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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

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ACTION
is assigned to



United States Political Adviser
for Japan

SR

Tokyo, January 7, 1949.

No. 12

CONFIDENTIAL

RECEIVED
DEPARTMENT OF STATE

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DIVISION OF
STATE
FEB 2 - 1949

Subject: Authorized Japanese Fishing Area.

1/

The Acting Political Adviser has the honor to transmit to the Department five copies of a directive from the Supreme Commander to the Japanese Government dated December 23, 1948 (SCAPIN 1033/1) concerning the area authorized for Japanese fishing and whaling, which amends the Supreme Commander's directive on this subject of June 22, 1946 (SCAPIN 1033).

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Paragraph 2 of SCAPIN 1033 defined the boundaries of the authorized fishing area. The boundary along the coast of eastern Hokkaido was defined as a line running three miles off the eastern coast through the Nemuro Kaikyo to the starting point, a point midway between Nosappu Misaki and Kaigara Jima. A line cannot be drawn by this definition because Kaigara Jima lies less than three miles off the coast of Hokkaido. By the amendment of December 23, 1948 (SCAPIN 1033/1), this part of the boundary description is changed to read ".....thence along a line three (3) miles off the coast of Hokkaido rounding Shiretoko Saki and passing through the Nemuro Kaikyo to a point 43°26'17" North Latitude, 145°48'03" East Longitude; thence in a southeasterly direction to the starting point midway between Nosappu Misaki and Kaigara Jima."

The amended paragraph 2 does not actually change the boundary line in the area off Nosappu Misaki, but describes a point on the line three miles off the coast of Hokkaido (43°26'17" North Latitude, 145°48'03" East Longitude) at which the line is thence to run in a southeasterly direction to the point midway between Nosappu Misaki and Kaigara Jima. In SCAPIN 1033 this point of departure from the three mile limit was not defined.

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Tokyo's Despatch No. 12,
January 7, 1949.

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The necessity to establish a definite line between the point midway between Nosappu Misaki and Kaigara Jima and the line running three miles off the coast of eastern Hokkaido through the Nemuro Kaikyo has been in part occasioned by a number of incidents in this area in which Japanese fishing vessels have been seized by Soviet authorities (see this Mission's despatch No. 706 of November 2, 1948).

NC

Enclosure: *at* *att mb*

SCAPIN 1033/1
23 December 1948.
(five copies)

Original and hectograph to Department.

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Enclosure to Tokyo's Despatch No. 12
January 7, 1949.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 800.217 (22 Jun 46)NR
SCAPIN 1033/1

23 December 1948

MEMORANDUM FOR: THE JAPANESE GOVERNMENT

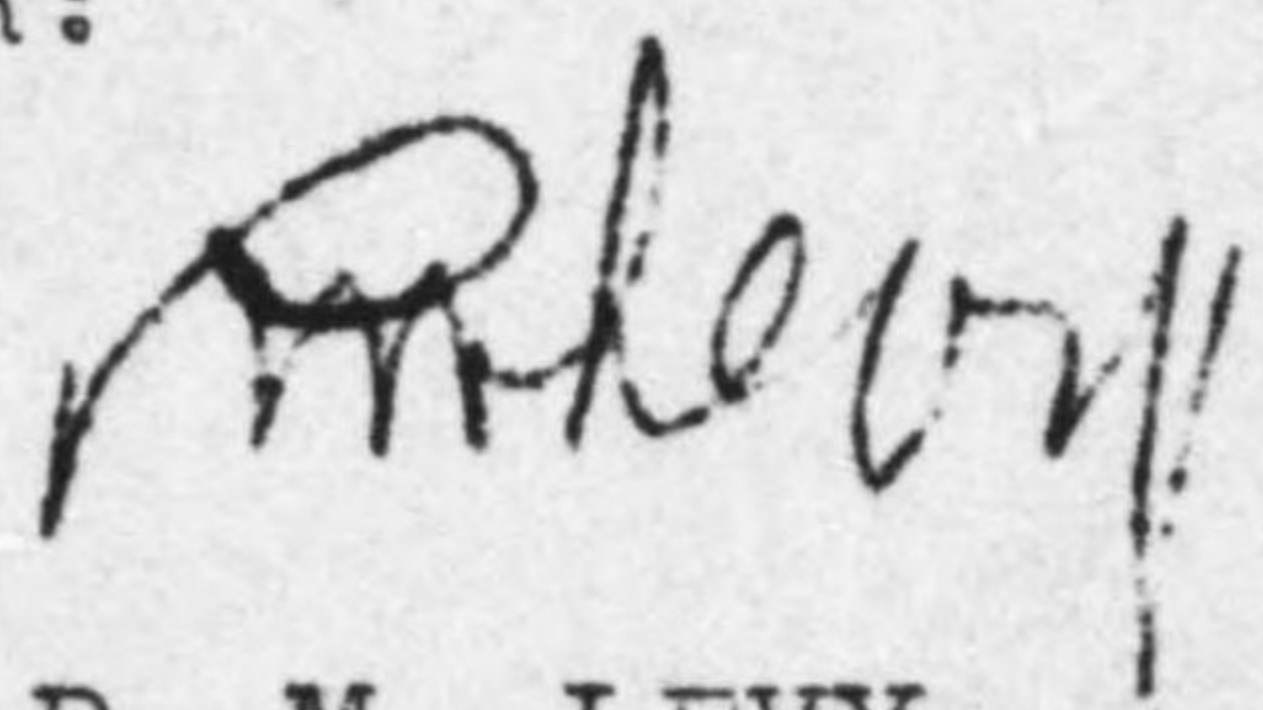
SUBJECT: Area Authorized for Japanese Fishing and
Whaling

1. Reference is made to General Headquarters, Supreme Commander for the Allied Powers Memorandum for Japanese Government, AG 800.217 (22 Jun 46)NR, SCAPIN 1033, subject, as above, 22 June 1946. Paragraph 2 of this Memorandum is amended to read:

"2. Effective this date and until further notice Japanese fishing, whaling and similar operations are authorized within the area bounded as follows: From a point midway between Nosappu Misaki and Kaigara Jima at approximately 43°23'14" North Latitude, 145°50'30" East Longitude; to 43° North Latitude, 146°30' East Longitude; thence to 45° North Latitude, 165 East Longitude; thence south along 165th Meridian to 24° North Latitude; west along the 24th Parallel to 123° East Longitude; thence north to 26° North Latitude, 123° East Longitude; thence to 32°30' North Latitude, 125° East Longitude; thence to 33° North Latitude, 127°40' East Longitude; thence to 40° North Latitude, 135° East Longitude; to 45°30' North Latitude, 140° East Longitude; thence east to 45°30' North Latitude, 145° East Longitude rounding Soya Misaki at a distance of three (3) miles from shore; south along 145th Meridian to a point three (3) miles off the coast of Hokkaido; thence along a line three (3) miles off the coast of Hokkaido rounding Shiretoko Saki and passing through the Nemuro Kaikyo to a point 43°26'17" North Latitude, 145°48'03" East Longitude; thence in a south-easterly direction to the starting point midway between Nosappu Misaki and Kaigara Jima."

2. All provisions of reference memorandum as amended above continue in effect.

FOR THE SUPREME COMMANDER:


R. M. LEVY,
Colonel, AGD,
Adjutant General.

STANDARD FORM NO. 64

SECRET

Office Memorandum • UNITED STATES GOVERNMENT

TO : ~~Mr. Saltzman~~ *AK*

FROM : A. L. Keyes *AK*

SUBJECT: Japanese Fishing.

DATE: January 10, 1949

1949 JAN 10 PM 5 05

Referring to your question of January 7 on the above subject, this memorandum will give you the information desired.

Paragraph 5c. was intended to insure that the Japanese would abide by the same type of conservation practices in coastal fishing which the United States enforces with respect to its coastal fisheries (as distinct from international agreements covered in paragraph 5b.). However, it was recognized that the language of paragraph 5 as a whole placed an unfortunate emphasis on U. S. policies rather than international policies. Accordingly, by informal agreement the whole of paragraph 5 was changed when put to the FEC, so as to read as follows: "The Japanese should conform strictly to the provisions of international agreements for the conservation of fisheries and other marine resources."

It is probable that no definition of "direct concern", as provided in paragraph 6, will be agreed by the FEC. As a result of this, it is probable that the FEC will not adopt that policy. Therefore, if a particular country believes that SCAP is fishing in an area of "direct concern" to it, it will as a practical matter file objections both with SCAP and the U. S. Government. We, of course, would then try to reach an amicable settlement in particular cases. This problem has already arisen due to Philippine objections to a small corner of the newly proposed fishing area which runs within 30 miles of some Philippine Islands. If the Army agrees to a contraction of this line, SCAP will be advised that the U. S. Government concurs in this case with the Philippine Government and believes that SCAP should not fish in the area involved without agreement by the Philippine Government.

On January 15 the U. S. Government will presumably advise SCAP that he is authorized to permit the extension of Japanese fishing into the new area proposed by SCAP. Our action in this regard can be justified under either of two possibilities:

- (a) If the FEC has adopted our "direct concern" policy, SCAP would be justified in fishing in the new area because it is not of direct concern to any other country.
- (b) If the FEC has not adopted our policy, SCAP can act within his administrative powers to act. This assumes that no other policy has been adopted, which is unlikely in view of the shortage of time.

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FEB 16 1949

CONFIDENTIAL

No. 19

To the

Acting United States Political Adviser,
Tokyo.

The Secretary of State refers to secret telegram No. C67050 of January 13, 1949 from SCAP to the Department of the Army concerning possible SCAP discussions with the Philippine representative to Tokyo relative to the proposed expansion of Japanese fishing into the area adjacent to Batan Islands.

In these discussions the Supreme Commander should have available for his guidance the enclosed "Proposed Policy of the United States with respect to Fisheries in the High Seas under Presidential Proclamation of September 28, 1945", dated January 26, 1949, in the event that during the discussions the question should arise of the establishment of a fishery conservation zone in the high seas in the area adjacent to the Philippines.

It is, therefore, requested that the enclosed policy statement be brought to the attention of the Headquarters of the Supreme Commander.

Enclosure:

Proposed Policy of the United States with respect to Fisheries Conservation in the High Seas under the Presidential Proclamation of September 28, 1945, dated January 26, 1949.

A true copy of the signed original

U/FW:WFLooney:lrb 2/1/49
O:HWMoseley:fa 2/14/49
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(See attached blue for clearances)

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FEB 16 1949

CONFIDENTIAL

No. 19

To the

Acting United States Political Adviser,
Tokyo.

The Secretary of State refers to secret telegram No. C67050 of January 13, 1949 from SCAP to the Department of the Army concerning possible SCAP discussions with the Philippine representative to Tokyo relative to the proposed expansion of Japanese fishing into the area adjacent to Batan Islands.

In these discussions the Supreme Commander should have available for his guidance the enclosed "Proposed Policy of the United States with respect to Fisheries in the High Seas under Presidential Proclamation of September 28, 1948", in the event that during the discussions the question should arise of the establishment of a fishery conservation zone in the high seas in the area adjacent to the Philippines.

It is, therefore, requested that the enclosed policy statement be brought to the attention of the Headquarters of the Supreme Commander.

dated January 26, 1949

FW 894.628/1-1349

Enclosure:

Proposed Policy of the United States with respect to Fisheries Conservation in the High Seas under the Presidential Proclamation of September 28, 1945, *dated* January 26, 1949.

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Clearance on attached blue copy
CP NA
(Mr. Gay) (Mr. Fearey)

L/E *WSS*
(Mr. Wallace)

Cleared with Major Lieding (CAD), Dept of The Army

CONFIDENTIAL

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To the

Noting
United States Political Adviser,
Tokyo.

from SCAP to the Dept of the Army

The Secretary of State refers to ~~SCAP~~ secret telegram No. C 67050 of January 13, 1949 concerning possible SCAP discussions with the Philippine representative in Tokyo relative to the proposed expansion of Japanese fishing into the area adjacent to Batan Islands.

Conservation
From paragraph 2 of the telegram referred to, it appears that, if such discussions occur, the Supreme Commander ~~may undertake to consider the principles of the Presidential Proclamation of September 28, 1945 relative to the policy of the United States with respect to coastal fisheries, in the high seas, so far as those principles may bear upon the question of the establishment of a Philippine zone in the high seas area concerned.~~ In any discussion undertaken by the Supreme Commander regarding those principles, it is desirable that interpretation of the Presidential Proclamation be in accordance with the present thinking in the Department.

therefore, policy set forth in the enclosure
For this purpose, it is requested that the ~~principles~~ respecting the establishment and administration of conservation zones set forth in the enclosed restricted statement of proposed policy, dated January 26, 1949 be brought to the attention of the Supreme Commander.

Headquarters

Enclosure:

should have available for guidance the enclosed "Proposed"

Proposed Policy of the United States with respect to Fisheries Conservation in the High Seas under the Presidential Proclamation of September 28, 1945.

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OFFICERS

MANUEL G. ROSA
PRESIDENT

WILLIAM A. HOSS
VICE-PRESIDENT

LOUIS E. DE FALCO
SECRETARY-TREASURER

HAROLD F. CARY
GENERAL MANAGER

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AUDITOR

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San Diego 1, California

January 24, 1949

DIRECTORS

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LOUIS CASTAGNOLA
MATTEO GHIO
LOUIS GUIDI
A. D. MADRUGA
JOE MEDINA
MANUAL MACHADO MEDINA
M. O. MEDINA
MATHEW MONISE
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GEORGE SOARES
JOSEPH SOARES
LOUIS VATTUONE

FEB 2 1949

Dr. Wilbert M. Chapman
Special Assistant for Fisheries
Department of State
Washington, D. C.

Dear Dr. Chapman:

The purpose of this letter is to presume upon you and your staff in the matter of requesting any information which may be at your disposition regarding the operations of SCAP.

For sometime we have been reading fragmentary reports on the operations of SCAP, particularly regarding the fishing activities in Japan. These reports are apparently issued in periodic bulletins and the nature of our request is how we may be placed on the mailing list for such bulletins.

Any information you may be able to give us will be greatly appreciated.

