Before leaving Japan, Japanese agents appointed in accordance with the provisions of this policy decision, should be instructed to refrain from engaging in propaganda or subversive activities of any kind. Any agent failing to observe these instructions should be immediately recalled."

The Australian Government considers that the safeguard contained in this amendment is highly desirable since Japanese agents who may go abroad under the provisions of the proposed policies would, because of their official status, be in a position where any undesirable views, opinions or activities would carry additional weight. Moreover, we consider it undesirable that any Japanese traveling abroad should engage in activities of a propaganda or subversive nature. Thank you, Mr. Chairman. I shall distribute copies of this amendment.

(Copies of the proposed amendment were distributed to representatives.)

MR. HAMILTON: I would like to observe, in connection with the amendment proposed by the Australian representative, that my delegation feels that amendments of this character are not necessary and in general we feel that policy decisions of the Commission are phrased more in the tenor of policy decisions which should emanate from the Commission when they are couched in broad, general language. We think it reasonable to assume that policies will be carried out in an affirmative, definite manner in accordance with the broad statements included in policy decisions, that restrictive provisions--provisions of a, what I might call it, negative character in general are not needed and are not in keeping with the broad character of decisions which should emanate from the Far Eastern Commission. We feel that the policy decision should be broad and general and then we know that

on the administrative side SCAP carefully screens Japanese who are going abroad for any purpose. Because of those general considerations the United States delegation is not disposed to feel that these restrictive, detailed provisions of what, I would repeat, are in our opinion of a negative character are needed or have a place in policy decisions.

That's just a general observation. I would like to invite comment from other representatives on the Australian proposal.

MR. GRAVES: Mr. Chairman, in that regard I would like to draw attention to a precedent and a precedent which we considered rather a good one which is found in FEC-293/12, the policy to which I referred a fortnight ago and in which there is just the restriction, a restriction which was joined in by your own delegation, in that particular policy. That policy says:

"The activities of Japanese commercial representatives abroad should be confined to trade. They should not be a cover for other activities such as for instance those of a political or propaganda nature."

There is very little more in the Australian member's suggestion than we had in a policy which already is something everybody in this Commission has agreed to. And on the first reading of the Australian amendment I should feel that it strengthens considerably the policy which we are now trying to consider. So far as we are concerned, and I speak just on a superficial reading of the amendment, I think we should welcome this restriction.

MR. HAMILTON: I am of course aware of the previous policy decision and the provision in it to which the United Kingdom representative refers. The United States delegation still remains of the opinion that in the work of the Commission we should progress—we need not follow the same courses, especially when they are of the restrictive nature, as were followed at some times in the past. As time passes it seems to us appropriate that restrictions should be

less frequent and should be avoided whenever possible and that the Commission should stand upon broad, general statements and expect that they would be carried out in good spirit.

MR. VAIDYANATHAN: Mr. Chairman, to a certain extent I agree with you that there is already definitely stated in these two papers the purposes for which the Japanese officials are appointed abroad, but at the same time I cannot see any harm in including a paragraph like the one that the Australian delegate has introduced. I would very strongly support the United Kingdom delegate and I think no harm will be done by inserting this amendment. Probably we will be able to proceed ahead more quickly than we are doing now if this amendment is included.

MR. DARIDAN: Mr. Chairman, the French delegation is quite aware of the considerations which are back of the Australian proposal and if acceptance of the proposal is necessary to alleviate the Australian Government's preoccupations we certainly will not object and would gladly concur. On the other hand we agree with you that since Japanese agents going abroad are carefully screened by SCAP before they go, and since each and every government would purposely have the right to ask for the immediate recall of any Japanese agent engaging in subversive propaganda and subversive activities of any kind, it may not be indispensable to have the amendment. So, to sum up the French delegation's views, we feel very strongly that both papers should be passed in the interest of the Allied Powers and in the interest of the occupation itself. We will gladly vote for the view of the majority. If there is a majority in favor of these amendments we certainly won't object to their being passed; if these amendments appear unnecessary to ensuring voting on the two papers we can quite easily agree to the papers as they are. Thank you, Mr. Chairman.

MR. JOBSIS: Mr. Chairman, in general the Netherlands Government has the same point of view as my colleague from France has just expressed. We do not think it absolutely necessary to have these

Australian amendments incorporated in both policies; on the other hand we quite think that it might be easier if both these amendments were incorporated in the policies because it might ease the passage of the papers and might at the same time ease afterwards the different conferences that have to be held before different countries are going to agree to Japanese entering their countries. It is not necessary anymore to insist on such a point because a policy already contains that point of view. So I think on both counts it might facilitate matters if the amendments are accepted by the Commission. If their non-acceptance would endanger passage of the papers we would not object to their inclusion at all; we can also accept the policy without the amendments. But we think that as a matter of expediency it would be easier to have them embodied in both policies.

MR. HAMILTON: It is very helpful to get these different expressions of view. I wonder whether some of the other representatives could give their views.

MR. LOZADA: Mr. Chairman, I would like to speak on this Australian amendment. I will, of course, have to refer this to my Government for comment but I believe that the Philippine delegation can fully agree with the views of the Australian delegation. But that does not in any way affect our former views.

MR. VAIDYANATHAN: Mr. Chairman, I may add to the point I made earlier. If I remember correctly, at the Steering Committee level, on another paper, the American delegate was prepared to accept a similar statement included in the paper and I can't understand why the United States cannot accept it in these two papers when they were prepared to accept the same thing in the other paper.

MR. HAMILTON: The difference--not in the Steering Committee but in reference to the paper which the United Kingdom representative has mentioned--is that some one year or fifteen months have passed and we believe that as time passes the restrictive measures should be eased. I have expressed the general disinclination of the United

States delegation to go along with the argument favoring amendments of a restrictive and negative character. In view of the comments made the United States would be prepared to go along with this amendment provided the last sentence is deleted. The United States could not be able to accept the last sentence. It seems to us that the inclusion of punitive provisions is not consistent with general practice in the Far Eastern Commission. It seems to us also that the matter of enforcing penalties would cut across the responsibility that belongs to SCAP for seeing that policy decisions are carried out. My delegation therefore, though reluctantly, is prepared to accept the first sentence of the Australian proposal but hopes very much that the Australian representative could see his way clear to deleting the last sentence.

MR. McNICOL: Mr. Chairman, in the same spirit of compromise I am prepared to withdraw the last sentence of this proposed amendment. I imagine that SCAP will come to know of the suggested last paragraph and that he will be aware of the Australian Government's views on that, and it is a reasonable assumption, I think, that SCAP would no doubt recall any Japanese who contravene provisions of the policy. So I withdraw the last sentence of the amendment.

MR. HAMILTON: I appreciate the Australian representative's attitude and thank him for it.

I wonder whether the Commission would like to proceed to a vote on this amendment this morning or whether it would prefer to postpone consideration of the amendment and have the papers until the next meeting. The United States delegation feels that it is very important that we come to a vote on the paper no later than the next meeting, but if it is the wish of the various delegations to consider the amendment and the voting together we would be prepared to postpone both of them. Or we would be prepared to proceed with the vote on the amendments this morning. Is there any expression of view on that?

MR. LOZADA: Mr. Chairman, I would suggest that the voting on this amendment be postponed until the next meeting so that I may get my instructions.

MR. HAMILTON: Would it be helpful to any of the other members?

U TIN MAUNG: Mr. Chairman, I would also like to have this postponed until the next meeting so that I can have full instructions on this amendment.

MR. HAMILTON: If that is generally agreeable, we will postpone the voting until next week, it being hoped by the United States delegation that the vote will be proceeded with then, that the Australian amendment will be voted on, and that then we can proceed with a vote on both of the papers.

MR. GRAVES: Mr. Chairman, am I right in thinking this amendment is put in in regard to both papers?

MR. HAMILTON: That is my understanding. Is that correct?

MR. McNICOL: That is correct, sir.

MR. DUNLOP: Mr. Chairman, before we leave the papers, in the last sentence of each there is the phrase "for the purposes of" and I was wondering whether it had any significance because the usual phrase would be "for the purpose of". It seems to me to make the sentence extremely awkward.

MR. HAMILTON: My offhand surmise is that that resulted from the fact that the papers were severed. It was one paper and then it was severed in two.

MR. McNICOL: Mr. Chairman, it would appear to me that it would be in the singular in FEC-345 but quite properly the plural in FEC-346 because there are two functions defined in FEC-346.

MR. HAMILTON: Well this is a matter in which the United States delegation finds itself in the happy position of being able to approve anything that is decided.

MR. DUNLOP: I haven't moved an amendment, Mr. Chairman. I just felt that it might be better if we might leave it to the Secre-

tariat to decide whether it is significant or not.

MR. JOHNSON: We will examine it, Mr. Chairman.

MR. HAMILTON: We will leave it to the Secretariat until the next meeting at least.

We will then pass to other items on the agenda. It is quite a formidable list, Items 3 to 10.

ITEM 3 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)

ITEM 4 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)

(No discussion of the above-listed items.)

ITEM 5 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)

MR. BAZYKIN: Mr. Chairman, I would like to make a reply on Item 5 to the United States statement of November 17, and, Mr. Chairman, in order to save time of the representatives around this table the statement will be read only in the English translation.