Very truly yours,

AMERICAN TUNABOAT ASSOCIATION

Harold F. Cary
Harold F. Cary
General Manager

*Reply drafted
2-1-49
referred to SCAP
Dept. of Interior
JWB
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FEB 2 1949

My dear Mr. Cary:

I refer to your letter of January 24, 1949 inquiring how your association may be placed on a mailing list to receive information on fishing activities in Japan.

There is no one mailing list which is concerned solely with SCAP fishery publications. However, the Fish and Wildlife Service, Department of the Interior, reproduces SCAP reports which deal with fishery subjects and I have accordingly referred your letter to that Department with the request that you be placed on the appropriate mailing list to insure that all such reports reach you.

Sincerely yours,

W. M. Chapman IVD

W. M. Chapman
Special Assistant to the Under Secretary

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Mr. Harold F. Cary,
General Manager,
American Tunaboat Association,
Fishermen's Wharf,
Foot of G Street,
San Diego 1, California.

FEB 2 1949 P.M.

A true copy of the original is enclosed

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THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

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United States Political Adviser for Japan

No. 52

DIVISION Tokyo, January 25, 1949.

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NORTHEAST ASIAN AFFAIRS
No NA action
FEB - 9 1949
Referred to CA
DEPARTMENT OF STATE

DJR

Subject: Reported Chinese Law Concerning Japanese Fishing Activities Outside Authorized Fishing Area.

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to bring to the Department's attention the reported enactment by the Chinese Legislative Yuan of a law providing for the seizure and ultimate disposition of Japanese fishing vessels found on the high seas outside the authorized fishing area.

A directive of the Supreme Commander for the Allied Powers of June 22, 1946 (SCAPIN 1033, as amended by SCAPIN 1033/1 of December 23, 1948) established an area in which Japanese fishing is authorized (this Mission's despatch no. 12 of January 7, 1949.) Occasional movements of Japanese fishing vessels outside the authorized fishing area have been the cause of protests to this Mission, in its capacity as Diplomatic Section, General Headquarters, by the Chinese Mission in Japan and by the office of the Soviet Member, Allied Council for Japan. A number of cases have also occurred in which Chinese and Soviet patrol authorities have seized Japanese fishing vessels found outside the authorized fishing area.

It is the position of General Headquarters that all Japanese fishing activities on the high seas are governed by the Supreme Commander's directives establishing the authorized fishing area, that these directives are subject to enforcement by the Supreme Commander only, and that it is the sole responsibility of the Supreme Commander, or his designated agents, to deal with violations of these directives.

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Tokyo's Despatch No. 52
January 25, 1949.

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This question was brought to issue in a communication from the Chinese Mission in Japan dated May 8, 1948 which noted that, despite efforts of General Headquarters to deal with movements of Japanese fishing vessels outside the authorized fishing area, such violations were still continuing, and that the Chinese Mission had been directed by the Chinese Government to notify the Japanese Government through General Headquarters "that the Chinese Government will have to take appropriate measures, unless such violations are effectively checked". In reply this Mission under date of June 22, 1948 requested the Chinese Mission to secure in each case of reported violation information of sufficient probative value to enable effective prosecution of the offenders, and further noted that Japanese fishing activities on the high seas are governed by the Supreme Commander's directives which are subject to enforcement by the Supreme Commander only.

In May 1948 coastal patrols of the Chinese Navy sank one Japanese fishing vessel and captured another, which action reportedly took place in waters outside the authorized area approximately seventy miles northeast of Jueshan island, off Hangchow Bay. Two Japanese crew members were killed in the sinking of one vessel. The survivors were later returned to Japan, but the one captured vessel was confiscated by the Chinese Government.

It has now come to the attention of this Mission that the August 29, 1948 issue of the Chinese newspaper Ta Kung Pao published the text of a law reportedly enacted by the Legislative Yuan which provides for the seizure and disposition of Japanese fishing vessels found operating outside the authorized fishing area. An English translation of the Ta Kung Pao article is enclosed with this despatch.

1/

Although information concerning this law comes from an unofficial source, this Mission considers the matter of sufficient importance to have brought it to the attention of the Chinese Mission. Enclosed herewith is a copy of a communication sent to the Chinese Mission by this Mission, in its capacity as Diplomatic Section, on January 24, 1949. The Chinese Mission is referred to previous correspondence on this subject in which this Mission pointed out specifically that Japanese fishing operations on the high seas are governed entirely by directives of the Supreme Commander. The Chinese Mission is accordingly requested to investigate the matter of the law described in the August 29, 1948 issue of Ta Kung Pao.

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A somewhat similar problem has also arisen in connection with seizure by Soviet patrol authorities of Japanese fishing vessels outside the authorized fishing area in the vicinity of the Kuril Islands and Sakhalin. In this

connection

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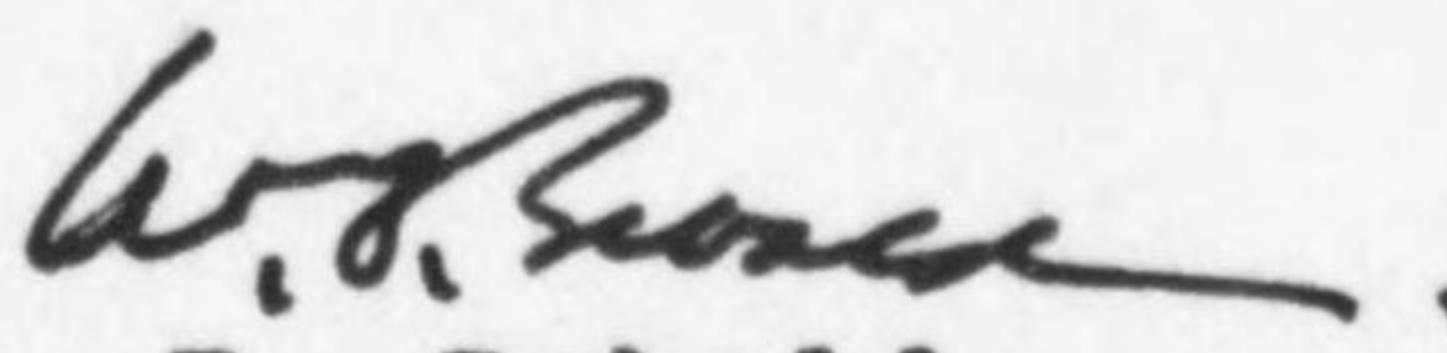
Tokyo's Despatch No. 52
January 25, 1949.

CONFIDENTIAL

-3-

connection, this Mission similarly advised the office of the Soviet Member, Allied Council for Japan, that Japanese fishing activities are governed by directives of the Supreme Commander which are subject to enforcement by the Supreme Commander only (this Mission's despatch no. 706 of November 2, 1948).

Respectfully yours,


W. J. Sebald

Copy to: American Embassy, Nanking

Enclosures: *ad*

1. Article from Ta Kung Pao, dated August 29, 1948.
2. Memorandum to Chinese Mission in Japan, dated January 24, 1949.

Original and hectograph to Department.

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L.B.D.
CONFIDENTIAL

Enclosure No. 1 to Despatch
No. 52 dated January 25, 1949
from the United States Political
Adviser for Japan, Tokyo, on the
subject, "Reported Chinese Law Con-
cerning Japanese Fishing Activities
Outside Authorized Fishing Area".

Article from Ta Kung Pao,
August 29, 1948.

Decided Confiscation of Japanese Fishing
Vessel Operating Fishery in Unauthorized
Area.

Regarding the matter of fishing operation by a Japanese fishing vessel crossing the border, the Department of Agriculture and Forestry, after consultation with the Departments of Home Administration, Diplomatic Relations and Justice, and the Naval General Headquarters, established the Emergency Law concerning Japanese Fishing Vessel operating Fishery crossing the border, which has lately been ratified by the Legislative Yuan of the Chinese Government.

The whole passages of this law are as follows:

- Article 1. Any Japanese fishing vessel which operates fishery crossing the border shall be disposed of in accordance with this Law.
- Article 2. Before the conclusion of the peace treaty with Japan, the fishing area for Japanese fishing vessels shall be confined within the sphere provided by GHQ, SCAP, and the terms "any Japanese fishing vessel which operates fishery crossing the border" shall mean any Japanese fishing vessel which operates fishery in the direction to China crossing the said sphere.
- Article 3. Any Japanese fishing vessel which operates fishery crossing the border, its fishing gears and catch shall be confiscated, and the master and crew aboard the vessel shall be deported from this country.
- Article 4. Any Japanese fishing vessel which operates fishery crossing the border, in case of its being captured, shall be disposed of by the supreme competent authorities of fishery in accordance with the provision of the preceding Article after investigating the affairs in the presence of the capturing authorities.

Enclosure No. 1 to
Tokyo's No. 52, January 25,
1949.

- Article 5. The supreme competent authorities of fishery and the capturing authorities shall, after investigating the affairs, thereof, draw up its disposition papers regarding the vessel, specifying the following items.
1. Number, nationality, name, age and sex of shipmaster and crew.
 2. Ship-nationality, registry, name, type, horse power of engine, speed, kind and number of fishing gears, kind and quantity of catch.
 3. Details of disposition.
 4. Hours of fishing operating after crossing the border, position of operation (specifying its longitude and latitude, and courses of capturing)
 5. Date the disposition papers drawn up.
 6. Signature and seal of the competent chief of the authorities where the disposition papers were drawn up. The disposition papers as stated in the preceding paragraph shall be delivered to the master of the captured vessel after the sentence of disposition has been pronounced to him, and also be reported to the Department of Agriculture and Forestry to furnish materials for reference of the investigation.
- Article 6. This Law shall apply to any Japanese fishing vessel which was captured prior to its enforcement and has not been disposed of yet.
- Article 7. This Law shall come into force as from the day of its ratification.

Enclosure No. 2 to Despatch
No. 52 dated January 25, 1949
from the United States Political
Adviser for Japan, Tokyo, on the
subject, "Reported Chinese Law
Concerning Japanese Fishing Activities
Outside Authorized Fishing Area".

(COPY)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Diplomatic Section

MEMORANDUM

Tokyo, January 24, 1949.

Reference is made to the Diplomatic Section's memorandum of June 22, 1948 and to related correspondence concerning reports of violations of the area authorized by the Supreme Commander for the Allied Powers for Japanese fishing by Japanese fishing vessels and crews operating beyond the authorized fishing area in the East China Sea.

In the Diplomatic Section's memorandum of June 22 and in subsequent discussion with representatives of the Chinese Mission in Japan on July 22, 1948, it was requested that in cases of reported violations of the authorized fishing area the Chinese Mission furnish the Diplomatic Section with information of sufficient probative value that the offenders can be effectively prosecuted, in as much as Japanese fishing activities on the high seas are governed by directives issued by the Supreme Commander which are subject to enforcement by the Supreme Commander only.

In this connection it has come to the attention of the Diplomatic Section that the August 29, 1948 issue of the Chinese newspaper Ta Kung Pao, published in Shanghai, contained an article describing a law reportedly passed by the Legislative Yuan concerning measures to be taken against Japanese fishing vessels operating on the high seas outside the authorized fishing area. According to English translation, Article 1 of the new law, as reported by the newspaper Ta Kung Pao, provides that any Japanese fishing vessel which passes beyond the boundary of the authorized area shall be disposed of in accordance with this law. Similarly, Article 2 is reported to refer to the confining of Japanese fishing before the conclusion of a peace treaty with Japan to the areas as authorized by the Supreme Commander for the Allied Powers. The law is further described by Ta Kung Pao as providing for the seizure by Chinese authorities of Japanese fishing vessels found on the high seas outside the authorized fishing area, and, according to Article 6, this law is reportedly to apply to any Japanese fishing vessel which was captured prior to its enforcement.

While

Enclosure No. 2 to Tokyo's
Despatch No. 52, January 25,
1949.

While the Diplomatic Section is aware that its information concerning this law comes from an unofficial source, it feels that this is a matter of sufficient importance to be brought to the attention of the Chinese Mission, since the reported provisions of the law appear to contemplate seizure by Chinese authorities of Japanese fishing vessels not simply in Chinese waters but on the high seas. As noted in the Diplomatic Section's memorandum of June 22, 1948, Japanese fishing activities on the high seas are governed entirely by directives issued by the Supreme Commander which are accordingly subject to enforcement by the Supreme Commander only. It would be appreciated therefore if the Chinese Mission would investigate whether such a law as is described in the August 29 issue of Ta Kung Pao has been promulgated and inform the Diplomatic Section in the premises.

To the
Chinese Mission,
Tokyo.

STANDARD FORM NO. 64

SECRET

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Claxton

FROM : A. L. Keyes *Alk*

SUBJECT: Japanese Fishing.

DATE: February 10, 1949

ODH

file

This memorandum will give you the position on the above subject upon my departure. Mr. Moseley will follow-up for "O" hereafter.

It was agreed by SANACC that the matter of fishing in the Trust Area might be broached again on February 15. I assume the Army will raise it on that day, although I have avoided discussing it with the Army. Dr. Chapman advises that in his opinion there have been no developments since the previous discussion which would warrant a change in the U. S. Government position. Actually, the expansion of fishing into the eastern Pacific was only authorized about six weeks ago, so that it would be impossible at this date to have any conclusive proof as to whether Japanese fishing in the expanded area was being performed on a more law-abiding and conservation-minded basis. Nevertheless, MacArthur probably believes that he can control Japanese fishing adequately to insure protection of the natives and fish conservation in the Trust Area. Accordingly, there will be some dispute of fact when this issue is raised. Dr. Chapman recommends that the State Department take no action on this subject until the Army raises the question. Mr. Barnett expressed no disagreement with that recommendation.

Mr. Barnett advises that there is no chance of FEC adoption of the U. S. proposed policy which would authorize MacArthur to permit expansion of Japanese fishing provided that fishing in an area of "direct concern" to another country should be subject to negotiation with that country. Apparently, another paper has been introduced in the FEC which would propose to define areas of "direct concern" to various countries. In all probability neither paper will be adopted, but Mr. Barnett sees no great danger in this result.