"At the meeting of the Commission on November 17, 1949, the United States representative submitted his reply to the Soviet delegation's statement on labor policy of October 27, 1949. In connection with this statement of the United States representative the Soviet delegation deems it necessary to draw the attention of the Commission to the Soviet statement on labor policy of July 21, 1949, which the United States representative had passed by in silence in his reply. In that statement the Soviet delegation has already rebutted the United States representative's assertions that the labor policy pursued by the United States authorities in Japan was not, allegedly, in contradiction to the Potsdam Declaration and the policy decisions of the Far Eastern Commission.

"This morning, the Soviet delegation wishes to touch upon certain questions raised in the United States representative's

statement of November 17, and in this connection to draw the attention of the Commission to the letter of December 21, 1949, sent by Lieutenant-General Derevyanko, Soviet representative on the Allied Council for Japan, to the Supreme Commander. General Derevyanko has shown in his letter that the developments of recent months have confirmed the accuracy of the warnings made by the Soviet representatives to the effect that the policy of connivance and indulgence on the part of the occupation authorities toward the anti-democratic actions of the Japanese Government is contrary to the Potsdam Declaration and the policy decisions of the Far Eastern Commission and creates a real threat of old fascist order re-emerging in Japan. General Derevyanko has stressed that the recent period in Japan has been characterized by a further intensification of mass policy reprisals, by new acts of brutal police mobbing of participants in meetings and demonstrations, by mass arrests and imprisonment of hundreds of Japanese workers, trade union leaders and progressively-minded persons, by prohibition of the legitimate activities of trade unions and other public organizations, by persecution of the democratic press, and by the issuance of new anti-democratic regulations and orders.

"In support of the aforesaid General Derevyanko has pointed out numerous cases of new police reprisals which have recently taken place in Japan. Thus, for example, besides the well-known cases of bloody suppression of the peaceful demonstration before the Tokyo Municipality Building and of the steel workers strike in Hiroshima, mass illegal arrests of workers of the electrical company plant 'Tokyo Shibaura' in Kamo and the pharmaceutical plant 'Wakamoto' in Tokyo, the following police reprisals have taken place recently:

"According to a Kyodo report of July 17, 1949, a detachment of armed Japanese police, numbering 400 men, dispersed on July 16

a mass meeting of coal miners in Takahagi (Ibaraki prefecture) who demanded only that an illegal order for discharge of sixty workers be revoked. Twenty-three workers participating in the meeting were arrested by the police.

"During the month of August the Japanese authorities, with the direct support of the occupation authorities carried out a pogrom campaign against the democratic labor press which, according to the Japanese newspapers, led to the arrest of some 180 officials and employees of the labor press as well as progressive public leaders, many of them being brought before military courts and sentenced to penal servitude. In Urawa several Japanese public workers in the field of education and culture were likewise brought before military courts and sentenced to penal servitude and that was done only because of their participation in the demonstration protesting against the prohibition of political activities of students and professors.

"In their attempts to justify these acts of police arbitrariness and mass arrests, the Japanese authorities have recently organized a number of provocative court proceedings, surrounding them with all sorts of precautionary police measures to prevent publicity (only a handpicked audience with special permits was allowed admittance to the court rooms; press reports on the court proceedings were prohibited; et cetera).

"This is a list, which is far from being complete, of police reprisals which have recently taken place in Japan.

"Besides that, as it was pointed out in the Soviet delegation's statement of October 27, 1949, and in other Soviet statements on labor question, the Japanese authorities are openly utilizing mass discharges in government enterprises and institutions in order to expel progressive trade union leaders and persons undesirable by management as well as in order to split up and destroy the trade union. The United States repre-

representative in his statement of November 17, 1949, attempted to challenge this fact; however, General Walker, Commanding General of the Eighth Occupation Army, in his statement of September 15, 1949, actually confirmed the fact that the Japanese Government was utilizing mass discharges for political purposes.

"The United States representative in his statement of November 17, 1949, also attempted to justify the issuance by the Japanese National Personnel Authority of a regulation of September 17, 1949, prohibiting the workers of government institutions from engaging in political activities. The United States representative asserted that this regulation was not 'a new decision' but merely implemented the revised National Public Service Law. The unfoundedness of this argumentation is quite obvious for it is known that the revision of the National Public Service Law constituted a direct violation of the Potsdam Declaration and policy decisions of the Far Eastern Commission on democratization of Japan.

"The deprivation of government workers of their elementary political rights constitutes an unprecedented reactionary measure which could have been carried out by the Japanese Government only with the open support on the part of the occupation authorities. As is known, according to the above-mentioned regulation of the Japanese National Personnel Authority all government workers, who are trade union members, numbering over one million, are prohibited from supporting and criticizing political parties and organizations, participating in their leadership, criticizing the existing cabinet, demanding the dissolution of any organization or the discharge of any government official, participating in political campaigns, organizing demonstrations and meetings, publishing and distributing printed party publications, making speeches and statements of their political views, as well as from writing books and articles on

political subjects, et cetera. Persons violating this regulation are subject to imprisonment for up to three years and to a fine of 100 thousand yen.

"This regulation is an entirely open and demonstrative violation of the Potsdam Declaration which provides that 'freedom of speech, of religion and of thought, as well as respect for the fundamental human rights shall be established' in Japan and of paragraph 6 of the Far Eastern Commission policy decision 'Principles for Japanese Trade Unions' which provides that 'trade unions should be allowed to take part in political activities and to support political parties'.

"It has also been said in the above-mentioned letter of General Derevyanko that many Japanese trade unions have approached him with petitions in which this measure of the Japanese Government is qualified as 'complete suppression of basic human rights and trade union activities' and as leading to 'the revival of militant fascism'.

"General Derevyanko has pointed out that the measures of the Japanese Government and of the United States occupation authorities, without whose knowledge they could not have been carried out, are at present directed not toward the democratization of Japan in accordance with the principles of the Potsdam Declaration and the policy decisions of the Far Eastern Commission but pursue the aim of suppressing the elementary democratic freedoms and political rights of the Japanese people, which leads directly to the re-establishment of the fascist order prevailing in Japan before the surrender.

"The Soviet delegation is of the opinion that the Far Eastern Commission cannot bypass these facts of direct violation of the decisions previously adopted by the Allied Powers.

"The Soviet delegation believes that the best solution of

this problem would be the adoption of the Soviet proposals on labor question, as shown in FEC-318/22, which provide for the necessity of taking measures to abrogate the revised labor laws which are contrary to the Potsdam Declaration and the policy decisions of the Far Eastern Commission."

That is all, Mr. Chairman.

MR. HAMILTON: The Soviet representative's statement will be before the members of the Commission who will wish to examine it. In doing so I would suggest that the members of the Commission also examine the statements made by the United States representative and material supplied by the United States representative on labor policy in Japan. I would call especial attention to FEC-318/24, the United States analysis of the Soviet statement, which contains a detailed analysis of specific charges made by the Soviet representative, replies to those charges and quotations from the pertinent Japanese labor legislation. I would call attention also to the United States statement at the 160th Far Eastern Commission meeting of July 13, 1949, FEC-318/25, and to the further statement, United States statement, contained in FEC-318/30.

The letter to the Supreme Commander to which the Soviet representative refers from the Soviet representative on the Allied Council for Japan contains charges that the National Public Service Law is a violation of the Potsdam Declaration and decisions of the Far Eastern Commission, that the Japanese Government with SCAP connivance is engaging in police club suppression ^{of} ~~and~~ trade union activities, and that the Japanese Government is illegally dismissing trade union leaders, teachers, et cetera. As I have stated, the United States member on the Commission has already set forth the views of the United States Government on the questions of the National Public Service Law in the statements to which reference was made. As to the police club law charge contained in the letter to the Supreme Commander from the Soviet representative in Tokyo, the detailed 13-page reply contained in the first document to which I made reference gives the United States statement and replies to the sweeping misleading charges previously made by the Soviet member. As for the question of dismissals of trade union leaders, professors and teachers, most of these dismissals were carried out, as the United States member has already pointed out to members of the Com-

mission in official statements, in connection with the stabilization program which entailed personnel retrenchment in government and private industry. All of these dismissals were carried out in accordance with Japanese law.

As to the charge that there has been dismissal of Japanese teachers on the ground that they were communist sympathizers, the information in possession of the United States delegation indicates that there has been some retrenchment in the faculties due to general retrenchment programs necessitated by economic measures. Our information also is to the effect that there have been in a few cases charges preferred against teachers for violating laws prohibiting the engaging in political activities under certain circumstances and on the part of certain government employees. All of this program has been carried out according to the information available to the United States delegation in accordance with Japanese law and procedure and there has been no discrimination against any person, except that discrimination, if it can be called discrimination--it is not the proper term, for some violation of the law. That is not discrimination in our use of the term.

The Soviet member on the Allied Council I understand made public the letter which he addressed to the Supreme Commander. The Supreme Commander, on December 22 last year, issued a statement which concludes as follows:

"The Soviet member has now given to the press a letter containing charges of suppression by the Japanese Government. These moth-eaten charges have been so often made by the Soviets and so often irrefutably shown to be completely prejudiced if not actually false that their continued repetition could well be ignored under normal circumstances as merely blatant propaganda. But when, as at this moment, they are again taken from the shelf and freshly dusted off as to act as a smoke screen to distract attention from the investigation of the dreadful fate

of hundreds of thousands of Japanese prisoners probably dead on Soviet soil, they represent a callousness of hypocrisy I cannot fail to denounce."

As I have said, the statement made by the Soviet representative this morning will be before the members of the Commission for their study, and I will suggest that in that study reference be made also to the documents to which I have called attention this morning.

Is there further comment?

MR. BAZYKIN: Mr. Chairman, I would like to point out that in the statement of the Soviet representative there are concrete facts but not propaganda as you cited from the answer of the Supreme Commander. Therefore, Mr. Chairman, I hope that the representatives around this table will get acquainted with the facts adduced in the statement and would consider the Soviet proposals on the labor question. That is all, Mr. Chairman.

MR. HAMILTON: Are there comments by any other representatives on this subject?

(No response)

MR. HAMILTON: If not, we will pass to the next group of items, Items 6 through 10.

ITEM 6 - REPORT OF COMMITTEE NO. 1 TO THE F.E.C. REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)

ITEM 7 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)

- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIP-BUILDING AND SHIPPING (FEC-297/10)

ITEM 8 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)

ITEM 9 - REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)

ITEM 10- ECONOMIC STABILIZATION IN JAPAN

MR. HAMILTON: Are there comments on any of these items?

(No response)

MR. HAMILTON: There appears to be no comment. We will then

pass to Other Business.

ITEM 11- OTHER BUSINESS

MR. HAMILTON: Does any representative have any matter of which he wishes to bring up under this heading?

(No response)

MR. HAMILTON: There is no item to take up under Press Release, the Secretary General informs me.

There being no further business, the meeting will stand adjourned.

(The meeting adjourned at 11:25 A.M.)

CONFIDENTIAL

FAR EASTERN COMMISSION

Transcript of 179th Meeting of the Far Eastern Commission

Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.

Thursday, January 12, 1950

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NOTE: The attention of all concerned is invited to the classification of this transcript which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

CONFIDENTIAL

CONFIDENTIALFAR EASTERN COMMISSION

Transcript of 179th Meeting of the Far Eastern Commission
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, January 12, 1950

Representatives Present

Mr. Maxwell M. Hamilton, Chairman	(United States)
Mr. D. McNicol	(Australia)
U Tin Maung	(Burma)
Mr. R. E. Collins	(Canada)
His Excellency Dr. W. K. Lee	(China)
Mr. J. Daridan	(France)
Mr. P. Vaidyanathan	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. D. Dunlop	(New Zealand)
Mr. M. Shafqat	(Pakistan)
Mr. F. Lozada	(Philippines)
His Excellency Mr. A. S. Panyushkin	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

Reporter: Mr. R. Holtz, Department of State--FEC

(The 179th meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:35 A.M., 12 January 1950, Mr. M. M. Hamilton, Chairman.)

MR. HAMILTON: Good morning, gentlemen. The meeting is open for business.

ITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 178th MEETING

MR. HAMILTON: The first item on the agenda, the correction and approval of the provisional minutes of the last meeting. The Secretary General has no corrections or amendments.

Are there amendments or corrections which any other member wishes to make?

(No correction indicated)

MR. HAMILTON: If not, the minutes will stand approved.

ITEM 2 - JAPANESE PARTICIPATION IN INTERNATIONAL RELATIONS (FEC-339, /2, /3, /5, /6, /7, /8, /9, /11, /12, /13)

- a. JAPANESE OFFICIAL AGENTS ABROAD FOR TRADE PURPOSES (FEC-345/1)
- b. JAPANESE OFFICIAL AGENTS ABROAD FOR HANDLING CIVIL STATUS AND PROPERTY MATTERS (FEC-346/1)

MR. HAMILTON: The next item on the agenda is Japanese Participation in International Relations, in connection with which the Commission has before it three papers. I would suggest that the Commission consider the Australian amendment to the first two papers, Japanese Official Agents Abroad for Trade Purposes, Japanese Official Agents Abroad for Handling Civil Status and Property Matters. The texts of these two proposed policy decisions are before you with the text of the Australian amendment which would apply to each paper.

Is there any discussion of the amendment?

DR. LEE: Mr. Chairman, the two items, a and b under Item 2, are really one subject both from the point of view of their character and the history of their discussion. The Chinese delegation, during the various meetings, has been viewing these two proposals with sympathy

and understanding and we have also indicated certain misgivings which we have entertained. In the light of the final instructions which we have received from our Government we shall have to abstain when the vote is taken on both papers.

As to the Australian amendment, we think it advisable that it be adopted for the simple reason that under certain circumstances to give additional guarantee to the receiving government may not be superfluous.

MR. PANYUSHKIN: Mr. Chairman, the Soviet delegation now is in a position to state its views on the papers under discussion.

"The Soviet Government has no objections to Japanese participation in technical agreements and conferences nor to the appointment of Japanese Government agents abroad for the purposes of performing trade and consular functions. The Soviet Government, however, considers that Japan can be granted such rights only after the conclusion of the peace treaty with that country.

"The proposal to grant Japan the rights provided for in the documents which were submitted for the consideration of the Far Eastern Commission, is no more than an attempt to delay the conclusion of the peace treaty with Japan, the necessity for which has been long overdue and the conclusion of which would have actually assured for Japan all those rights which are mentioned in the aforesaid documents."

U TIN MAUNG: Mr. Chairman, in the light of instructions received since the last meeting I am in a position to state the position of my delegation.

The Government of Burma, after careful and serious consideration of these proposals, has decided to approve the three proposals, Items 1 a, b and c, because the Government of Burma views that the Japanese should be associated in international relationships,

so far as they are prepared to observe the integrity of the countries where they are stationed and to abstain from activities which are of a political nature. Therefore, when these proposals are put to a vote the delegation of Burma will support all three proposals.

That is all, Mr. Chairman.

MR. HAMILTON: Are we ready to vote on the Australian amendments? If there is no objection, I would suggest that the vote be on making the amendments applicable to both papers rather than have separate votes, although if anyone desires separate votes we can have that. They are exactly the same amendment. Is it agreeable to proceed in that way?

(No objection indicated)

MR. HAMILTON: Will the Secretary General state the amendment to the first two papers.

MR. JOHNSON: The question, Mr. Chairman, is the Australian amendment which is to be found on the cover sheet of FEC-345/1 and FEC-346/1 which reads, add the following paragraph:

"Before leaving Japan, Japanese agents appointed in accordance with the provisions of this policy decision, should be instructed to refrain from engaging in propaganda or subversive activities of any kind."

This amendment has been offered as an amendment to both papers and as I understand it the vote is for the amendment to both papers.

MR. McNICOL: In favor.

U TIN MAUNG: In favor.

MR. COLLINS: In favor.

DR. LEE: In favor.

MR. DARIDAN: In favor.

MR. VAIDYANATHAN: In favor.

MR. REUHLIN: In favor.

MR. DUNLOP: In favor.

MR. SHAFQAT: In favor.

MR. LOZADA: In favor.

MR. PANYUSHKIN: Abstain.

MR. GRAVES: In favor.

MR. HAMILTON: In favor.

The tally is 12 in favor, 1 abstention, and the amendments are carried.

MR. LOZADA: Mr. Chairman, I would like to make it of record that my approval of the Australian amendment does not indicate any change in the Philippine position on both papers.

MR. HAMILTON: I suggest we're now ready to proceed with a vote on the first paper, Japanese Official Agents Abroad for Trade Purposes, as amended.

(Item 2 a, as amended, was then discussed as follows.)

MR. McNICOL: Mr. Chairman, before a vote is taken on these two papers, FEC-345 as just amended and FEC-346 as just amended, I would like to state for the purposes of the record that the Australian Government will not approve of the designation of Japanese official agents appointed under the provisions of these policies as consuls nor that they be accorded the rights and privileges of that rank. The views of the Australian Government on these papers have already been stated. However, whilst my Government cannot support the policies it considers that the acceptance of the Australian amendment to these policies makes them somewhat less objectionable. Therefore I will abstain from voting on both FEC-345 and FEC-346. Thank you, Mr. Chairman.

MR. REUCHLIN: Mr. Chairman, the Netherlands attitude towards these three papers is known to the members of the Commission as it has already been expressed in the Steering Committee. The Netherlands delegation is in favor of these three papers. However, as the Soviet Ambassador sees in the acceptance of these papers an attempt to delay the peace treaty, I must state that we don't have that opinion and therefore we don't think we can be guilty of participating in such

sinister plans. It may be, of course, that my Government and the Ambassador's Government have somewhat different views as to who is delaying the peace treaty. But that is not a matter of course which we have to discuss here at the present moment. I only wanted to state that I did not agree that by accepting these papers it is an attempt to delay the peace treaty.

MR. DUNLOP: Mr. Chairman, my Government doesn't feel that these papers which are usually connected with conceptions of sovereignty could be decided before the peace treaty, so that I am unable to support them. In the case of participation in technical agreements and conferences, my Government feels that adequate arrangements have already been made in policy decisions. I will therefore be voting against it.