The Philippines object to one corner of the expanded fishing area authorized six weeks ago and we accordingly suggested to MacArthur that he negotiate with The Philippines before authorizing fishing in that area. I believe he is conducting such negotiations, but we have not yet heard the outcome.

- cc: Dr. Chapman, U/FW
- Mr. Barnett, OFD
- Mr. Fearey, NA
- Mr. Moseley, O

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

ACTION
is assigned to

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action required
DIVISION OF UNITED STATES POLITICAL ADVISER
NORTHEAST ASIAN AFFAIRS for Japan

man in file
Tokyo, February 12, 1949.

No. 92

DEPARTMENT OF STATE

SECRET (For Department Use Only)

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Subject: Natural Resources Section Plan for Japanese
Fishery Patrol.

RECEIVED
5
DEPARTMENT OF STATE

The Honorable
The Secretary of State,
Washington.

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Return to DC/R Files
when ACTION is com-
pleted.

Sir:

1/
I have the honor to refer to this Mission's airgram no. 145 of July 10, 1948, and to previous correspondence concerning plans considered by this Headquarters for establishing a patrol system in order to assist in the enforcement of directives defining areas in which Japanese may fish. In this connection there is enclosed a copy of a staff study prepared by the Natural Resources Section of Headquarters describing the problem of compliance by the Japanese with directives defining fishing areas and recommending that a patrol be established in order to alleviate this problem.

The plan recommended by the Natural Resources Section is one devised by the Fisheries Bureau of the Japanese Ministry of Agriculture and Forestry at the suggestion of Headquarters. According to this plan eleven vessels would be devoted to patrolling beyond the limits of the presently authorized fishing area in order to apprehend Japanese fishing vessels operating beyond the authorized limits. These patrol vessels and their crews would be unarmed.

2/
The enclosed study is now being referred to interested sections of Headquarters for concurrence. This Mission, in its capacity as the Diplomatic Section, has concurred in the proposal provided the word "inspection" be substituted for the word "patrol" and the proposal, if approved, is brought to the attention of the missions in Japan of the Allied nations principally concerned before it is put into operation. Enclosed is a copy of a communication dated February 9, 1949, giving the views of this Mission, which concurred in this proposal only because the Natural Resources Section insisted that some form of patrol was essential to enforcement of Headquarters directives and that extensions of the authorized fishing area could not conscientiously be permitted so long as the Japanese were unable to comply with present instructions.

SECRET (For Department Use Only)

DEPARTMENT OF STATE
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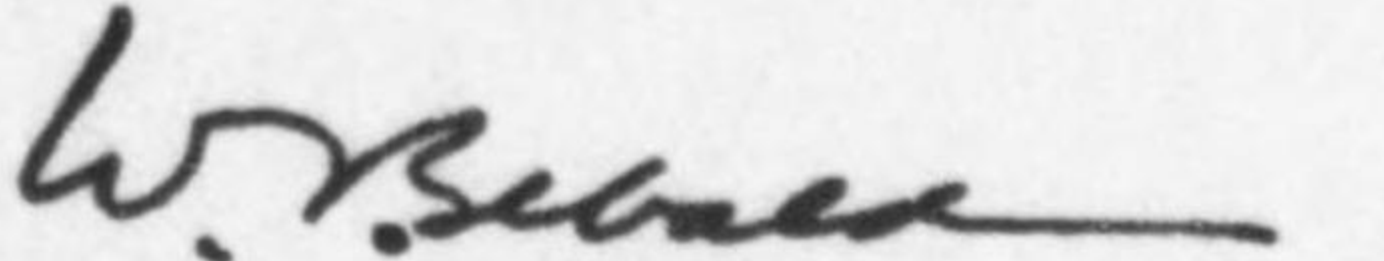
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Tokyo's Despatch No. 92,
February 12, 1949.

- 2 -

It is uncertain whether the enclosed plan, even in modified form, will be approved by Headquarters, but the Department will be informed of such further action as may be taken in this regard.

Respectfully yours,


W. J. Sebald

Enclosures: *att'*

1. Copy of Staff Study.
2. Communication dated February 9, 1949.

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RBFinn:gmd

Original and hectograph to Department. ✓

SECRET (For Department Use Only)

L.B.B.

Enclosure No. 1 to Despatch No. 92
dated February 12, 1949 from the United
States Political Adviser for Japan,
Tokyo, on the subject "Natural Resources
Section Plan for Japanese Fishery Patrol".

SECRET (For Department Use Only)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

MEMORANDUM FOR THE CHIEF OF STAFF

I. THE PROBLEM:

To ensure compliance by Japanese fishermen with provisions
of SCAPIN 1033.

II. FACTS BEARING ON THE PROBLEM:

1. SCAPIN 1033, dated 22 June 1946, defines the SCAP-author-
ized Japanese fishing area.

2. Seventy-eight violations of SCAPIN 1033, involving 127
Japanese fishing boats, were reported between 30 December 1946 and
20 October 1948. Evidence sufficient to sustain convictions in
Japanese courts was obtained in only three cases.

3. The government of Russia and China have expressed concern
over alleged violations. Both China and Korea have confiscated Japa-
nese fishing boats apprehended outside the authorized fishing area.

4. A Japanese Government plan for a single patrol vessel
to enforce compliance with provisions of SCAPIN 1033 was submitted
to SCAP for approval. The plan was not approved because the Chinese
Government objected to it. Continuous but unsuccessful attempts have
been made to obtain voluntary compliance. In conference 22 July 1948,
Chinese Government representatives expressed the opinion that the Japa-
nese are unreliable and that United States vessels should patrol the
authorized area.

5. On 13 August 1948, the Japanese Government submitted a
second plan for the establishment of patrolling vessels to enforce
the provisions of SCAPIN 1033. This plan can be made reasonably ef-
fective with SCAP assistance.

III. DISCUSSION:

1. Violations of SCAPIN 1033 and subsequent repercussions
are affecting Occupation objectives adversely. Current inability of
the Japanese Government to enforce the provisions of SCAPIN 1033 is
resulting in:

a. Disrespect among the Japanese for SCAP and Japanese
Government directives.

b. Criticism

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Enclosure No. 1
to Tokyo's Despatch No. 92,
February 12, 1949.

- 2 -

b. Criticism by other countries of SCAP's ability to enforce directives to the Japanese Government. Suspicion that the Japanese will not respect limitations on their activities will affect Japan's interests at peace conferences. Currently, it is affecting negotiation of international agreements in respect to fishing area, Japanese attendance at international fishery meetings, and other similar problems.

2. Representatives of COMNAVJAP, FEAF and G-3 state that United States surface or aircraft units are not available for patrolling or for supervision of a Japanese patrol program. A Japanese patrol, by itself, would not provide a positive check on Japanese enforcement or full assurance to other countries that Japanese fishermen are obeying restrictions placed upon them.

IV. CONCLUSIONS:

1. The Japanese Government is responsible for enforcing provisions of SCAPIN 1033. It cannot discharge its responsibility effectively unless a patrol system is established and assistance provided by Occupation Forces. Effective surveillance may be obtained by (1) establishment of a Japanese patrol system; (2) intermittent assignment, as required, of United States naval officers to accompany Japanese patrol vessels; (3) reports by COMNAVJAP vessels and FEAF aircraft on routine operations of Japanese fishing vessels observed outside the authorized area.

2. The patrol plan would require: (1) authorization to operate patrol vessels in certain waters outside the authorized fishing area; (2) ¥100,000,000 for financing the program; (3) allocation of a small quantity of controlled materials; and (4) the use of patrol vessels with sufficient speed to be effective.

a. Operation of patrol vessels in the area specified in map, would be necessary in order to locate, identify, and report fishing vessels outside the authorized area. Patrol vessels would have the same status as other vessels under the jurisdiction of SCAJAP, which are not limited by the provisions of SCAPIN 1033. Approach closer than ten miles to the coast of any foreign country would be prohibited. Patrol vessels would not be permitted to engage in fishing operations, in conformity with the Chinese Government's primary objection to Japanese patrol operations.

b. Appropriation of ¥100,000,000 for the enforcement program appears justified. Alternative patrol by United States forces would be at the expense of the United States Government and would remove responsibility from the Japanese Government.

c. Allocation of controlled materials to provide necessary radio communication appears justified. The quantity requested is reasonable and radio communication would contribute to effective surveillance over Japanese fishing operations.

d. The speed of the proposed patrol vessels would approximate that of large fishing boats. Faster vessels are not available at present. To avoid delay, the proposed program as modified, should be approved and the Japanese Government instructed to replace initial patrol vessels by faster ships as rapidly as possible.

V. RECOMMENDATIONS:

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Enclosure No. 1
to Tokyo's Despatch No. 92,
February 12, 1949.

- 3 -

V. RECOMMENDATIONS:

1. That the Japanese Government be instructed to establish a patrol system in accordance with proposed SCAPIN.
2. That COMNAVJAP be directed to instruct all surface craft on routine patrol or voyages to report Japanese fishing boats observed outside the authorized area.
3. That COMNAVJAP be directed to assign United States naval officers to duty aboard Japanese patrol vessels, as necessary, to insure proper surveillance of Japanese patrol operations and to determine the effectiveness of such operations in enforcement of SCAPIN 1033.
4. That CG, FEAF, be directed to instruct all aircraft on routine flights to report Japanese fishing boats observed outside the authorized area.

HUBERT G. SCHENCK
Lt Col CE
Chief, Natural Resources Section

11 Incls

1. Tab A
2. Tab B
3. Tab C
4. Tab D
5. Tab E
6. Tab F
7. Tab G
8. Tab H
9. Tab I (only inclosure forwarded herewith)
10. Tab J
11. Tab K

Concurrences:

G-1 Section _____
G-2 Section _____
G-3 Section _____
G-4 Section _____
Economic and Scientific Section _____
Diplomatic Section _____
Civil Communications Section _____
COMNAVFE _____
FEAF _____

Sub-enclosure

SECRET (For Department Use Only)

Enclosure No. 1
to Tokyo's Despatch No. 92,
February 12, 1949.

- 4 -

Sub-enclosure to Enclosure No. 1.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG
SCAPIN

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Japanese Fishery Patrol Operations

1. Reference is made to:
 - a. Memorandum for Japanese Government from General Headquarters, Supreme Commander for the Allied Powers, AG 800.217 (22 Jun 48)NR, SCAPIN 1033, 22 June 1946, subject, "Area Authorized for Japanese Fishing and Whaling".
 - b. Memorandum from the Japanese Government to General Headquarters, Supreme Commander for the Allied Powers, C.L.C.O. No. 2852 (2P), subject, "Measures to Prevent Japanese Fishing Boats from Trespassing Upon Area Outside Boundary of Authorized Area", dated 11 August 1948.
2. The proposed plan submitted by the Japanese Government referred to in paragraph 1 b above, is approved subject to the modifications listed below:
 - a. No fewer than eleven (11) patrol vessels shall be used. If found necessary in order to carry out effective patrol, these vessels shall be replaced by faster ships as rapidly as such ships can be financed and secured through purchase, charter, or construction.
 - b. The modified International E instead of the Japanese flag shall be used to mark patrol vessels.
 - c. Japanese patrol vessels shall not approach closer than ten (10) miles to the coast of any foreign country.
 - d. Patrol vessels will not engage in fishing operations of any kind.
 - e. Patrol vessels shall obtain authorization for each voyage from Commander Naval Forces, Japan.
 - f. Each patrol vessel shall have accommodations for carrying a SCAP representative.
3. The purpose

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Enclosure No. 1
to Tokyo's Despatch No. 92,
February 12, 1949.

- 5 -

3. The purpose of the patrol operations authorized by this memorandum is to enforce the provisions of Memorandum for the Japanese Government, SCAPIN 1033, referred to in paragraph 1 a above, and any subsequent amendments or modifications thereof.

4. The Japanese Government shall take immediate action to carry out all phases of proposed plan as modified in paragraph 2 above.

5. This authorization does not establish a precedent for patrol operations in any other area for any subsequent period of time; nor is it an expression of Allied policy relative to the ultimate determination of national jurisdiction, international boundaries or fishing rights in the area concerned or in any other area.

FOR THE SUPREME COMMANDER:

NOTE FOR RECORD:

1. SCAPIN 1033 dated 22 June 1946 defines the area in which Japanese fishing boats are authorized to carry on fishing operations. Imperial Ordinance 311, dated 11 June 1946, guides the Japanese in enforcing SCAPINs and prosecuting violations.

2. Between 30 December 1946 and 20 October 1948 seventy-eight instances of Japanese boats fishing outside the authorized area were reported. Information substantiating violations was sufficient to obtain convictions in Japanese courts in only three of these instances.

3. In a Memorandum dated 8 May 1948 the Chinese Mission informed DS that it was directed by its home Government to notify the Japanese Government through General Headquarters, Supreme Commander for the Allied Powers, that the Chinese Government would have to take appropriate measures unless such violations were effectively checked.

4. In compliance with instructions of the Chief, Fisheries Division, NRS, the Japanese Government on 13 August 1948 submitted a plan embracing all measures considered essential to the satisfactory discharge of its responsibility to enforce SCAPIN 1033. The principal proposals of this plan are:

a. Eleven vessels owned or to be chartered by the Fisheries Agency are to be authorized to patrol Eastern China waters and the southern and eastern boundaries of the authorized area. All patrol vessels would be marked with a Japanese flag painted in the middle, on both sides of the boat, and a white line around the ship.

b. All fishing boats are to be marked with their registration numbers at a place suitable to be seen from the upper air, in addition to the mark on the bow prescribed by the Fishing Boat Registration Regulation.

c. Fishing

SECRET (For Department Use Only)

Enclosure No. 1
to Tokyo's Despatch No. 92,
February 12, 1949.

- 6 -

c. Fishing vessels with radio equipment, including otter trawlers and bull trawlers of over 50 gross tons and tuna boats over 75 gross tons, shall report their position every noon to the Fisheries Agency. All boats of these types and sizes which do not have such radio equipment must be so equipped within six months from the day approval is given the plan by SCAP. Any such vessel not so equipped within six months will be restricted to operate in an area small enough to reduce the possibility of violations. Preliminary conferences on this subject between the Fisheries Agency and the Ministry of Communications indicate that a satisfactory schedule of time and radio frequencies can be arranged for this purpose.

(sic) e. Penalties for violation of SCAPIN 1033 will include:

- (1) Confiscation of the catch or of an amount of money equivalent to the price, will be imposed on the operator. The estimated value of the catch is, otter trawler ¥2,500,000, bull trawler ¥2,000,000 tuna boat ¥1,000,000 to ¥2,300,000 depending on size of boat.
- (2) Confiscation of fishing facilities (gear). The current value of fishing facilities varies from ¥550,000 to ¥2,500,000 depending on type and size of boat.
- (3) Sentencing of the captain of the boat to imprisonment with hard labor not to exceed 10 years, and imposing a fine of not more than ¥75,000.
- (4) Administrative cancellation of vessel's license to engage in fishing operations.

f. The fishing boat operators and associations undertake to:

- (1) Warn all persons suspected of violations and report them to the Fisheries Agency.
- (2) Prepare posters for prevention of violations under instructions of the Fisheries Agency and post them in the pilot houses and crew spaces of all deep-sea fishing ships and at fishing bases.

g. Permission is requested for the patrol boats to operate in the area described. This includes a small area of water outside of the authorized area in the Yellow and East China Seas and a considerable area to the south and east of the authorized fishing area.

h. To carry out this plan will require an appropriation of ¥100,000,000 to charter patrol vessels and cover other expenses, and an allotment of about 113,000 kilograms of steel, 73,400 kilograms of copper, 36,000 kilograms of lead, 7,300 kilograms of pig iron, and 2,500 koku of lumber, for the manufacture and installation of 226 radio sets on 209 bull trawlers and 17 tuna boats now without such sets.

5. The Japanese

(Secret (For Department Use Only))

Enclosure No. 1
to Tokyo's Despatch No. 92,
February 12, 1949.

- 7 -

5. The Japanese patrol as authorized in the above SCAPIN is required to enforce SCAPIN 1033. SCAP has the responsibility for authorizing the Japanese to fish in certain areas under JCS Directive 20 A dated 7 November 1945 and for seeing that they remain within the area which SCAP specified.

6. Concurrences:

G-2 Section _____

G-3 Section _____

G-4 Section _____

ComNavJap _____

DS _____

Economic and Scientific Section _____

Civil Communications Section _____

C o p y

SECRET (For Department Use Only)

Enclosure No. 2 to Despatch No. 92
dated February 12, 1949 from the United
States Political Adviser for Japan,
Tokyo, on the subject "Natural Resources
Plan for Japanese Fishery Patrol".

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

Subject: Japanese Compliance with SCAP Fishery Regulations

From: Diplomatic Section To: Natural Resources Date: 9 Feb 1949
Section

1. DS concurs in the first recommendation of the enclosed staff study and in the provisions of the proposed SCAPIN, provided the following amendments are made:

a. The word "patrol" should in all instances be deleted and the word "inspection" substituted. Since the "patrol" boats are to have only limited police powers and since a major purpose of the operation is to ensure fish conservation by preventing exploitation of certain areas, DS considers that the operation can be termed one of inspection rather than patrol. The inflammatory connotation of the word "patrol" has already occasioned considerable difficulty in connection with the jurisdiction of the Japanese Maritime Safety Board and should, therefore, be avoided in authorizing an operation as extensive as that proposed in the enclosed study.

b. The authority of the inspection vessels to deal with vessels operating beyond the limits authorized by SCAPIN 1033 does not appear to be clearly stated, either in the Japanese plans or in the proposed SCAPIN. This authority should be defined by insertion of an appropriate provision in the proposed SCAPIN and the following is therefore suggested for insertion in paragraph 2:

Inspection vessels are responsible for assisting in the enforcement of instructions issued by the Supreme Commander for the Allied Powers and of laws and regulations of the Japanese Government in regard to Japanese fishing operations.

2. It is DS' understanding that the inspection vessels and Japanese personnel aboard them will be unarmed. DS considers that substitution of "inspection" for "patrol" makes it unnecessary to include a provision regarding armament in the draft SCAPIN.

3. DS suggests that the boundaries of the proposed inspection area be defined in the proposed SCAPIN in order that this area be made generally public and in order that the first clause of paragraph 5 of the proposed SCAPIN be made meaningful.

4. DS believes that consideration should be given, in the event that the proposals in the enclosure are approved, to the advisability of informally advising the missions in Japan of the principal FEC nations concerning this matter. In view of the chorus of charges raised

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Enclosure No. 2
to Tokyo's Despatch No. 92,
February 12, 1949.

- 2 -

in the Far Eastern Commission at the time of the implementation of the Maritime Safety Authority Law, it is believed that diplomatic preparation of this kind would largely obviate subsequent criticism and charges of "rearmament".

Inclosure:
Memorandum for C/S.

----- W. J. S. -----

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REFin: gmd

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

U/FW
cc/r file

United States Political Adviser
for Japan

Tokyo, February 18, 1949

No. 110

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U/FW - FISHERIES
no action nec
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AND WILDLIFE *kb*

Subject: Catch of Japanese Antarctic Whaling Expedition at
Half-Way Point.

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(Dr. Kellogg)
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The Acting Political Adviser has the honor to enclose a copy of a press release issued February 10, 1949 by this Headquarters announcing that the 1948-1949 Japanese Antarctic Whaling Expedition had caught 490 blue whale units at the half-way point in its operations, a comparatively low catch because of the scarcity of whales and adverse weather conditions.

Enclosure: *att.*
✓ Copy of Press Release
dated February 10, 1949.

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RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

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Enclosure to Despatch No. 110 of February 18, 1949 from the United States Political Adviser for Japan, Tokyo, subject: "Catch of Japanese Antarctic Whaling Expedition at Half-Way Point."

COPY

Press Release by General Headquarters, February 10, 1949:

WHALING EXPEDITION RADIOS HALF-MARK REPORT

Whaling operations being conducted by the two-fleet 1948-1949 Japanese Antarctic Whaling expedition reached the half-way mark this week with a total of 654 whales (490 blue whale units) which have been processed into 53,990,245 pounds of products, William M. Terry, Production and Processing Branch, Fisheries Division, Natural Resources Section, SCAP, announced today.

"To date the catch has fallen below last year's record of 661 whales (540.5 blue whale units)," Terry stated.

"According to radio messages received from Lt. Comdr. Francois Bourgois, French Navy, and Maj. James A. Crombie, Buffalo, N.Y., SCAP representatives aboard the two factory ships, the current low catch is due to an unusual scarcity of whales and adverse weather conditions."

According to production figures sent to Fisheries Division, highly efficient operation has resulted in the processing of a total of 17,055,675 pounds of whale oil, 13,230 pounds of liver oil and 36,204,715 pounds of frozen and salted meat and blubber.

More than 1,500 tons of salted and frozen meat have already been brought to Japan by refrigerated carriers for distribution through official ration channels. The carrier Chikuzen Maru is expected to dock at Osaka early next week with an additional 776 tons of frozen whale products.

UNCLASSIFIED



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
WASHINGTON 25, D. C.

IN REPLY REFER TO:
OFA-677

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MAR 24 1949
*Letter Americans -
to Am Emb. Tokyo,
file E.C. UFW*

MEMORANDUM

To: Dr. W. M. Chapman, Special Assistant to the
Under Secretary, U/FW, Department of State.

From: Acting Chief, Office of Foreign Activities,
Fish and Wildlife Service.

Subject: Letter from Yaichiro Okada

Enclosed are two copies of a letter from Yaichiro Okada,
dated February 15, 1949, in which he requests a copy of Fishery
Leaflet No. 233, a copy of which is attached.

It will be appreciated if the State Department will make
such investigation as it deems necessary and, in event it should
perceive no objection, transmit the enclosed publication to
Mr. Okada.

Stillman Wright
Stillman Wright.

894.628/3-2449

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

[Handwritten signature]

United States Political Adviser
for Japan

No. 182

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*U/FW - FISHERIES
no action ~~see~~ - ~~use~~ for Japan
APR 26 1949 Tokyo, March 28, 1949
AND WILDLIFE *file**

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sc/R*

REC'D
APR. 4

ACTION
U/FW ENC

Subject: Study of Migration Habits of Whales.

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The Acting Political Adviser has the honor to invite the Department's attention to a plan of General Headquarters, Supreme Commander for the Allied Powers, for studying the migration habits of whales.

It is proposed to reconstruct the course of migration of these whales by instituting a marking and recovery program in both the Bonin Island area and in the waters off Japan. Enclosed are five copies of a Headquarters press release dated March 31, 1949, explaining the plan.

SMITHSONIAN
(DR. KELLOGG)
(ENC)

The assistance of the Chinese, Korean, and Soviet Governments has also been sought by requesting these governments to forward to Headquarters any identification tags recovered from whales taken by their whalers. There is enclosed a copy of a note dated March 8, 1948, to the office of the Soviet Member, Allied Council for Japan, requesting the good offices of the Soviet Government in this regard. Similar notes were addressed to the Chinese and Korean Missions in Japan.

894.628 / 3-2849

Enclosures:

1. Copy of Headquarters Press Release dated March 31, 1949.
2. Copy of Note dated March 8, 1949 to the office of the Soviet Member, Allied Council for Japan.

Parchment Hat to Department.

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RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

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Reference is made, TOKYO, on
the subject "Study of Migration
Habits of Whales".

(COPY)

GENERAL HEAD QUARTERS
Supreme Commander for the Allied Powers
Diplomatic Section

The Diplomatic Section of General Headquarters, Supreme Commander for the Allied Powers, presents its compliments to the Office of the Soviet Member, Allied Council for Japan, and has the honor to request the latter's good offices in the following matter.

Under the supervision of General Headquarters Supreme Commander for the Allied Powers, the Fisheries Agency of the Japanese Government is undertaking a program of marking whales in order to study their migratory habits in Japanese coastal waters.

Marking will be done by firing a ten and one half inch stainless steel dart into the body of the whale. The dart, which is fired from a twelve-gauge shotgun, consists of a stainless steel tube, nine and one quarter inches in length and approximately one half inch in diameter, with a one and one quarter inch lead tip riveted to one end of the dart. The following legend is inscribed on the tube:

NO. _____ JAPANESE FISHERIES AGENCY NO _____
TOKYO

The position of the research ship is recorded at the time of marking, along with the species of whale. Should a marked whale later be taken by a catcher boat operating from a factory ship or land station, location of the killing compared to the location of marking will give an indication of the migratory habits of the animal.

Thus, the marking program not only will provide information which is vital to the establishment of the level of catch in Japanese waters in accordance with principles of conservation, but will also make available information of scientific value. The program is similar to one conducted in antarctic waters during the years prior to World War II by the Discovery Committee, an agency of the United Kingdom. Any information obtained as a result of this program will be disseminated through the International Whaling Commission.

The

-2-

The program will be initiated in waters adjacent to the Bonin Islands in the middle of March and, upon completion of the Conin Island season in early May, will be continued in Japanese coastal waters from vessels based on land stations in northern Honshu, Hokkaido and Kyushu.

Though little is known of the migratory habits of Whales in Japanese coastal waters, it is thought that some of the herds which appear off the Japanese coast move into the waters adjacent to Kamchatka Peninsula, Sakhalin, Korea and Formosa. In that event, it is possible that Russian whalers may recover some of the darts fired by the Japanese. Information as to the date and location of such recovery would be of considerable value to Headquarters and to the Fisheries Agency.

The good offices of the Government of the U.S.S.R. in facilitating this program by forwarding to General Headquarters, Supreme Commander for the Allied Powers, any darts which might be recovered, together with information regarding the date of recovery, the location of the catch and the species, sex and length of the marked whale, would be greatly appreciated.

Tokyo, March 8, 1949.

CONFIDENTIAL

*DC/R
file*

Mr. George Pollard, Economics Branch, CAD.

April 6, 1949

NA - Mr. Moseley

Fishing Conservation Program in Japan.

Your courtesy in providing the State Department with data on the above subject is appreciated.

This information is of particular interest to the Fisheries and Wild Life Section of the State Department, and they are anxious to make available to the fishing industry the substance of Colonel Levy's letter and its enclosures. They feel that it will be advantageous to SCAP from a public relations standpoint to make this information available to the American fishing industry which is interested in conservation practices in Japan.

To make this information available, Colonel Levy's letter, of course, will have to be declassified. It would be appreciated if you could ascertain if there is any objection to declassifying this letter in order that this data may be supplied the American fishing industry.

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CS/A

894.628/4-849

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ACCESS RESTRICTED

The item identified below has been withdrawn from this file:

File Designation 894.628/4-1949
No. 235
 Date April 19, 1949
 From Tokyo
 To _____

In the review of this file this item was removed because access to it is restricted. Restrictions on records in the National Archives are stated in general and specific record group restriction statements which are available for examination. The item identified above has been withdrawn because it contains:

- Security-Classified Information
- Otherwise Restricted Information

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Authority

3/31/76
Date
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WITHDRAWAL NOTICE



THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

S-FE

DIVISION OF NORTHEAST ASIAN AFFAIRS

United States Political Adviser for Japan

No. 247

MAY 11 1949

Tokyo, April 21, 1949.

SECRET DEPARTMENT OF STATE (For Department Use Only)

REC'D MAY 3

Action Assigned to
Action Assigned to
Action Taken *instruction*
Action Taken

ACTION FE

Subject: Status of Formosa and Kurile Islands.

drafted May 21, 1949.

INFO DCR EUR L POS

The Honorable The Secretary of State, Washington.

Date of Action

Action Office Symbol *NA*

Name of Officer *M. Green*

Direction to DC/R *file*

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Sir:

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I have the honor to refer to the Department's instruction no. 54 of April 7 giving its views on Soviet claims to territorial sovereignty in the Kurile Islands, and to enclose a copy of a United Press report under Washington dateline of April 17, 1949, which appeared in the Mainichi (English language edition) on April 18, concerning a statement attributed to the Special Assistant for Press Relations to the effect that the final disposition of Formosa and the Kurile Islands must await a peace treaty with Japan.

The territorial status of the Kurile Islands has already been raised by the Soviet Member, Allied Council for Japan, in connection with seizure by Soviet authorities of Japanese vessels operating outside the authorized fishing area in the vicinity of the Kurile Islands (this Mission's despatches no. 706 of November 2, 1948, and no. 34 of January 19, 1949).