MR. COLLINS: Mr. Chairman, my Government supports all three of these proposals, but for the record I should like to repeat what I had already said at the 157th meeting of the Steering Committee in connection with papers 345 and 346, namely, that support of these papers does not imply a political, moral or legal obligation on the part of any country to accept Japanese agents for these purposes.

MR. HAMILTON: Is there any further comment before we proceed to a vote?

MR. DARIDAN: Mr. Chairman, before we pass to the vote, I should like to make one small statement which I have already stated, that is, that the understanding of my Government is that the representative agents of the governments represented on the Commission in Japan should be granted the same rights, at least the same rights, that would be eventually granted to Japanese representatives abroad.

MR. HAMILTON: I think we can now proceed to a vote.

MR. JOHNSON: The question is document FEC-345/1, which reads:

"The Far Eastern Commission decides as a matter of policy that the Japanese Government may, with the approval of the
§ Supreme Commander for the Allied Powers, appoint agents in any

country willing to receive them for the purpose of facilitating Japanese trade.

"Before leaving Japan, Japanese agents appointed in accordance with the provisions of this policy decision, should be instructed to refrain from engaging in propaganda or subversive activities of any kind."

MR. McNICOL: Abstain.

U TIN MAUNG: In favor.

MR. COLLINS: In favor.

DR. LEE: Abstain.

MR. DARIDAN: In favor.

MR. VAIDYANATHAN: In favor.

MR. REUCHLIN: Yes.

MR. DUNLOP: Abstain.

MR. SHAFQAT: In favor.

MR. LOZADA: Against.

MR. PANYUSHKIN: Against.

MR. GRAVES: Abstain.

MR. HAMILTON: In favor.

I am sorry, I didn't hear distinctly the Soviet representatives statement.

MR. PANYUSHKIN: Against.

MR. HAMILTON: The tally shows 7 countries in favor, 2 opposed, 4 abstentions. The policy decision is defeated by virtue of the non-concurrence of one of the four countries whose concurrence is necessary. The paper did not pass.

We will next pass to a vote on the second paper, FEC-346/1, Japanese Official Agents Abroad for Handling Civil Status and Property Matters, as amended.

(Item 2 b, as amended, was then discussed as follows.)

MR. GRAVES: Mr. Chairman, we understand and sympathize with the

desire to permit the Japanese Government to dispatch official agents to certain countries where they have large Japanese communities in order to handle matters affecting the civil status or property rights of Japanese nationals. It is because we are aware of the burden at present borne by the United States and other states that we are willing to support the paper FEC-346/1. I may point out that there are no large Japanese communities in British territories and our support of this proposal does not imply that we will be willing to admit Japanese agents of this kind ourselves. Further, our support of the proposal is on the understanding that the agents which it would authorize the Japanese Government to send abroad will not have consular rank or privileges. If this paper is passed, we would like that qualification put in in any directions that may be sent because we attach considerable importance to that point, that the Japanese agents should not have consular rank or privilege if they are sent abroad.

MR. HAMILTON: Is there any other comment?

MR. VAIDYANATHAN: Mr. Chairman, I would like to ask a question which probably you may be able to answer.

At the Steering Committee level the United States delegate said that on the 22nd of November under protocol initialed by the United States, Great Britain and France on the one hand and the West German Federal Republic on the other they were considering allowing consular and commercial representatives. I would like to know whether any action has been taken in that regard. And I would like to know definitely whether the United Kingdom actually supported or still supports establishing consular and commercial relations with the West German Federal Republic. So there are actually two questions. One may be answered by you and the other question may be answered by the United Kingdom delegate.

MR. HAMILTON: The facts in the matter are stated in an official statement released by the Department of State the text of which is

of course available. Beyond that, I can give no further information than that the text of that official press release represents an accord among the governments mentioned in the press release. That's the situation.

MR. VAIDYANATHAN: Yes. Of course, from the press release one can understand that at least three countries intend to establish consular relations with Germany. That is what I understand. I don't know. Probably the United Kingdom delegate would like to correct me. What I am driving at is if such a relation could be envisaged by the United Kingdom between Germany on the one hand and the United Kingdom on the other, what is wrong with establishing relations between Japan on the one hand and the United Kingdom on the other? That is what my delegation feels.

MR. GRAVES: Mr. Chairman, insofar as the question is addressed to my delegation, I would suggest that the matter is not pertinent to the question we have before us. We are dealing with the question of the Japanese Government appointing agents and I don't think we have before us the question of any other government appointing agents. My information is not sufficient in any case to reply to the question addressed to me.

MR. HAMILTON: The United States delegation appreciates and is in accord with the viewpoint indicated by the Indian representatives. In statements made in the Steering Committee and this Commission during consideration of these first two papers before us now, the United States representatives have pointed out that in their judgment and in the opinion of the American Government it is not essential to have peace treaties in order to proceed with matters of this character. The general policy underlying the agreement to which the Indian representative made reference is set forth in the press release to which I have referred. That is all the information I have.

Are we ready to proceed with the vote?

MR. DUNLOP: Mr. Chairman, while I am not supporting this paper, my Government are sympathetic and realize that for a matter of convenience Japanese agents may be able to perform a useful service. So that I don't intend to vote against the paper. But I would like to support the Australian and United Kingdom comments on their status, and my Government are anxious that if such a system as this should be brought into being the agents should have the minimum status compatible with duties they are expected to perform.

MR. JOHNSON: Mr. Chairman, the question is to vote upon document FEC-346/1, Japanese Official Agents Abroad for Handling Civil Status and Property Matters. The policy reads:

"The Far Eastern Commission decides as a matter of policy that the Japanese Government may, with the approval of the Supreme Commander for the Allied Powers, appoint agents in any country willing to receive them for the purpose of handling matters affecting the civil status or property rights of Japanese nationals.

"Before leaving Japan, Japanese agents appointed in accordance with the provisions of this policy decision, should be instructed to refrain from engaging in propaganda or subversive activities of any kind."

MR. McNICOL: Abstain.

U TIN MAUNG: In favor.

MR. COLLINS: In favor.

DR. LEE: Abstain.

MR. DARIDAN: In favor.

MR. VAIDYANATHAN: In favor.

MR. REUCHLIN: In favor.

MR. DUNLOP: Abstain.

MR. SHAFQAT: In favor.

MR. LOZADA: Against.

MR. PANYUSHKIN: Against.

MR. GRAVES: In favor.

MR. HAMILTON: In favor.

The tally is 3 in favor, 2 opposed, 3 abstentions. The paper is not passed by reason of the non-concurrence of one of the countries whose concurrence is necessary.

I would like to say that, as has been expressed before, the United States approval and support of the two papers in question and our affirmative vote for both of them in no way prejudices the United States position that, in the absence of a Far Eastern Commission policy decision to the contrary, the Supreme Commander for the Allied Powers has the authority to permit Japan to participate in international relationships. The United States Government has earnestly sought the approval of the Commission for these policies in the hope that the member governments of the Far Eastern Commission would assume the leadership in bringing Japan progressively back into peaceful contacts with other nations. As I mentioned earlier, the United States Government sees no reason why the absence of a peace treaty is a bar to the progressive resumption of normal peacetime contacts between Japan and other countries. The circumstances which have made some countries reluctant to move forward in passing papers of this character have been studied very carefully, and the United States Government continues to feel strongly that the proper way to ensure the development of a peaceful Japan of a kind we desire is to give Japan gradually and progressively more responsibility and more experience in developing peaceful and normal relationships with other countries. The United States representative has repeatedly stressed the urgent character and the importance with which the United States Government views both of these papers. It is a matter of very sincere regret to my Government that the Commission as such has not seen fit to pass the two papers.

c. JAPANESE PARTICIPATION IN TECHNICAL AGREEMENTS AND CONFERENCES
(FEC-347)

MR. HAMILTON: The next item on the agenda is the third paper in this series, Japanese Participation in Technical Agreements and Conferences.

Is there any additional comment on this paper?

DR. LEE: Mr. Chairman, this paper has been before the Commission for some time. I admit it is a difficult problem to solve because in trying to solve the question accurately we have to take into consideration both the practical side of the situation and the requirements of law. In a spirit of cooperation and in an earnest effort to contribute something toward adequate solution of the problem in a constructive way, the Chinese delegation at the working committee and at the Steering Committee proposed a paper which, in our view, could meet the requirements of the situation and the requirements of law. I may add that the paper which the Chinese delegation proposed received the support, indorsement, of a number of delegations. I regret to say that the paper we have proposed has not been adopted. That doesn't mean, however, that I am going to oppose the paper now pending before the Commission if and when the majority of the members represented on the Commission favors it.

MR. HAMILTON: Is there any further comment?

(No response)

MR. HAMILTON: If not, we will proceed to a vote on this paper.

MR. McNICOL: Mr. Chairman, might I suggest that there has been very little consideration of this paper at the Commission level, and I would like to suggest that the vote be deferred until there has been some more consideration on this important problem.

MR. HAMILTON: That is entirely agreeable to the Chairman if it is to the rest of the Commission. I will postpone the vote on that paper until the Commission has had an opportunity to study it somewhat more.

MR. HAMILTON: We will pass next to the group of items which I will not read individually, Items 3 to 10.

- ITEM 3 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)
- ITEM 4 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)
- ITEM 5 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)
- ITEM 6 - REPORT OF COMMITTEE NO. 1 TO THE F.E.C. REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)
- ITEM 7 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)
- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIP-BUILDING AND SHIPPING (FEC-297/10)
- ITEM 8 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)
- ITEM 9 - REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)
- ITEM 10- ECONOMIC STABILIZATION IN JAPAN

MR. HAMILTON: I will ask whether there is comment on the part of any delegation in respect to any of these papers this morning.

(No response)

MR. HAMILTON: There appears to be no comment. We will pass to other business.

ITEM 11- OTHER BUSINESS

MR. HAMILTON: The United States delegation regrets that it has not yet been able to assemble the information to make reply to the inquiry which the United Kingdom representative made a good many weeks ago. As a result of telegraphic inquiries of Tokyo we're advised that the information has left Tokyo and is on its way here. But it hasn't come into our hands yet and we are not in a position to make reply this morning. The delay is regretted. Bad facilities at New Years time, I am afraid.

MR. GRAVES: Thank you, Mr. Chairman. We hope to have it by next week.

MR. HAMILTON: Thank you.

Is there any other item or other business?

(No response)

MR. HAMILTON: If not, the Commission will stand adjourned.

(The meeting adjourned at 11:15 A.M.)

CONFIDENTIAL

FAR EASTERN COMMISSION

Transcript of 180th Meeting of the Far Eastern Commission

Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.

Thursday, January 19, 1950

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NOTE: The attention of all concerned is invited to the classification of this transcript which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

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FAR EASTERN COMMISSION

Transcript of 180th Meeting of the Far Eastern Commission
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, January 19, 1949

Representatives Present

Mr. M. M. Hamilton, Chairman	(United States)
Mr. D. McNicol	(Australia)
U Tin Maung	(Burma)
Mr. G. Ignatieff	(Canada)
His Excellency Dr. W. K. Lee	(China)
Mr. A. Fequant	(France)
Mr. P. Vaidyanathan	(India)
Mr. G. J. Jobsis	(Netherlands)
Mr. F. Corner	(New Zealand)
Mr. M. Shafqat	(Pakistan)
Mr. F. Lozada	(Philippines)
His Excellency Mr. A. S. Panyushkin	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

Reporter: Mr. R. Holtz, Department of State--FEC

(The 180th meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:40 A.M., 19 January 1950, Mr. M. M. Hamilton, Chairman.)

MR. HAMILTON: Good morning, gentlemen. The meeting is open. The first item is the correction and approval of the provisional minutes of the last meeting.

MR. PANYUSHKIN: Mr. Chairman, before we proceed to the consideration of the agenda, I would like to ask that you give me the floor for an extra statement.

"Mr. Chairman, the Soviet delegation, on the instructions of the Soviet Government, states that the representative of the Kuomintang Group has no authority to represent China in the Far Eastern Commission. Therefore the Soviet delegation considers the participation of the representatives of the Kuomintang Group in the Far Eastern Commission and its committees unlawful.

"In view of the aforesaid, the Soviet delegation submits a proposal to remove the representatives of the Kuomintang Group from the membership in the Far Eastern Commission and its committees."

Mr. Chairman, I would ask to put this proposal of the Soviet delegation to a vote.

DR. LEE: Mr. Chairman, first of all I think that the Soviet Ambassador has used a misnomer when he talked about my delegation as the delegation of the Kuomintang clique. To my knowledge and to the knowledge of most of the members on the Commission my delegation is the delegation of the Chinese Government which most of the countries here have recognized.

As to the substantive matter itself which the Soviet Ambassador has raised, I object to discussion of the motion on the ground that this motion is beyond the competence of the Commission according to the Terms of Reference. So I propose that the Chairman

drop it from discussion.

MR. JOBSIS: Mr. Chairman, I have listened to the words of Mr. Panyushkin and I have been listening to the words of Dr. Lee. I would move to table this motion. I do think that we need more consideration of the whole affair and I really think that we should table the motion until somebody proposes to open the question again.

MR. HAMILTON: The motion for tabling has been made. Under the normal rules of procedure that bars further discussion until the motion for tabling is voted upon. I will therefore ask the Secretary General to poll the members on the motion to table the Soviet proposal.

DR. LEE: Mr. Chairman--

MR. HAMILTON: I am sorry. Under the rules of procedure we will have to proceed with a vote on the motion to table. After that--

MR. PANYUSHKIN: Mr. Chairman--

MR. HAMILTON: I cannot recognize the Soviet representative under the commonly accepted rules of procedure until a vote is taken. If the motion is lost, then of course the Soviet proposal will be open for further discussion.

DR. LEE: Mr. Chairman, will you *agree* with me, as this is a point of order, that this matter falls beyond the competence of the Commission? If it does, the vote on the matter of deferment, on discussion of the matter, should not take place in the Commission.

MR. HAMILTON: Robert's Rules of Order says on the question of laying on the table, on page 104 of the book I have before me:

"This motion takes precedence of all other subsidiary motions and of such incidental questions as are pending at the time it is made.....It is undebatable and cannot have any subsidiary motion applied to it. It may be applied to any main motion...".

And consequently the Chairman will have to rule that we shall proceed with the vote on the motion to table. As I have said, if that motion is lost--

MR. PANYUSHKIN: Mr. Chairman, I cannot agree with what you have just said now. This question is a political one. Among us around this table there is a representative of the Kuomintang group. But if he wishes to call himself a representative of the Kuomintang clique it is his own business. But this representative doesn't represent China and the Chinese people on this Commission. The Soviet delegation cannot agree to such a situation when the representative of the Kuomintang group represents in effect nobody. Therefore I insist that the Soviet proposal be put to a vote immediately.

MR. HAMILTON: The Soviet representative's remarks are out of order. The Secretary General will call a poll on the proposal to table the Soviet motion.

MR. JOHNSON: The motion before the Commission is a motion by the Netherlands delegate to table a motion proposed by the Soviet delegate to remove representation of the Kuomintang group from the Far Eastern Commission.

MR. McNICOL: In favor.

U TIN MAUNG: In favor.

MR. IGNATISFF: In favor.

DR. LEE: Mr. Chairman, I would just add one more word to what I have said.

I shall vote against this motion as I object fundamentally to the discussion of this matter in the Commission meeting, because there is no reference, no basis in the Terms of Reference on which we can carry on a discussion at all.

Against.

MR. HAMILTON: The Chinese representative's remarks are out of order.

MR. PEQUANT: In favor.

MR. VAIDYANATHAN: In favor. Mr. Chairman, I would like to

explain why I am voting in favor.

The reason is I have asked my Government for instructions on this question and I haven't received any instructions. So I am voting in favor of tabling the motion so it can be taken up at a later stage.

MR. JOBSIS: In favor.

MR. CORNER: Yes.

MR. SHAFQAT: In favor.

MR. LOZADA: In favor.

MR. PANYUSHKIN: Against.

MR. GRAVES: In favor.

MR. HAMILTON: In favor.

The tally is 11 representatives in favor to 2 opposed. The motion is a procedural motion and is carried.

I would explain that this does not touch the merits of the question in any way; it simply puts the proposal on the table.

MR. PANYUSHKIN: Mr. Chairman, thus I should say that the proposal submitted by the Netherlands representative has been rejected because the Soviet delegation voted against the proposal. Therefore, Mr. Chairman, I insist that the Soviet proposal be put to a vote.

MR. HAMILTON: The Chairman rules as the previous Chairman has ruled, that this is a procedural matter.

MR. PANYUSHKIN: But, Mr. Chairman, in the Terms of Reference under our procedure there is no difference between questions of procedure and questions of substance when they are being put to a vote. Therefore it is quite clear for everyone that the Netherlands proposal was rejected.

MR. HAMILTON: The Chairman has ruled consistently for four years that this is the type of matter which is a procedural matter and that there is a difference between procedural and substantive matters in the voting, and on each occasion the Commission has sustained the

Chairman. That has been the consistent practice for four years.

MR. PANYUSHKIN: Mr. Chairman, I consider your ruling not correct because it is contrary to the Terms of Reference of the Far Eastern Commission.

MR. HAMILTON: Is there any comment of any member on the ruling?

MR. PANYUSHKIN: Am I correct, Mr. Chairman, that you, in violating the Terms of Reference of the Far Eastern Commission, have no intention of putting the Soviet proposal to a vote?

MR. HAMILTON: The record of the proceedings this morning is completely clear. There has been made a proposal to table. In accordance with the rules of procedure that motion was put to a vote and it was adopted by a vote of 11 to 2. That, according to the rules of procedure, closes the discussion of the matter at this stage.

MR. PANYUSHKIN: Since, Mr. Chairman, you have no intention of putting the Soviet proposal to a vote, thus violating the Terms of Reference of the Far Eastern Commission, I have a further statement to make.

"In view of the unlawful participation in the Far Eastern Commission and in its committees of the representatives of the Kuomintang Group, the Soviet representatives will not take part in the work of the Far Eastern Commission so long as the representatives of the Kuomintang group continue to participate in the Commission and its committees.