In light of the Department's above-cited instruction the statement attributed to the Special Assistant for Press Relations appears to indicate a further development of the Department's policy on this problem. It would be of assistance to this Mission to have the full text of any statement made by the Department's spokesman on this subject, and any further instructions the Department may consider appropriate.

Respectfully yours,

W. J. Sebald
W. J. Sebald

Enclosure: *att*

Statement from Mainichi April 18, 1949.

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RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

JUN 13 1949

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SECRET FILE

DMR

894.628/4-2149

NO. 111-1000-1111-1111,
from the United States Political
Adviser for Japan, Tokyo, on
the subject, "Status of Formosa
and the Kurile Islands".

(COPY)

Mainichi (English language edition)

April 18, 1949.

Formosa Disposition Must Await Treaty

Island in Same Category as Kuriles - McDermott

United Press

Washington, Apr. 17.--State Department spokesman Michael McDermott said final disposition of Formosa must await a peace treaty with Japan.

McDermott made the comment when a reporter drew his attention to the fact that a newspaper columnist had said the United States may be forced either to claim ownership of Formosa or face the possibility of it falling into the hands of Chinese Communists.

McDermott said Chinese-occupied Formosa was in the same category as the Kurile Islands at present occupied by Russia and disposition of both areas is subject to a peace treaty.

CONFIDENTIAL

*De/p
file*

FEC - Mr. Blakeslee

NA - Mr. Bishop

April 28, 1949

It is recommended that the United States Representative on the Steering Committee support the following position with respect to that Committee's consideration of the proposed policy on FISHING AND AQUATIC INDUSTRIES IN JAPAN:

Support the proposed policy decision in SC-271/10 with the following exceptions:

Paragraph 2(b).

(1) Support the change in the second sentence proposed by the Canadian member in SC-271/12 which would eliminate the words "informed SCAP it has".

(2) Insistence should be made, however, that the last sentence in this paragraph should be eliminated.

Paragraph 6.

This paragraph should be eliminated.

894.628/4-2849

CS/A

894.628/4-2849

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| Anal. | <i>[Handwritten signature]</i> | | |
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U/FW

*Chapman
HWM*

HWM Bennett

INCOMING AIRGRAM

DEPARTMENT OF STATE

DIVISION OF COMMUNICATIONS AND RECORDS

DIVISION OF
NORTHEAST ASIAN AFFAIRS

MAY 11 1949

DEPARTMENT OF STATE

AIRGRAM

file DC/R

| |
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| U/FW |
| Chapman |
| Flory |
| Castleton |
| TELEGRAPH BRANCH |
| Selak |
| Leoney |
| Goldblatt |
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| File - DC/R |

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U/FW **FISHERIES**
MAY 5 1949
AND WILDLIFE

FROM: USPOLAD, Tokyo.

Date of mailing: April 30, 1949.

Recd.: May 5, 1949, 12:14 pm

SECRET (For Department use only).

Secretary of State,
Washington.

A-101, April 29, 1949.



894.628/4-2949

SCAP is planning to authorize a fourth Japanese Antarctic Whaling Expedition for the 1949-1950 season consisting of three fleets instead of two as in the past three expeditions. A telegram stating this intention has been drafted with this Mission's concurrence and if approved by the Chief of Staff will shortly be sent to the Department of the Army.

It is anticipated here that Allied nations will no longer contest the principle that Japan should be permitted to engage in antarctic whaling, but that the main objection will be to the addition of a third fleet. SCAP considers that the pressing needs of Japan for food and oil, in addition to the excellent record established by Japanese whalers, justify the addition of a third fleet.

In the 1948-1949 season Japanese whalers took 1,138 blue whale units (BWU) and with three fleets are expected in the 1949-1950 season to capture 1,500 BWU units. The amount of whale meat and oil will be correspondingly increased. It is expected that

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MAY 26 1949

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PERMANENT RECORD COPY.—This copy must be returned to DC/R central files with notation of action taken.

SECRET

-2-

Tokyo's A-101, April 29, 1949.

the United States Government will be thereby saved about \$22,000,000 rather than \$18,000,000, the estimated saving resultant from the last expedition.

The number of whales illegally taken by the last expedition was 0.02 of the total catch; Japan's average illegal catch for the past three seasons has been 0.04, a figure said to be considerably less than that of the illegal catch of Norway or other nations. Japan extracted 122 barrels of oil per whale unit for the last expedition, a figure which is considered to represent a high level of production.

Estimates for the 1949-1950 season indicate that, if three fleets are authorized, Japan will capture about .093 of the 16,000 BWU's authorized by the International Whaling Convention. As a result of the 1948-1949 season, Japan captured about .071 of 16,000 BWU's. It is the opinion of this Mission that about 10% of the total catch is not an unfair or preferential total for Japan. If, however, in the opinion of the Department this figure is too high or diplomatic considerations appear to justify operation by Japan of two fleets rather than three, the Department may wish to consider so advising the Department of the Army after JCAI's proposal has been received.

SEBALD

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NATIONAL RESOURCES DIVISION

THE FOREIGN SERVICE

OF THE

UNITED STATES OF AMERICA

JUN 22 1949

DEPARTMENT OF STATE

UNITED STATES POLITICAL ADVISER

FOR JAPAN

No. 282

SECRET (For Department Use Only)

Tokyo, May 5, 1949.

Action Assigned to JHM

Action Taken No action required

ACTION

is assigned to

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alt

SUBJECT: Fourth Japanese Antarctic Whaling Expedition.

RECEIVED
DEPARTMENT OF STATE

MAY 22 2 30 PM '49

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to refer to airgram no. 101 of April 29, 1949, describing the intention of General Headquarters, Supreme Commander for the Allied Powers, to authorize a Japanese Antarctic whaling expedition for the 1949-1950 season consisting of three fleets. Enclosed is a copy of a staff study prepared by the Natural Resources Section of General Headquarters proposing that three fleets be authorized to operate for the 1949-1950 season and showing the details of Japan's record for the past three seasons, as well as estimates for the coming season. Appended to the enclosed staff study is a draft telegram which, it is expected, will be sent shortly to the Department of the Army announcing the Supreme Commander's intention to authorize this expedition.

As stated in the airgram above cited, it is anticipated that any complaints made by Allied Powers against the Supreme Commander's proposal will be directed against the addition of a third fleet rather than against the principle of Japanese participation in Antarctic whaling. I believe, however, that the addition of a third fleet is desirable in as much as it will contribute to the reduction of Japan's continuing shortage of food and oil and because capture of 1500 Blue Whale Units, which is the estimated catch for Japan if three fleets are authorized and which is .093 of the total allowed by the International Whaling Convention, does not appear to be an excessive or preferential figure for Japan. Japan's excellent safety record in taking an average of .04 illegal whales over the past three seasons, and excellent production record in extracting 122 barrels of oil per whale unit for the past season, offer further evidence of Japan's efficiency and desire to abide by international agreements. In addition, it is estimated that operation of three fleets during the coming season will save the United States Government about \$22,000,000, or \$4,000,000 more than the saving resulting from the 1948-1949 expedition.

Because the Supreme Commander's authority to authorize Japanese whaling operations has been clearly established, Natural Resources

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Date of Action

Action Office Symbol

Name of Officer

Direction to DGR

894.628/4-2949

894.628/5-549

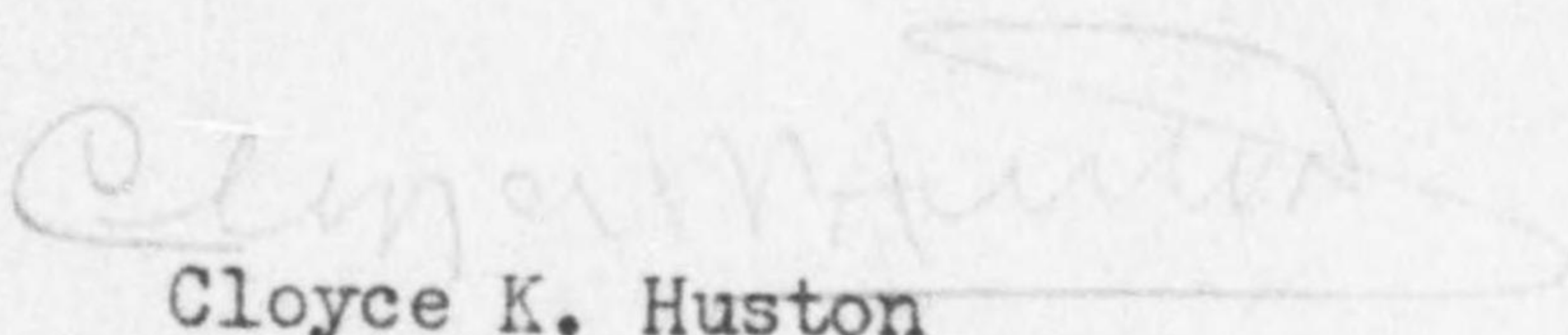
A/AP SECRET FILE

Tokyo's no. 282, May 5, 1949.

- 2 -

Section officials state that it is their intention, once the enclosed study is approved by General Headquarters, to proceed immediately with plans for the coming season, and that the telegram appended to the enclosed study will be sent to the Department of the Army for information. Unless appropriate authorities in Washington advocate modification of the plan, the Supreme Commander will undoubtedly proceed to implement the provisions of the enclosed study and to issue the necessary authorization to the Japanese Government.

Respectfully yours,


Cloyce K. Huston
Chargé d'Affaires ad interim

Enclosure: *att*

Copy of staff study
prepared by Natural
Resources Section,
GHQ, SCAP.

522.8

RBFinn:cgf ✓

JPM
In triplicate to the Department

SECRET

~~cc~~ C
CKH
~~MS~~
cc

28 Apr 49

1. I recommend that DS concur in NRS' proposal that a whaling expedition of three fleets be authorized for the 1949-1950 season.
2. The principal issue is whether Japan should have three fleets or, as in the past three expeditions, two fleets. There will no longer be any contesting the principle that Japan can send whaling fleets to the Antarctic of that SCAP can authorize such expeditions in his capacity as the sole executive authority for the Allied Powers in Japan.
3. Three fleets instead of two will mean a saving to the US of 22 million dollars instead of 18 million and a catch by Japan of .093 of the total Blue Whale Units (16,000) permitted by international agreements instead of .071 *(assuming other fleets unchanged?)*
[NRS' estimate.]
4. The question therefore is whether .093 is fair percentage for Japan to take. Norway of course is the chief whaling nation, taking over 50%; UK takes about 20%. It seems to me fair and non-preferential that Japan should take about 10%, particularly when Japan's needs and excellent record of the past several seasons are considered.
5. Last year SCAP advocated three fleets and State Dept in view of strong Norway and British and Australian protests suggested he consider reduction to two fleets, as was done.
6. State may make same suggestion this year if opposition intense. I think SCAP should again advocate three fleets and see how strong opposition is.

~~RBF~~

cc

RBF

Copies to Department
for Aviation Division?
C

SECRET

(For Department use only)

Enclosure to despatch no. 282 dated May 5, 1949 from the Office of the United States Political Adviser at Japan, on the subject of: "Fourth Japanese Antarctic Whaling Expedition."

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Natural Resources Section
APO 500

HGS/WCH/CMA/WMT/jb

MEMORANDUM FOR THE CHIEF OF STAFF.

I. THE PROBLEM.

Authorization of three Japanese whaling fleets to operate in the Antarctic during the 1949-1950 whaling season.

II. FACTS BEARING ON THE PROBLEM.

1. SCAP authorized Japanese whaling expeditions to operate in the Antarctic during the 1946-47, 1947-48, and 1948-49 seasons because of the shortage of protein foods and edible oils in Japan. These three expeditions produced 135,000 tons of edible oil and protein foods. These products not only aided in the solution of Japan's food problem, but represented a saving of \$45,000,000 to the United States taxpayer. (Tab A)

2. Six nations engaged in Antarctic whaling during the 1948-49 season with a total of 18 fleets and 3 land stations. Norway operated 10 of the fleets and one land station. Japan's two fleets comprised 8 percent of the total deadweight tonnage. (Tab B)

3. An expedition consisting of three fleets may be expected to produce approximately 75,000 metric tons of edible oil and protein foods to supplement the Japanese economy.

4. The critical shortage of protein foods and edible oil which justified the authorization of the first three post-surrender expeditions continues.

III. DISCUSSION.

1. It is advisable that a fourth whaling expedition be authorized in order that: Japan may obtain an equitable share of the world's natural resources represented by whales in the Antarctic; the burden of meeting the food deficit, now borne entirely by the United States, may be lightened; and use may be made of shipping equipment, and trained personnel which now exist in Japan.

2. It is advisable that the number of factory ships be increased to three, with accompanying catcher boats and auxiliaries because:

a. A third fleet may reasonably be expected to produce an additional 17,000 metric tons of whale products, increasing

the

SECRET

Enclosure to Tokyo's
No. 282, May 5, 1949.

- 2 -

the contribution of the whaling industry to the rehabilitation of the Japanese economy and increasing the saving to the United States taxpayer by approximately \$4,000,000.

b. Adequate shipping which can be readily converted to whaling type vessels exists in Japan and is surplus to Japan's minimum shipping requirements. (Tab C)

3. An amount of fuel oil for the operation of a third fleet was included in the petroleum budget for the 1950 fiscal year. If that budget is approved sufficient fuel will be available.

4. It may be expected that some whaling nations will object to Japanese operations in the Antarctic on the following grounds:

a. In view of the 16,000 blue whale unit catch limit per season, Japanese whaling operations, regardless of scale, reduce the catch that might be taken by other nations.

b. Japan's pre-war record of non-adherence to the provisions of International Whaling Agreements and wasteful operation should exclude her from Antarctic whaling.

c. The authorization of Japanese whaling expeditions is a matter of principle and should be decided by the Far Eastern Commission.