"The Soviet delegation states that the Soviet Union will not recognize as legal any decision by the Far Eastern Commission which will be adopted with the participation of the representatives of the Kuomintang group nor will it take regard of such decisions."

(Whereupon, the Soviet delegation walked out of the meeting.)

MR. HAMILTON: We will proceed to the first item on the agenda, the correction and approval of the provisional minutes of the last meeting.

ITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 179th MEETING

MR. HAMILTON: The Secretary General tells me he has a correction.

MR. JOHNSON: Mr. Chairman, there is an amendment presented by the Philippine delegate. On page 1, add the following sentence to paragraph 9: "MR. LOZADA (Phil.) desired the record to show that his approval of the amendment did not indicate any change in the Philippine position on FEC-345/1 and FEC-346/1".

And, Mr. Chairman, I want to make note of the fact that the Secretariat has noted a typographical error on the cover sheet of the minutes, where the British delegate has been indicated as representing the United States. That will be corrected.

MR. HAMILTON: Are there any other corrections?

(No response)

MR. HAMILTON: If not, and there seem to be none, the minutes will stand approved as corrected.

ITEM 2 - JAPANESE PARTICIPATION IN INTERNATIONAL RELATIONS (FEC-339, /2, /3, /5, /6, /7, /8, /9, /11, /12, /13)

MR. HAMILTON: The next item on the agenda is Japanese Participation in International Relations. The item remaining on the agenda is one of three under this heading, the first two items having been voted on at the last meeting. In the hope that further delay on this matter may enable some governments to give further consideration to the matter, I suggest that this matter be passed over unless someone desires to discuss it further today.

MR. McNICOL: Mr. Chairman, that is Item 2 you are referring to now, is it?

MR. HAMILTON: Yes.

MR. McNICOL: I would like to speak to this item at this stage.

The views of the Australian Government on the proposed policy contained in document FEC-347 were presented at the 68th meeting of Committee No. 4 and are well known to all delegations. I

should, however, at the Commission level like to restate briefly my Government's views on this proposal.

Firstly, we do not consider that the Far Eastern Commission should give up its responsibility for the close and continued supervision of Japan's international relations. If the proposed policy FEC-347 were adopted we would, in fact, give the Supreme Commander blanket authority to permit Japan to participate in technical agreements and conferences. If there is a technical agreement or conference in which it is considered that Japan should participate with some measure of additional responsibility, the Commission should consider the matter and reach a decision in respect of that particular conference, but the Commission should not, in our opinion, pass a policy decision which gives the Supreme Commander complete control over Japan's participation in international relations of a technical character.

Secondly, we do not consider it appropriate that Japan should be restored to an equal footing with other nations at international conferences as long as a technical state of war exists. To permit Japan to resume the international functions and responsibilities envisaged in FEC-347 in advance of a peace settlement could in our opinion only be justified if there were no prospect of concluding such a settlement.

Thirdly, provision already exists in the Far Eastern Commission policy decision of 9th June 1948 "Attendance at Inter-Governmental Conferences" for such limited participation by the Japanese Government in international conferences as is necessary at this time. Under the provisions of this policy Japan can gain experience in the conduct of foreign relations, experience which will be of great assistance to her when she is permitted to take her place once again in the family of nations, but quite correctly under this policy Japan is not permitted the benefits of full membership. The Australian delegation fails to

see that added advantages would accrue to Japan if she were permitted under the proposed policy to participate in international technical agreements and conferences as a full member.

MR. VAIDYANATHAN: Mr. Chairman, my Government has instructed me to make a statement on this whole question of Japanese participation in international relations, with special reference to the three papers that are being discussed in this Commission. I would like this statement I am making made a paper under Japanese Participation in International Relations.

Both in the Steering Committee, Mr. Chairman, and in the Commission, I have indicated the views of my Government on the following aspects of the question of Japanese Participation in International Relations:

- (1) Appointment of Japanese Official Agents Abroad for Trade Purposes (FEC-345/2);
- (2) Appointment of Japanese Official Agents Abroad for Handling Civil Status and Property Matters (FEC-346/2);
- (3) Japanese Participation in International Agreements and Conferences (FEC-347).

My Government supports Japanese participation in international relations in these three limited fields which are clearly defined.

For over two years now Japan's Government has been functioning smoothly under a new democratic constitution, and we feel that it should be the aim of the members of the Far Eastern Commission to provide opportunities to the new Japanese Government to accept gradually international obligations. We feel that the three proposed policy decisions before the Commission, two of which have already been defeated, would be the starting points for the Japanese Government to enter into the field of international relations.

We are keenly aware that four major powers on this Commission have established precedents in the matter of opening not only

consular and commercial relations, but also diplomatic relations in some cases, before peace treaties were signed, with former enemy countries of Europe, notably Hungary and the West German Federal Republic, which is still in a juridical state of war.

We are unable to understand why some of these major powers are not prepared to extend to Japan, if not the same privileges, at least limited privileges indicated in the three proposed policy decisions before the Commission (FEC-345/2, FEC-346/2, and FEC-347).

We want to state very clearly that we cannot support the attitude of opposition of these countries to Japan participating in international relations in certain limited and clearly-defined fields before a treaty of peace is concluded with her.

MR. McNICOL: Mr. Chairman, I would just like to make one remarks

Not only the Indian representative but the United States representative have at times referred to the fact that Japan has been functioning under a democratic constitution for over two years and that she has had continued and homogeneous government. In our opinion those two facts are arguments in favor of a peace treaty rather than doing something piecemeal.

MR. HAMILTON: Is there any comment by any other representative this morning on this paper?

(No response)

MR. HAMILTON: It goes without saying that the United States delegation cannot agree with the point of view advanced by the Australian representative and also that the United States delegation is very much gratified at the point of view expressed by the Indian delegation, which coincides so closely with its own.

If there is no further discussion, I suggest that we pass on and postpone the vote on this matter for the time being.

- ITEM 3 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)
- ITEM 4 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)
- ITEM 5 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)
- ITEM 6 - REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)
- ITEM 7 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)
 - b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIP-BUILDING AND SHIPPING (FEC-297/10)
- ITEM 8 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)
- ITEM 9 - REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)
- ITEM 10- ECONOMIC STABILIZATION IN JAPAN

MR. HAMILTON: We next come to a long list of items, most of them old friends. I wonder whether there is any comment on Items 3 to 10 this morning?

(No desire for discussion indicated.)

MR. HAMILTON: There appears to be none. We will pass to Other Business.

ITEM 11- OTHER BUSINESS

- a. United States Reply (FEC-342/5) to United Kingdom Query of 3 November 1949 re Gold and Silver in Japan

MR. HAMILTON: Under Other Business, I am glad that the United States delegation is this morning in the position to supply the information requested by the United Kingdom representative. It's rather a detailed and technical statement and, if agreeable, it will be circulated rather than any attempt made to read it this morning.

MR. GRAVES: Yes, I think that would be better, Mr. Chairman.

MR. HAMILTON: Unless the paper is found--

MR. GRAVES: Well, if it is ready, Mr. Chairman, I probably would like to have a look at it and study it. I don't suppose that

anyone would be in a position to comment on it this morning.

MR. HAMILTON: It's ready for distribution.

Is there any other item of business?

b. Time of Next Meeting

MR. VAIDYANATHAN: Yes, Mr. Chairman. The 26th of January is a national holiday for India. The Republic of India will be inaugurated on that day and I shall appreciate it if the Commission does not meet that day. I also understand that Australia has the same problem.

MR. McNICOL: Yes, but it isn't a matter of inauguration.

MR. VAIDYANATHAN: Fifteen years ago they inaugurated.

MR. HAMILTON: I understand the proposal is that there be no meeting a week from today and the next regular meeting would then be two weeks from today. Is that agreeable?

(No objection indicated.)

MR. HAMILTON: All right. We will proceed on that basis.

Is there any other item?

(No response)

MR. HAMILTON: The meeting will stand adjourned.

(The meeting adjourned at 11:12 A.M.)

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FAR EASTERN COMMISSION

Transcript of 181st Meeting of the Far Eastern Commission
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, February 2, 1950

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FAR EASTERN COMMISSION

Transcript of 181st Meeting of the Far Eastern Commission

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FAR EASTERN COMMISSION

Transcript of 181st Meeting of the Far Eastern Commission
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, February 2, 1950

Representatives Present

Mr. M. M. Hamilton, Chairman	(United States)
His Excellency Mr. N. J. O. Makin	(Australia)
U Tin Maung	(Burma)
Mr. R. E. Collins	(Canada)
His Excellency Dr. W. K. Lee	(China)
Mr. J. Daridan	(France)
Mr. P. Vaidyanathan	(India)
Mr. G. J. Jobsis	(Netherlands)
Mr. F. Corner	(New Zealand)
Mr. M. Shafqat	(Pakistan)
Mr. F. Lozada	(Philippines)
(No Soviet representative)	
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

Reporter: Mr. R. Holtz, Department of State--FEC

(The 181st meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:40 A.M., 2 February 1950, Mr. M. M. Hamilton, Chairman.)

MR. HAMILTON: Good morning, gentlemen. The meeting is open for business.

ITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 180th MEETING

MR. HAMILTON: The first item on the agenda: Correction and Approval of the Provisional Minutes of the last meeting.

Has the Secretary General any corrections?

MR. JOHNSON: No, sir. I have received no notice of corrections.

MR. HAMILTON: The Secretary General has received no notice of corrections.

Are there any corrections on the part of any member?

(No correction indicated)

MR. HAMILTON: In the absence of corrections, the minutes will stand approved.

ITEM 2 - JAPANESE PARTICIPATION IN INTERNATIONAL RELATIONS (FEC-339, /2, /3, /5, /6, /7, /8, /9, /11, /12, /13, /22, /23)

a. JAPANESE PARTICIPATION IN TECHNICAL AGREEMENTS AND CONFERENCES (FEC-347)

MR. HAMILTON: We next pass to Item 2 on the agenda: FEC-347, proposed policy decision approved by the Steering Committee at its meeting on the 10th of January by a vote of 7 in favor (Burma, Canada, France, India, Netherlands, Pakistan, and the United States) to 3 opposed (Australia, New Zealand, Philippines) with 3 abstentions (China, USSR, and United Kingdom). The Soviet member requested that his reservation be noted. And on January 19th the Australian representative summarized his Government's position and the Indian representative submitted the statement contained in FEC-339/23.

Is there any comment or discussion?

MR. GRAVES: Mr. Chairman, I don't know whether it is the intention to make any headway with the paper today, but in view of the particular circumstances in which the Commission finds itself I should be grateful if there could be a postponement of a vote on this paper. I have no instructions from my Government, and if it is convenient to the rest of the members I would suggest that at any rate a vote on this paper should be postponed for the time being.

MR. DARIDAN: Mr. Chairman, may I second the suggestion made by the British delegate. I must point out that my Government's opinion is that in the particular circumstances in which we are now, in the Commission for the time being is not in a position to take any decision at all on any question of substance. X

MR. HAMILTON: I would like to read to the members of the Commission and call their attention to this statement which I assume they are in general familiar with, the statement made by the United States deputy representative on the Security Council on January 13 of this year:

"I express again the regret of my Government that the Soviet Union is unwilling to abide by the Charter of the United Nations

and that it has chosen to ignore and to violate the Rules of Procedure of the Security Council.

"Mr. President, the United Nations is strong enough to withstand such tactics as these. The absence of the Soviet representative will not prevent us from conducting the business to which we are pledged. It is the view of my Government that the absence of a permanent member from a meeting of the Security Council in no way diminishes its powers or its authority to act. The Charter provides in Article 28 that the Council shall be organized so as to be able to function continuously. We cannot permit this arbitrary action of our Soviet colleague to prevent us from fulfilling our obligation to the Charter."

My Government's position in reference to this situation is the same in the Far Eastern Commission as in the Security Council.

I would like also to call attention to the following excerpts from the official records of the Security Council:

May 8, 1946, in the discussion on the Iranian question.

Mr. Hasluck, the Australian representative:

"...It seems to us that if a member refuses to participate, or fails to participate, in the work of this Council, then for the time being he abandons the special powers which accrue to him as a member, and has no powers greater than those of any other Member of the United Nations.....that the Council should ever be asked to entertain the idea that by absenting himself one of its members can bring into question its ability to function or take any action does seem to us to be most dangerous and the beginning of a system which would rapidly prove unworkable."

The United Kingdom representative, Sir Alexander Cadogan:

"...But, as regards the effect of absence upon the action of the Council or upon the voting, I cannot see that there is really any difference between absence from this table or presence

at the table and abstention from a vote. It seems to me that the general effect is the same. There is a difference in some ways; that is to say, the absence certainly does imply some sort of evasion of responsibility or obligations, and may in some cases reduce the authority of the Council, but I cannot see that it has any actual effect upon the ability of the Council to take a decision, any more than has sitting in a chair and abstaining from voting."

The Netherlands representative, Mr. van Kieffens:

"...It cannot be the intention of the Charter to give to any member of the Council, whether permanent or not, the power to prevent a resolution from being adopted by the simple expedient of absenting himself."

I am sure the various members of the Commission will be interested in these statements.

As United States representative, my delegation has no objection whatsoever to the request made by the United Kingdom representative that there be a postponement of this question so that various representatives can consult their governments for instructions.

MR. VAIDYANATHAN: Mr. Chairman, I would like to make an inquiry.

Before the Soviet representative departed from the meeting at the last Commission meeting, did he make exactly the same statement here as he made in the Security Council? I will read that passage if you don't mind. The Soviet representative said that:

"The Soviet delegation states that the Soviet Union will not recognize as legal any decision by the Far Eastern Commission which will be adopted with the participation of the representatives of the Kuomintang group nor will it take regard of such decisions."

They said definitely that they will not recognize as legal any

decision. Will it mean an abstention or a veto of any decision we may take?

MR. HAMILTON: You are inquiring whether they made that statement at the United Nations?

MR. VAIDYANATHAN: Did they make a similar statement at the Security Council?

MR. HAMILTON: I am not prepared to state whether they made exactly the same statement.

MR. VAIDYANATHAN: In my opinion, Mr. Chairman, that probably will be the vital factor.

MR. HAMILTON: I think the vital question is whether the absence by their own deliberate act can interrupt the normal function of an international body--not what they say but that act in itself. But we can check. It can be checked whether that is exactly the same statement.

MR. LEE: Mr. Chairman, I don't object to the postponement of a vote on the motion before us and I fully sympathize with the expression of the United Kingdom delegate. But as to the question of whether the Soviets' absence from the Commission will affect the work of the Commission or not, I would state most explicitly that the position of the Chinese delegation is in complete agreement with that of the United States delegation.

MR. HAMILTON: Is there a suggestion as to for how long a vote on this should be postponed or a recess taken in reference to that, or would we prefer to move to other items and see whether we can act on any other items on the agenda, and then take up the question of a recess in connection with the work of the Commission as a whole?

The question you pose is really in connection with all of the business of the Commission, I take it, Mr. Graves?

MR. GRAVES: Mr. Chairman, I have no particular ^{proposal} ~~theory~~ in mind. I would rather leave that to the wishes of the Commission. But,

perhaps we might go on to see whether there is any other business that is to be discussed and then perhaps later, if that is your wish, decide on when we should consider the question again.

MR. HAMILTON: I suggest we pass then to the other items, items 3 to 10. Are there comments on any of these items by any representative this morning?

(No response)

MR. HAMILTON: There seem to be none. We will then pass to other business.

(For reference to items 3 to 10, inclusive, see agenda of this meeting.)

ITEM 11- OTHER BUSINESS

MR. HAMILTON: Are there any items of other business which any representative cares to bring up?

(No response)

MR. HAMILTON: Under this heading, the Commission can now proceed to consider the question of adjournment for the usual period or for a little longer period, in order to give representatives adequate time to consider this matter and to consult their governments. My own suggestion would be that the Commission consider a recess for two or three weeks--whatever is agreeable--but set a definite date.

MR. MAKIN: Mr. Chairman, we have already communicated the nature of the views that have been expressed upon this matter here to the Australian Government and requested instructions. As yet I have not received those instructions that are essential for our guidance. But I would suggest the adjournment for a week. I think that that gives sufficient time surely for members to have communicated these aspects to their governments and to have received some clarification of the position by that time. I would suggest, sir, that we adjourn for one week.

MR. VAIDYANATHAN: I will support the Australian delegate.

MR. HAMILTON: Does that seem adequate to the United Kingdom representative?

MR. GRAVES: Yes, that is carrying on with our usual custom of meeting each week.

MR. HAMILTON: We just adjourn today and meet the regular way next week.

MR. JOBSIS: Mr. Chairman, I quite agree with the Australian Ambassador's point of view. I think that the Far Eastern Commission should be continuously in session. I think therefore that we should certainly adjourn only for one week, unless some mitigating circumstances should turn up in which case the Commission could call for an earlier meeting. As I think that we should be continuously in session I think, unless there is a very strong reason for adjournment, we should not miss one meeting. I would also draw attention to the fact that when there is a question of adjournment, this question was posed especially at the request of the Russian Embassy in connection with a holiday, all people had to be reached; otherwise we should be continuously in session. So I think that the Ambassador from Australia is quite right and I agree.

MR. HAMILTON: I take it then that it is the sense of the Commission that we simply adjourn today in the usual way and meet in the usual way a week from today. If there is no objection, the Commission will proceed on that basis.

There being no other business, the meeting is adjourned.

(The meeting adjourned at 10:55 A.M.)

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FAR EASTERN COMMISSION

Transcript of 182nd Meeting of the Far Eastern Commission

Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.

Thursday, February 9, 1950

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FAR EASTERN COMMISSION

Transcript of 182nd Meeting of the Far Eastern Commission
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, February 9, 1950

Representatives Present

Mr. M. M. Hamilton, Chairman	(United States)
Mr. D. McNicol	(Australia)
U Tin Maung	(Burma)
Mr. R. E. Collins	(Canada)
His Excellency Dr. W. K. Lee	(China)
Mr. J. Daridan	(France)
Mr. P. Vaidyanathan	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. F. Corner	(New Zealand)
Mr. M. Shafqat	(Pakistan)
Mr. F. Lozada	(Philippines)
No Soviet Representative Present	
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

Reporter: Mr. R. Holtz, Department of State--FEC

(The 182nd meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:35 A.M., 9 February 1950, Mr. M. M. Hamilton, Chairman.)