5. These objections may be answered as follows:

a. The objection that Japanese whaling would reduce the catch of other nations is based upon an aversion to competition and as such is prejudicial, inhumanitarian, and in direct opposition to the provisions of the Atlantic Charter and the Potsdam Declaration. (Tab D)

b. Japan's pre-war whaling practices have no bearing upon present operations. Under the supervision of SCAP the post-surrender Japanese whaling expeditions have established a record of compliance with International Whaling Agreements and efficiency of operation which compares very favorably with those of other nations. With continued SCAP supervision that record will be maintained. (Tab E)

c. Radio from CSCADECON to SCAP W 82880 dtg 290002 Z May 48 stated that SCAP possesses authority to permit Japanese Antarctic whaling expeditions under the powers granted him by FEC. (Tab F)

IV. RECOMMENDATIONS.

1. That a SCAP-administered, Japanese-manned expedition be authorized to participate in Antarctic whaling during the 1949-50

season

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Enclosure to Tokyo's
no. 282, May 5, 1949.

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season, and that the number of factory ships be limited to three.

2. That a radio be sent to the Department of Army stating SCAP's intentions, and explaining that the expedition will be operated under the same general conditions as were the previous three. (Tab G)

HUBERT G. SCHENCK
Lt Col CE
Chief, Natural Resources Section

Concurrences:

Diplomatic Section _____
Economic & Scientific Section _____
G-4 Section _____

Tab A

SECRET

Enclosure to Tokyo's
no. 282, May 5, 1949.

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TAB A

JAPANESE ANTARCTIC WHALING PRODUCTION

| Season | Authorization | Catch (BWU) | Products | | Estimated Dollar Saving to United States |
|---------|----------------------------|----------------|----------|--------|---|
| | | | Oil | Foods | |
| 1946-47 | SCAPIN 1103 6 August 46 | 932 | 12,260 | 22,229 | \$11,000,000 |
| 1947-48 | SCAPIN 1737 21 June 47 | 1014 | 17,529 | 28,891 | \$16,000,000 |
| 1948-49 | SCAPIN 1913 21 June 48 | 1138 | 20,200 | 34,000 | \$18,000,000 |
| 1949-50 | PROPOSED Three Fleets | 1500 | 26,000 | 49,000 | \$22,000,000 |

One blue whale unit (BWU) is equal to: one blue whale, or two fin whales, or six sei whales.

All oil obtained from the 1946-47 and 1947-48 expeditions was offered to the International Emergency Food Committee of FAO for allocation. That organization allocated 5000 tons of oil from the 1946-47 expedition to Japan. The balance was exported. All oil from the 1947-48 expedition was allocated to Japan.

Radio from DA (FAOH) to SCAP WCL 45061 dtg 161700 Feb states in part: "All international allocations fats and oils have been discontinued. Action was taken at IEFC meeting requested by US member".

As a result of the action noted in above radio none of the oil from the 1948-49 expedition or future expeditions will be offered to IEFC unless a change in present policy occurs.

Tab B

SECRET

Enclosure to Tokyo's
no. 282, May 5, 1949.

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TAB B

NATIONS PARTICIPATING IN ANTARCTIC WHALING

1948-1949 SEASON

| <u>Nation</u> | <u>Floating Factory</u> | <u>Shore Station</u> |
|---------------|---|----------------------------------|
| Norway | Thorshammer Thorshavet Thorshøvd Kosmos III Kosmos IV Sir James Clark Ross Pelagos Antarctic Norhval Suderøy | South Georgia (Husvik Harbor) |
| Great Britain | Balaena Southern Venturer Southern Harvester Empire Victory | South Georgia (Leith Harbor) |
| Japan | Nisshin Maru No. 1 Hashidate Maru | ----- |
| Netherlands | Willem Barendsz | ----- |
| Russia | Slava | ----- |
| Argentina | ----- | South Georgia (Grytviken) |

Tab C

SECRET

Enclosure to Tokyo's
no. 282, May 5, 1949.

- 6 -

TAB C

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Natural Resources Section

NR 442.3 (19 Apr 49)Fi

HGS/WCH/CMA/WMT/jb
19 April 1949

MEMORANDUM FOR: Record

SUBJECT: Availability of Shipping For Third Antarctic
Whaling Fleet to Operate During 1949-50 Season.

1. The undersigned attended a conference with Cmdr. V. J. Meola, Supervisor, SCAJAP, and Lt. Cmdr. W. H. Reinhardt, Tanker Control, SCAJAP, on 14 April 1949 to discuss the availability of shipping for the operation of a third whaling fleet to operate in the Antarctic during the 1949-50 season.
2. Upon conclusion of the discussion Cmdr. Meola stated that sufficient shipping does exist for the operation of a third fleet, and that SCAJAP had no objections to the diversion of those ships from their present use.
3. The 10,000 gross ton oil tankers Yamamizu Maru and Daisui Maru, and one other unspecified vessel are at present available, as well as necessary catcher boats.

WILLIAM M. TERRY
Production and Processing Branch
Fisheries Division

Tab D

SECRET

Enclosure to Tokyo's
no. 282, May 5, 1949.

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TAB D

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Natural Resources Section

NR 442.3 (31 Mar 49)Fi

HGS/WCH/CMA/WMT/jb
31 March 1949

MEMORANDUM FOR: Record

SUBJECT: Objection of Norway and Britain to Japanese
Participation in Antarctic Whaling.

1. The Norwegian Government in an Aide Mémoire to the State Department dated 13 April 1948 objected to Japanese participation in Antarctic whaling on the grounds that its economy, which is to a great extent dependent upon the whaling industry, would suffer as a result of Japanese whaling operations in the Antarctic. The Aide Mémoire stated in part: "For coming season, another Norwegian factory ship . . . , will be ready to participate, and Japanese participation will consequently under no circumstances increase total oil production. It can only have effect of reducing outcome of other countries' expeditions." The Aide Mémoire further indicated that Japanese operations in the Antarctic worked an undue hardship upon a country which had expended great effort in the development of the whaling industry, and had been instrumental in establishing the International Whaling Conventions. The Government of the United Kingdom and Australia have also advanced similar arguments in the past.

2. Such objections are tantamount to maintaining that because Norway and Great Britain have played a major role in the development of the whaling industry they have acquired an inviolable right to a major share of whale resources.

3. In answer to these objections the following may be considered:

a. The intent of the International Whaling Convention signed at Washington, D.C., 2 December 1946, in placing a limit of 16,000 blue whale units upon annual catch was to protect the stock of certain species of whales. It was not intended as an instrument to create an advantage for any nation or any group of nations.

b. The objections are based largely upon an aversion to normal competition, and as such are prejudicial and inhumanitarian. The Governments of the United States and Great Britain, in formulating the Atlantic Charter, agreed that, "They will endeavor, with due respect for their existing obligations, to further the enjoyment by all states, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity." The Potsdam Declaration stated in part: "Japan shall be permitted to maintain such

industry

CONFIDENTIAL (sic)

Enclosure to Tokyo's
no. 282, May 5, 1949.

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TAB D continued

NR 442.3 (31 Mar 49)Fi

industry as will sustain her economy and permit the execution of just reparations in kind, but not those which would enable her to re-arm for war. To this end, access to, as distinguished from control of, raw materials shall be permitted."

The objections raised by the Norwegian and British Governments are in obvious opposition to such policies.

c. At present the burden of meeting the deficit of protein foods and edible oils in Japan is borne almost entirely by the United States. Authorization of an expedition consisting of three fleets will lighten this burden. The two fleets of the 1947-48 Japanese whaling expedition produced 17,500 tons of whale oil, enough to make up 13% of Japan's minimum edible oil requirement and 12% of her industrial oil requirement. A third fleet can be expected to produce an additional 5,000 tons of oil plus an estimated 12,000 tons of food products.

WILLIAM M. TERRY
Production and Processing Branch
Fisheries Division

Tab E

CONFIDENTIAL (sic)

Enclosure to Tokyo's
no. 282, May 5, 1949.

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TAB E

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Natural Resources Section

NR 442.3 (31 Mar 49)Fi

HGS/WCH/CMA/WMT/jb
31 March 1949

MEMORANDUM FOR: Record

SUBJECT: Japanese Violations of International Whaling
Regulations.

1. It is probable that other whaling nations will object to Japanese participation in Antarctic whaling because of Japan's pre-war whaling practices, charging that Japanese whalers engaged in indiscriminate, ruthless exploitation, without thought to conservation. While it is true that Japanese whalers did not adhere to the provisions of international whaling agreements during pre-war years, their conduct during that period has no bearing upon present operations. The following should be considered:

a. The Final Act of the International Convention for the Regulation of Whaling, signed at Washington, D.C., 2 December 1946, states in part: "The International Whaling Conference . . . recognizes that even under the most favorable management and with the most conscientious and experienced gunners and crews, it is inevitable that some whales will be taken illegally"

b. It is reported that during pre-war years Norwegian whaling expedition maintained an average of slightly less than one percent illegal whales taken. Sufficient data is not available to compare this record with that of other whaling fleets, but it is probable that the Norwegian record is the best.

c. During the 1946-47 season, the Japanese expedition took 1165 whales, 6 of which, or 0.4 percent were illegal. During the 1947-48 expedition 1323 whales were taken, 8 of which, or 0.6 percent were illegal. During the 1948-49 expedition 1645 whales were taken. Three of these, or 0.2 percent were illegal. The over-all average for three Japanese post-surrender expeditions is thus 0.4 percent, well below the record maintained by Norwegian fleets.

d. The low record of violations noted in c above is unquestionably due in part to the presence of SCAP representatives with the Japanese fleets. Since SCAP representatives will accompany any future SCAP-authorized expeditions, the number of illegal whales taken will continue to be small.

e. Efficiency of whaling operations and utilization of whale carcasses is normally measured in terms of barrels of oil produced per blue whale unit taken. An average yield of 110 barrels per unit is considered satisfactory performance. During the 1947-48 season the Japanese expedition achieved an average of 118.2 barrels

per

CONFIDENTIAL (sic)

Enclosure to Tokyo's
no. 282, May 5, 1949.

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TAB E continued

NR 442.3 (31 Mar 49)Fi

per unit. During the 1948-49 season the expedition's average was 122 barrels per unit.

2. From a standpoint of efficiency of operation and adherence to international whaling agreements, the SCAP-supervised, Japanese-manned whaling expeditions have maintained a standard which compares most favorably with that of other nations.

WILLIAM M. TERRY
Production and Processing Branch
Fisheries Division

Tab F

CONFIDENTIAL (sic)

Enclosure to Tokyo's
no. 282, May 5, 1949.

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TAB F

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Natural Resources Section

NR 442.3 (31 Mar 49)Fi

HGS/WCH/CMA/WMT/jb
31 March 1949

MEMORANDUM FOR: Record

SUBJECT: Australian Government's Question of SCAP Authority
Authorizing Whaling.

1. Prior to the 1948-49 expedition the Australian Government in an Aide Mémoire to the Department of State dated 13 April 1948 explained: "(The) Australian Government . . . wishes to restate its contention that Japanese participation in Antarctic whaling is properly a matter of principle which should be decided by FEC" The text of this Aide Mémoire was forwarded to SCAP in a radio from CSCAD ECON WAR 81749 dtg 132212 May 48.

2. In radio to DA, C-60697 dtg 151033 May 48, SCAP answered the Australian contention expressing the opinion that the challenge to his authority to unilaterally permit Japanese participation in Antarctic whaling was not without legal basis, and asked the United States Government to issue an interim policy directive authorizing him to permit Japanese whaling at his own discretion.

3. In radio from CSCAD ECON W 82880 dtg 290002 May 48, the Department of State replied as follows: "Consider here you possess all necessary authority to authorize third whaling expedition under US directive issued you November 45 and filed with FEC . . . or under your general powers as sole executive for Allied Powers in Japan . . . there is no legal basis for protesting nation's contention (that) matter (is) not within your proper jurisdiction" This radio further implies that SCAP possesses authority to limit the size of the expedition as he sees fit.

WILLIAM M. TERRY
Production and Processing Branch
Fisheries Division

SECRET

Tab G

Enclosure to Tokyo's
no. 282, May 5, 1949.

- 12 -

TAB G

DRAFT

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

OUTGOING MESSAGE NR-Fi HGS/WCH/CMA/WMT/jb
DATE:

SECRET

FROM: SCAP

TO : DEPT OF ARMY. ROUTINE

INFO: DEPT OF STATE. ROUTINE

In view of continuing acute shortage of necessary food products and continuing pertinence of considerations set forth in radios regarding first, second, and third expeditions, it is intended to authorize a SCAP-administered, Japanese-manned Antarctic whaling expedition for the 1949-50 season. In order to further lighten the burden of meeting food deficits, now borne entirely by the United States and to utilize better existing equipment, it is intended that the number of factory ships be increased to three, with accompanying vessels. Estimated increase in production of whale products to be realized by addition of third fleet is 17,000 metric tons. This is a substantial contribution to the economic rehabilitation of Japan and represents an increased saving of about four million dollars to the United States taxpayer. Adequate steps will be taken by SCAP to insure scrupulous adherence to all international whaling agreements and Allied Observers will be permitted to accompany the expedition to observe its compliance with these agreements.

APPROVED:

OFFICIAL:

R. M. LEVY
Colonel, AGD
Adjutant General

HUBERT G. SCHENCK
Lt Col CE
Chief, Natural Resources Section

Copies to: C-inC, CS, DCS, DS, ESS, G-4

NOTE FOR RECORD:

1. In view of shortage of protein foods and edible oils and continuing pertinence of justification offered for three previous SCAP-supervised, Japanese-manned post-surrender Antarctic whaling expeditions, NR considers it advisable that a fourth expedition be authorized to operate in the Antarctic during the 1949-50 season.

2. In order to make use of available equipment and trained personnel, and to lighten the burden of meeting food deficits in Japan, at present borne entirely by the United States, the number of factory ships should be three.

3. In

SECRET

Enclosure to Tokyo's
no. 282, May 5, 1949.

- 13 -

TAB G continued

3. In radio from CSCAD ECON W 82880 dtg 290002 May 48 the Department of State informed SCAP that he possesses authority to authorize such expeditions. The radio stated in part: "Consider here you possess all necessary authority to authorize third whaling expedition under US directive issued you November 45 and filed with FEC . . . or under your general powers as sole executive for Allied Powers in Japan."

4. This radio notifies DA that SCAP intends to authorize a fourth SCAP-administered, Japanese-manned whaling expedition to operate in the Antarctic during the 1949-50 season, and that the number of factory ships shall be three.

W. M. T.

SECRET



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

United States Political Adviser
for Japan

Tokyo, May 6, 1949.

No. 284

RESTRICTED

U/FW = FISHERIES
no action required
MAY 18 1949
WFL 5-18-49
AND WILDLIFE

file

Subject: Views of United States Fishing Representatives toward
Expansion of the Japanese Fishing Area.

REC'D
MAY 12

ACTION
U/FW

INFO
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The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to enclose a copy of a memorandum of conversation between representatives of United States fishing interests, officials of General Headquarters, Supreme Commander for the Allied Powers, and officers of this Mission in regard to Japanese fishing operations. The United States representatives are in Japan at the invitation of the Supreme Commander to advise him on problems connected with the Japanese fishing industry.

The United States representatives were particularly interested in the possibility of expansion of the presently authorized fishing area: they suggested that United States fishing interests be given an opportunity to comment on any proposal for expansion and indicated their opposition to Japanese fishing in the United States Trust Territory. They also indicated that extension of the fishing area toward the Bering Sea or Alaska would be strongly opposed.

Japanese conservation practices and possible peace treaty provisions concerning Japanese fishing operations were also discussed.

This Mission feels that as a result of this conference the United States representatives are assured that officials of Headquarters understand the position of the United States industry and we also believe that some of the international political considerations affecting Japanese fishing were brought out clearly.

Respectfully yours,

Cloyce K. Huston
Cloyce K. Huston
Chargé d'Affaires ad interim

Enclosure:

MAY 24 1949

FILED

DMR

RESTRICTED

ACTION COPY

RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

894.628/5-649

Tokyo's Despatch No. 284,
May 6, 1949.

- 2 -

Enclosure: *att.*

Memorandum of Conversation

522.8

RBFinn:md

Parchment Mat to the Department

27613
RESTRICTED

Enclosure to Despatch No. 284 dated May 6, 1949 from the United States Political Adviser for Japan, Tokyo, on the subject "Views of United States Fishing Representatives toward Expansion of the Japanese Fishing Area".

RESTRICTED

MEMORANDUM OF CONVERSATION

SUBJECT: Japanese Fishing Operations

PARTICIPANTS: Edward W. Allen, United States Commissioner,
International Fisheries Commission (Seattle)

Frederick McG. Bundy, President,
Gorton-Pew Fisheries Co., Ltd.,
Gloucester, Massachusetts

Donald P. Loker,
French Sardine Co., Inc.,
Terminal Island, California

W. C. Herrington, Chief,
Fisheries Division, Natural Resources Section,
General Headquarters, SCAP

Cabot Coville, First Secretary

Richard B. Finn, Third Secretary

1. Mr. Bundy asked about the procedure for expanding the Japanese fishing area, whether the Supreme Commander issued orders on his own authority or whether he consulted the United States and other Allied Governments before going ahead. The procedure for considering proposals for expansion was discussed, both the preparation of a study and a recommendation by this Headquarters and the reference of the proposal to Washington for examination by authorities there. Mention was made of procedures through which the Supreme Commander for the Allied Powers is apprised of the views of interested nations whenever an extension of the authorized area is under consideration. The interests of nations in the western Pacific were briefly discussed, particularly those of Russia.

2. Mr. Loker brought up the subject of possible expansion into the area of the Trust Territory and stated that United States interests would strongly oppose Japanese operations in this area. He stated that the primary concerns of the United States Government in regard to fishing in this area are to prevent exploitation of the native population and to prevent depletion of the fish resources; from the point of view of the industry these two considerations could be reversed and a third added, arising from the lack of fresh water for canning and other operational purposes in all but three of the islands. Mr. Loker appeared to feel that fishing by the Japanese in this area would greatly reduce the catch available to United States enterprises; he noted that United States companies were making studies of this area, especially to determine fish migration habits and the effect of fishing in the Trust Territory upon the catch in waters closer to the United States.

He said

RESTRICTED

Enclosure to Tokyo's Despatch
No. 284 dated May 6, 1949.

- 2 -

He said that the sardine catch of West Coast companies had fallen and that they were exploring possibilities of expanding their area of sardine operations and also of catching more tuna. Mr. Loker thought there would be no objection to Japanese expansion eastward toward Midway, especially since the Japanese were recognized as the world's best albacore fishermen. He emphasized that the United States industry did not fear fair competition but that it resented competition from a country whose industry could operate at much lower costs because of its low standard of living. He felt that any proposal for expansion of Japanese fishing that would affect United States interests should be referred to the United States Government so that the United States fishing industry could comment.

3. Mr. Allen pointed out that Japanese fishermen should also not be allowed in the waters off the Pacific Northwest for fear that Japan would resume prewar fishing practices.

4. When asked for the specific reasons for opposition to expanded Japanese operations, Mr. Loker and Mr. Allen said that they felt that at present this attitude was based on distrust of Japanese fishing practices, especially disregard of the necessity for conservation, rather than on fear of competition. Discussion then turned to efforts being made by the Supreme Commander for the Allied Powers to develop more ethical practices and a more cooperative attitude on the part of the Japanese. Mr. Herrington described his efforts in this direction and emphasized the desirability of a statement by the United States Government insisting that Japan must permanently conform with standard international fishing practice before expansion of Japanese fishing areas could be permitted. Mr. Herrington stated that he had not been able to get United States officials to issue such a statement. It was pointed out that the United States is only one of the Occupying Powers and should not be put in the position of appearing unilaterally to define policy for Japan, but Mr. Herrington said that the Japanese realized clearly that the United States was the principal nation concerned and that particularly in the period after the peace treaty the United States would be the nation upon which Japan would be principally dependent.

5. This led to a brief discussion of peace treaty provisions in regard to Japanese fishing. Mr. Loker said that the Pacific Fisheries Conference had agreed unanimously that there should be a provision in the peace treaty with Japan requiring Japan to adhere to fair fishing practices and to observe international agreements in regard to fishing. Mr. Allen emphasized this and said that he saw no reason why a provision in the peace treaty should not define the high seas areas in which Japan should be allowed to fish. He pointed to several international treaties as examples of limitation of fishing areas by treaty. In discussion of this point it was noted that an unfortunate situation would result if all nations signing the treaty with Japan were to insist on some limitation of Japan's fishing area, particularly at a peace conference where the position of Japan as an equal had not yet been established.

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INCOMING AIRGRAM

DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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Date of Action May 23 AIRGRAM 7115
DEPARTMENT OF STATE

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Direction to DC/R File

SECRET (For Department use only).

FROM: USFOLAD, Tokyo.

Date of mailing: May 14, 1949.

Recd.: May 20, 1949 11:01 a.m.

Secretary of State,

Washington.

A-116, May 12, 1949.

Reference is made to this Mission's airgram no. 101 of April 29, 1949, describing plan drafted in Headquarters to authorize Japanese antarctic whaling expedition for 1949-1950 season consisting of three fleets.

General MacARTHUR has disapproved this plan and has directed that Japanese antarctic whaling operations for 1949-1950 season be permitted on same basis and with same scope of activity as for the past season. A staff instruction dated May 10, 1949, states that it is the intention of the Commander in Chief to continue Japanese whaling activities on same basis as for 1948-1949 season; i.e., on basis that the authority for such activity has already been granted and need not be further discussed nor authorization further requested.

General MacArthur further instructed Natural Resources Section that no publicity should be given, "certainly for the present time," to future Japanese whaling operations, and that at the proper time Natural Resources Section should propose a directive authorizing the Japanese to operate an expedition for the 1949-1950 season similar to that conducted last season. Such a directive will be drafted and submitted for approval in the near future, but the date of its issuance to the Japanese Government is uncertain. The matter will not be referred to Washington.

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

United States Political Adviser
for Japan

Tokyo, May 16, 1949.

No. 317

CONFIDENTIAL (For Department use only).

Subject: Expansion of Japanese Fishing Area.

*June 23/49
no action necessary
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The Honorable
The Secretary of State,
Washington.

Sir:

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I have the honor to refer to this Mission's despatch no. 284 of May 6, 1949, forwarding a memorandum of conversation with certain representatives of the American fishing industry and to enclose a copy of a report appearing in the Nippon Times for May 12, 1949, of a press conference held on May 11, 1949, by the American fishing experts.

The American representatives are reported to have stated that the Japanese Government should patrol the authorized fishing area to ensure compliance with Headquarters' regulations and that this area must be scrupulously observed before Japanese fishermen can regain the good will of other nations and before the present area should be extended.

The three American representatives are known to have had an interview with General MacARTHUR in which he assured them of his determination to reform Japanese fishing practices and of his desire that the Japanese not interfere with the interests of the American fishing industry. Officials of the Natural Resources Section of General Headquarters state that the American experts were very favorably impressed with the attitude of the Supreme Commander and with the efforts of General Headquarters to regulate the Japanese fishing industry.

These officials say that no consideration will be given to expansion of the present Japanese fishing area until the Japanese

demonstrate

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Tokyo's Despatch No. 317,
May 16, 1949.

-2-

demonstrate their willingness and ability to comply with Occupation directives. A patrol by the Japanese Government, as described in this Mission's despatch no. 92 of February 12, 1949, is considered essential to ensure adequate Japanese compliance. A proposal for authorization of such a patrol is now being examined by the Economic and Scientific Section to determine the effect of the proposed expenditure on the Japanese budget. The Natural Resources Section has succeeded in convincing concerned sections of General Headquarters of the desirability of such a patrol or inspection system and it is likely that such a system will be approved and instituted.

2/ The attitude of the Philippine Government injects a further element of uncertainty into proposals for expanding the present area. The views of the Philippine Government were requested on January 22, 1949, in regard to possible extension of Japanese fishing operations near the Philippines. A copy of a note dated January 22, 1949, from General Headquarters to the Philippine Mission in Japan, containing this request is enclosed. No answer to this request has been received. If the Philippine Government should insist on an extensive security or conservation zone around the Philippine Islands, further negotiation will probably be necessary.

Headquarters officials also feel that before the present area can be expanded the Japanese must adopt effective conservation practices. Mr. Edward W. ALLEN, one of the visiting American experts, reflected this view in the press conference of May 11, 1949, when he said "The first recommendation we have for the Japanese fishing industry is that the Japanese Government and the fishing industry organizations should plan for a maximum possible sustained yield within the authorized areas through a properly planned fishery program." To accomplish this end Natural Resources Section officials in cooperation with Japanese fisheries experts have prepared a bill for presentation to the Japanese Diet providing for limitation of Japan's fishing fleets. Details are not available but it is anticipated that when this bill is enacted there will be a very slight reduction in the extent of Japan's fishing operations, principally in the East China Sea, where Japan's catch will be reduced by about 400,000,000 pounds out of the approximate seven billion pound annual catch. Natural Resources Section experts believe that reduction of the size of the present fishing industry is an essential step toward development of sound conservation practices. After a fishery inspection system has been established and after conservation methods have improved, expansion of the present fishing area will be favorably considered by Headquarters.

This Mission

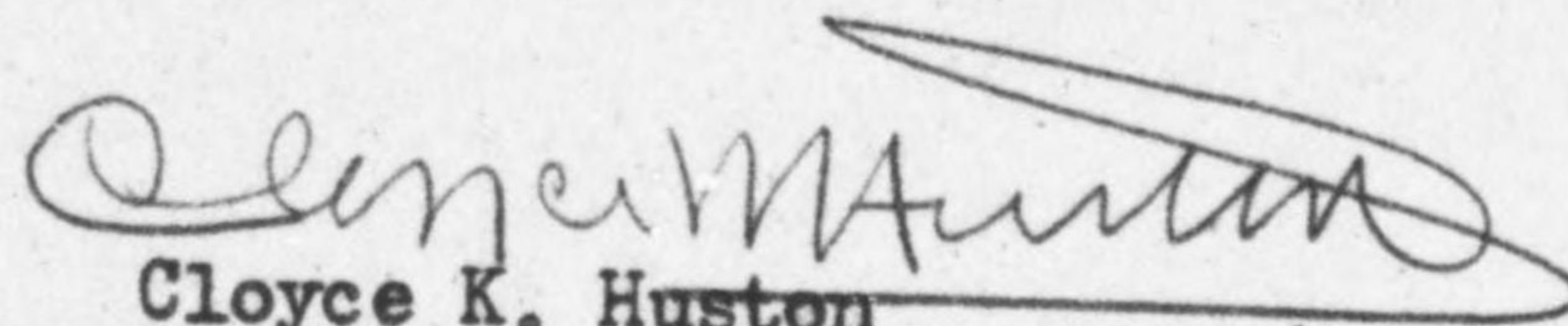
CONFIDENTIAL

Tokyo's Despatch No. 317,
May 16, 1949.

-3-

This Mission has, in its capacity as the Diplomatic Section of General Headquarters, indicated its opinion that expansion of the fishing area should not for international political reasons be delayed indefinitely, but Natural Resources Section experts are convinced that expansion should not be authorized until the above measures have been taken.

Respectfully yours,



Cloyce K. Huston
Chargé d'Affaires ad interim

Enclosures: *att'*

1. Copy of article from Nippon Times, May 12, 1949: "Japanese Fishermen Warned of Invading American Areas".
2. Copy of note dated January 22, 1949, from General Headquarters to Philippine Mission in Japan.

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Enclosure No. 1 to Despatch No. 317 dated May 16, 1949, from United States Political Adviser for Japan, Tokyo, subject: "Expansion of Japanese Fishing Area."

Nippon Times, May 12, 1949:

COPY

JAPANESE FISHERMEN WARNED OF INVADING AMERICAN AREAS

A stern warning was given Japanese fishermen that any attempt by them to invade the fishing areas off the coasts of North America would be aggressively resisted."

This warning was given at the press conference yesterday by the three-man mission of the fishing experts from the United States including a study of the fishing situation here. The three were invited by Gen. Douglas MacArthur, and they are expected to submit their recommendations to him and the Army Department in Washington, D.C.