MR. HAMILTON: Good morning, gentlemen. The meeting is open.

ITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 181st MEETING

MR. HAMILTON: I will direct your attention to the first item on the agenda, the correction and approval of the provisional minutes of the last meeting.

The Secretary General tells me that no corrections have been brought to his attention.

MR. GRAVES: Mr. Chairman, I have one small amendment in paragraph 2, the second sentence, which reads: "He did not himself have instructions on the proposal...". I don't think I said quite that. I would like the words "on the proposal" deleted, if you please, so that it would read: "He did not himself have instructions, and would suggest postponement of the vote...". Delete the words "on the proposal".

MR. HAMILTON: Are there any other corrections?

(No response)

MR. HAMILTON: There appear to be none. The minutes will stand approved as amended.

ITEM 2 - JAPANESE PARTICIPATION IN INTERNATIONAL RELATIONS (FEC-339, /2, /3, /5, /6, /7, /8, /9, /11, /12, /13, /22, /23)

a. JAPANESE PARTICIPATION IN TECHNICAL AGREEMENTS AND CONFERENCES (FEC-347)

MR. HAMILTON: We pass now to the second item on the agenda, Japanese Participation in Technical Agreements and Conferences.

Is there comment on this item?

(No response)

MR. HAMILTON: Further consideration of this item was postponed

at the last meeting in connection with the general situation confronting the Commission and with a request that some delegations desired to get further instructions, or to get instructions. I don't know whether it is the wish of the Commission that we consider this paper or whether we consider the general question of the ability of the Commission to function in the absence of the Soviet representative. What is the wish of the Commission?

MR. GRAVES: Mr. Chairman, on the paper itself our position is the same as it was last week. If it is convenient to the Commission we should prefer postponement of the vote on the paper.

MR. HAMILTON: Is there any other comment on that aspect of the situation?

(No response)

MR. HAMILTON: If it is agreeable the item will be retained on the agenda.

Whereas from the point of view of the United States it has remained already too long, I think it useful to draw a distinction between consideration of this item on the agenda—this particular paper—and the general question and principle presented by the withdrawal of the Soviet representative.

On the general question of principle, I expressed the view, on behalf of the United States delegation, at the last meeting that in our opinion the absence of a permanent member from a meeting of the Commission in no way diminishes the power or the authority of the Commission to act. I referred to statements made by the United States representative at meetings of the Security Council where that point of view was the central point in the position of my Government. I called attention to comments made some two years ago in the consideration of a similar situation brought about by the deliberate absence of the Soviet representative. The Far Eastern Commission, as all of you know, was created to perform

certain definite functions. It has certain definite responsibilities. My Government believes that if any permanent--not a permanent member but any of the governments with special powers or any other government member of the Commission deliberately abstains from attending meetings of the Commission, that represents a deliberate act on its part of not wishing to discharge its responsibilities, but it does not in any way curtail the ability of the Commission to carry on with the discharge of the responsibilities which it assumed under its basic charter or its basic agreement.

There has been brought to my attention by the Secretariat a decision of the Commission early in the period of its existence. After consideration by the Steering Committee on February 28, 1946, the recommendation of the Steering Committee was forwarded to the Commission and the Commission approved the recommendation of the Steering Committee, this approval being recorded on March 6, 1946, that the Commission would meet regularly on Wednesdays and at other times at the call of the Chairman or upon the request of a member. A few weeks later that decision was amended in a minor detail changing the date of Wednesday to Thursday. Since that time the Commission has operated on the basis of having regular meetings at the scheduled time once a week. During summer periods or on special occasions by agreement and vote of the Commission there have been recesses, but underlying all this arrangement for the regular meeting of the Commission there has been, it seems to us, the basic fact that the Commission always continues in existence to discharge its responsibilities. Of course, if there is no work that is one situation. If there are no problems before the Commission that represents a type of situation which can be dealt with. But it does not affect the basic principle that the Commission continues in existence ready to function as need therefor arises.

I wonder whether other members of the Commission care to comment on this aspect of the situation?

✓ MR. COLLINS: Mr. Chairman, following on what you have said, it appeared to me that it might be useful to point out that in the Terms of Reference, in Article VII, it is stated that:

"The Far Eastern Commission shall cease to function when a decision to that effect is taken by the concurrence of at least a majority of all the representatives including the representatives of the four following Powers:..."

It seems to me that the implication of that is that the Commission shall not cease to function until such a decision has been made, which I think supports the general line of argument which you have just presented. Partly owing to that consideration and also in view of the custom which has been established in the Commission of considering an abstention as being not equivalent to a negative vote in the case of the four principal Powers, it is our view that the Commission is competent to make decisions. However, along with my United Kingdom colleague, I do think that in the present circumstances it would be advisable to postpone taking action on the specific paper which is before us.

MR. HAMILTON: If there is no further comment on this aspect of the situation, we will pass to the other items on the agenda, Items 3 to 10, which represent items which have been on the agenda for a considerable period.

- ITEM 3 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)
- ITEM 4 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)
- ITEM 5 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)
- ITEM 6 - REPORT OF COMMITTEE NO. 1 TO THE F.E.C. REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)
- ITEM 7 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)
- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIP-BUILDING AND SHIPPING (FEC-297/10)

ITEM 8 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)

ITEM 9 - REPARATIONS REMOVALS; ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)

ITEM 10- ECONOMIC STABILIZATION IN JAPAN

MR. HAMILTON: Does any representative have any comment on any of these items this morning?

(No response)

MR. HAMILTON: There appears to be none. We will pass then to Item 11 - "Other Business".

ITEM 11- OTHER BUSINESS

MR. HAMILTON: If there is nothing under this item, and if there is nothing under the next item, "Press Release", I take it then we will adjourn to meet at the usual time next week, on Thursday.

The meeting is adjourned.

(The meeting adjourned at 10:47 A.M.)

CONFIDENTIAL

FAR EASTERN COMMISSION

Transcript of 183rd Meeting of the Far Eastern Commission

Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.

Thursday, February 16, 1950

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NOTE: The attention of all concerned is invited to the classification of this transcript which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

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FAR EASTERN COMMISSION

Transcript of 183rd Meeting of the Far Eastern Commission
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, February 16, 1950

Representatives Present

Mr. M. M. Hamilton, Chairman	(United States)
Mr. D. McNicol	(Australia)
U Tin Maung	(Burma)
Mr. R. E. Collins	(Canada)
His Excellency Dr. W. K. Lee	(China)
Mr. A. Fequant	(France)
Mr. P. Vaidyanathan	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. F. Corner	(New Zealand)
Mr. M. Shafqat	(Pakistan)
Mr. F. Lozada	(Philippines)
No Soviet Representative Present	
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

Mr. R. Holtz, Department of State—FEC: Reporter

(The 183rd meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened on 16 February 1950 at 10:40 A.M., Mr. M. M. Hamilton, Chairman.)

MR. HAMILTON: Good morning, gentlemen. The meeting will open for business.

ITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 182nd MEETING

MR. HAMILTON: The first item, the correction and approval of the provisional minutes of the last meeting.

The Secretary General states that no corrections have been reported to him.

Are there corrections or amendments on the part of any representative?

(No corrections indicated)

MR. HAMILTON: If not, the minutes will stand approved.

- ITEM 2 - JAPANESE PARTICIPATION IN TECHNICAL AGREEMENTS AND CONFERENCES (FEC-347; FEC-339/22, /23)
- ITEM 3 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)
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- ITEM 10- ECONOMIC STABILIZATION IN JAPAN

MR. HAMILTON: We next pass to a rather formidable list of items all of which are familiar to the members of the Commission.

Are there any comments on the part of any member on Items 2 to 10 inclusive?

(No response)

MR. HAMILTON: There seem to be none. We will pass next to Item 11-Other Business.

ITEM 11- OTHER BUSINESS

a. Discussion of Ability of Commission to Function in Absence of Soviet Delegation

MR. McNICOL: Mr. Chairman, under this item I should like to refer briefly to the question which was discussed at the last meeting, that is, the effect on the Commission of the absence of the Soviet delegation, and to say that it is the view of the Australian Government that the Commission should not be prevented from functioning because of the absence of that delegation. That is all, Mr. Chairman.

MR. REUHLIN: Mr. Chairman, on that same subject I don't think we have expressed our opinion yet. I can be brief because, first of all, I can state that I am in full agreement with the United States point of view. If there were any doubt left it has been dispelled by our Canadian friend, who quoted Article VII, I think, of the Terms of Reference which state the reasons for which the Far Eastern Commission can cease to function. Therefore it is the opinion of my Government that the Far Eastern Commission, which has to perform certain specified functions and to carry out certain responsibilities, cannot be incapacitated by a unilateral decision of one of its members which amounts simply ceasing to attend the meetings. It's our view that one of the reasons for which the Far Eastern Commission has been created was to give the member states the opportunity to safeguard their interests in Japan which can be