The group composed of Ward W. Allen, of Seattle, Wash., Donald T. Loker of Los Angeles, and Frederick M. Bundy of Gloucester, Massachusetts, all three who are with the Fisheries Division, Natural Resources Section, said that the Japanese fishermen do not appear to be following the regulations set down by General MacArthur. "This matter is causing him some concern," they said, "and he feels as we do that before any other matter could be considered, Japanese fishermen must live up to those regulations."

The group pointed out that the "MacArthur line" must be "scrupulously" observed if the Japanese fishermen are to regain the good opinion of other nations.

"We believe," they said, "that the Japanese Government should patrol the lines and that SCAP personnel should evaluate the patrol reports and exercise surveillance over the patrolling."

As to the question of extending the present Japanese fishing territory, that will depend, they said, in great part to the manner in which the Japanese fishermen control their fishing within the lines laid down by SCAP.

The visiting consultants described the technique of Japanese fishermen as "excellent."

Mr. Allen and Mr. Bundy are leaving for the United States today while Mr. Loker expects to depart on May 17. (Radiopress)

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Enclosure No. 2 to Despatch No. 317 dated May 16, 1949, from United States Political Adviser for Japan, Tokyo, subject: "Expansion of Japanese Fishing Area".

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Diplomatic Section

MEMORANDUM

Tokyo, January 22, 1949.

The Diplomatic Section, General Headquarters, Supreme Commander for the Allied Powers, presents its compliments to the Philippine Mission in Japan and has the honor to refer to a conversation on January 18, 1949, between Dr. Bernabe AFRICA, Chief of the Mission, and representatives of this Headquarters.

Enclosed herewith is a map, as requested by Dr. Africa, showing the present area in which the Supreme Commander for the Allied Powers has authorized Japanese fishing, and showing that portion of the proposed extension of the authorized area which approaches nearest the islands off Luzon. The boundary of the proposed extension would proceed from a point on the present authorized boundary (123 degrees east longitude and 24 degrees north latitude) south to a point at 123 degrees east longitude and 20 degrees north latitude; thence east to a point at 130 degrees east longitude and 20 degrees north latitude; thence south to a point at 130 degrees east longitude and 16 degrees north latitude; and thence eastward.

The Mission's good offices in obtaining and forwarding the views of the Philippine Government on the proposed extension would be appreciated.

Enclosure:

Map of Japan.

To the
Philippine Mission in Japan,
Hattori Building,
Tokyo.

M/R: Above based on NR
c/n, 21 Jan 49.

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THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

United States Political Adviser for Japan

Tokyo, May 16, 1949.

No. 312

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MAY 20

ACTION U/P/enc

Subject: Japanese Monograph on Whaling.

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FISH & WILD LIFE (ENC)

SMITHSONIAN (DR. KELLOGG) (ENC)

The Chargé d'Affaires ad interim has the honor to enclose five copies of a monograph dated January 1949 prepared by the Foreign Office of the Japanese Government on the subject of Japanese whaling.

The enclosed monograph describes the importance of whaling to Japan as a source of meat, oil, and foreign exchange funds, and briefly summarizes the history of Japanese pre-war and post-war whaling. The results of the 1946-1947 and 1947-1948 Antarctic whaling expeditions are set forth in detail. The monograph concludes with an expression of Japan's willingness to adhere at any time to the International Whaling Convention and of Japan's hope that continuance of its Antarctic whaling operations will be approved by all nations concerned.

Enclosure: att'

Five copies of monograph dated January 1949 on Japanese Whaling.

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Parchment Mat to the Department

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RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

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DEPARTMENT OF THE ARMY
SPECIAL STAFF, UNITED STATES ARMY
WASHINGTON 25, D. C.

DIVISION OF
NORTHEAST ASIAN AFFAIRS

10 June 1949

JUN 10 1949
DEPARTMENT OF STATE

Letter to Col Parker, Dept of Army
NA: HWM:DB
June 17, 1949

Tal C
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W/R

Mr. Max Bishop
Division of Northeast Asian Affairs
Department of State
Washington 25, D. C.

Dear Mr. Bishop:

I am writing in connection with a paper now pending in the Steering Committee of the Far Eastern Commission entitled Fishing and Aquatic Industries in Japan -- SC 271/14.*

This paper is unsatisfactory from the Army point of view, in the following particulars, all of which are of considerable importance:

a. Paragraph 1 as written would require the exploitation of existing Japanese fishing grounds without regard to possible depletion. It is not believed that the policy was intended to require SCAP to disregard all considerations of conservation. It is recommended that the paragraph be changed by deleting the word "possible" in line 4 and inserting in its place "consistent with proper conservation measures."

b. It is understood that the Department of State is already preparing to take steps to eliminate the last sentence in paragraph 2b. Even with this deletion, the paragraph is unsatisfactory since the burden is placed upon SCAP to secure the consent of an interested country to any expansion even though the country has exerted an interest in an area far distant from its shores. It is recommended, therefore, that all of paragraph 2b after the word "has" in the 5th line be deleted and replaced with the following:

"asserted a direct concern in respect to fishing or other commercial aquatic activities, SCAP will attempt to secure consent of such country to an agreement reasonably calculated to benefit the Japanese economy and to protect the legitimate interests of such country."

c. Paragraph 5 should be deleted. In view of our recent announcement of policy with respect to reparations and levels of

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Latest paper is SC 271/19 in which changes proposed in "a" above are incorporated
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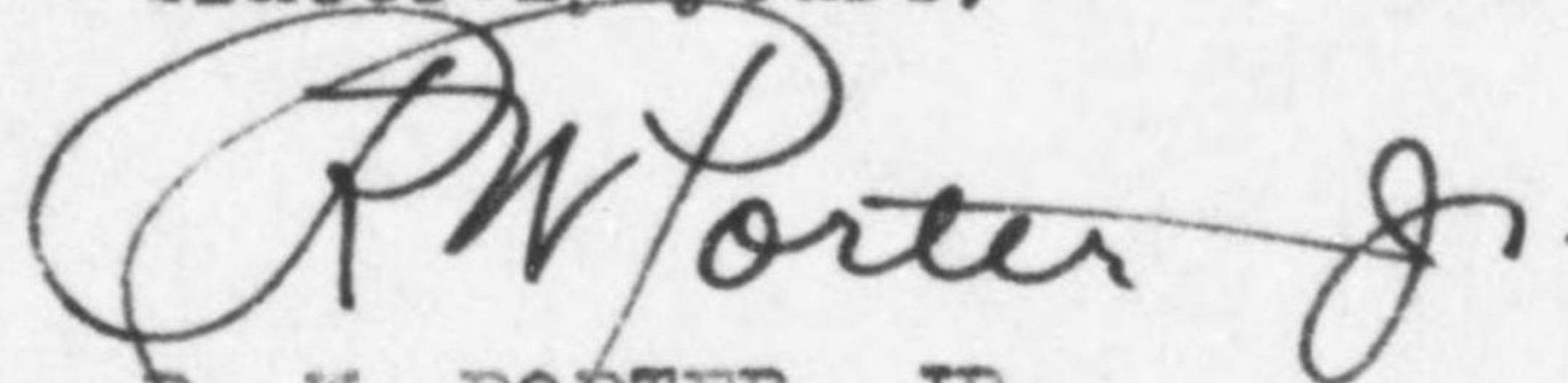
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industry, approval of paragraph 5 in a subsequent policy decision could reasonably be construed as a modification of our announced policy and would only serve to alarm and discourage Japanese investors. No statement of U.S. position made in working group meetings of the FEC would counteract this bad effect since presumably the policy when finally adopted by the Far Eastern Commission would be given publicity whereas the U.S. statement would receive little or none.

Would you please give me your reaction to the proposed amendments to the paper? If you agree with the soundness of the above suggestions, we know you will see that the U.S. representative on the Steering Committee is promptly advised.

Sincerely yours,



R. W. PORTER, JR.
Colonel, G. S. C.
Chief, Far Eastern Affairs Group
Civil Affairs Division

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The United States agrees to the broad general principle that each member nation of the Far Eastern Commission may define (on a reasonable basis) an area in the high seas within which it has a direct concern, for security reasons or for the enforcement of legitimate conservation measures, with respect to the entry into that area of Japanese vessels for fishing or other commercial aquatic activities.

United States acceptance of this broad general principle is, however, on the assumption that it will be applied within the rule of reason, and that no state will claim a direct concern over an area which would not be generally accepted as reasonable. In most cases of proposed expansion of fishing areas consultations between SCAP and the interested nation would result in the prior authorization provided for in the policy paper for the expansion of authorized fishing areas. Obviously, however, it would be possible for a nation to insist on a direct concern over an area which could have no possible relationship to national security or to legitimate conservation measures such as the entire Pacific Ocean, for instance, or over an area up to 1,000 miles from its coasts. In such an unthinkable, but yet possible, situation, if SCAP could not through negotiation secure a modification of the position taken

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by the member nation, he would be forced to exercise the discretion implied in paragraph 2b of the policy decisions, with reference to the extension of Japanese fishing into such part of the area claimed as could have no reasonable relation to that nation's national security or to legitimate conservation interests. As a practical matter such a situation would probably not arise.

If the Supreme Commander for the Allied Powers in the exercise of such discretion prejudices what the FEC member country continues to regard as its own direct concern, it is recognized that each country has the right in accordance with the terms of reference of the FEC to request review of the action taken by the Supreme Commander or that it may resort to diplomatic approaches to other FEC member countries for a general consideration of the question.

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In reply refer to
NA

CONFIDENTIAL

Dear Colonel Porter:

Reference is made to your letter of June 10, 1949, regarding the paper SC-271/14--Fishing and Aquatic Industries in Japan which is now being considered by the Steering Committee of the Far Eastern Commission.

Your recommendations have been given careful consideration in the Department of State. The changes which you propose for paragraph 1 are clarifying and constructive and the United States Representative has been instructed to seek and has obtained their approval by the Steering Committee.

With respect to the changes you propose for paragraph 2b, it was our feeling that we had already clarified this Government's position with regard to the second sentence of paragraph 2b when the United States Representative introduced into the Committee a carefully prepared statement of the United States understanding of the meaning of that sentence. This statement was introduced only after it was modified to be in accord with the changes suggested by Mr. Pollard of your Division. The United States position as then proposed has been accepted by some of the members of the Committee and other members have telegraphed their governments for instructions. For example, at the June 14 meeting of the Steering Committee the Australian, New Zealand and United Kingdom members stated that they had received instructions that the

United States

Colonel R. W. Porter, Jr.,
Chief, Far Eastern Affairs Group,
Civil Affairs Division,
Department of the Army.

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United States statement of understanding was acceptable. It is thus clear that the United States has already committed itself in this connection and while this commitment may not be irrevocable it is believed that unless it can be shown that important United States interests are at stake we should not expose the United States to the charge of unreliability.

We are in agreement that efforts should be made to have paragraph 5 deleted from the paper as being inconsistent with our announced policy with regard to Japanese reparations and level of industry. We are instructing our delegation to seek deletion of this paragraph on the grounds that it is irrelevant to the purpose of the paper and therefore confusing. Our representative could present this new position with respect to this paragraph without being subject to the charge of unreliability as in this instance the United States policy on reparations has been made subsequent to the time we announced our position of support of the paper in the Steering Committee. Should it result that we are unable to obtain deletion of this paragraph by the Steering Committee or the Commission, it is planned to have General McCoy make a statement to the effect that it is the view of the United States Government that nothing in paragraph 5 should be interpreted to prejudice the United States position on Japanese reparations and level of industry which the United States Representative submitted to the Far Eastern Commission on May 12, 1949.

I am enclosing a draft copy of instructions to the United States Representative on this matter. Please let me know at your convenience if this action meets with the approval of the Department of the Army in order that we may instruct the United States delegation before the paper leaves the Steering Committee.

Sincerely yours,

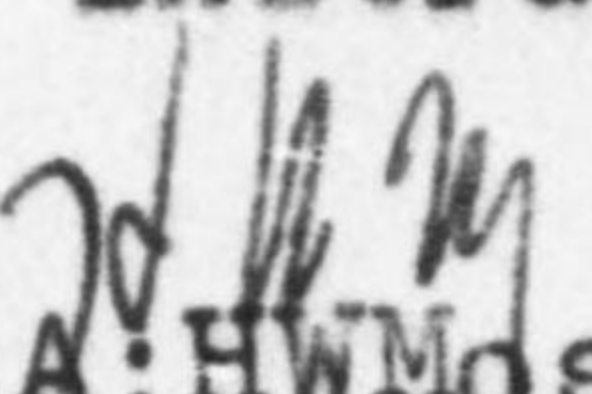

Max W. Bishop
Chief

Division of Northeast Asian Affairs

Enclosure:

Draft copy of
instructions.

CONFIDENTIAL


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6/17/49

MEMORANDUM FOR THE UNITED STATES MEMBER,
FAR EASTERN COMMISSION

Subject: SC-271/17, Fishing Aquatic Industries in Japan

Reference is made to SC-271/17, Fishing and Aquatic Industries in Japan, which is now under consideration by the Steering Committee. The United States Representative on the Steering Committee is requested to seek approval of that Committee to the deletion of paragraph 5 on the grounds that it is irrelevant to the purpose of the paper and therefore confusing.

If efforts fail in the Steering Committee to have this paragraph deleted and the paper is forwarded to the Commission, you are similarly requested to seek its deletion. However, if it should appear that the Commission will not accept its deletion, you are requested to vote in favor of the paper in the interests of FEC harmony but you should point out that the United States considers that there is nothing in paragraph 5 which is definitive regarding reparations removals. You should make a statement for the record that it is the view of the United States Government that nothing in paragraph 5 should be interpreted to prejudice the United States position on Japanese reparations and level of industry which the United States Representative submitted to the Far Eastern Commission on May 12, 1949.

W. Walton Butterworth
Director for Far Eastern Affairs

CONFIDENTIAL

FE:NA:HWMoseley:db

6/17/49

In reply refer to
NA

CONFIDENTIAL

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United States

Colonel R. W. Porter, Jr.,
Chief, Far Eastern Affairs Group,
Civil Affairs Division,
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CONFIDENTIAL

CONFIDENTIAL

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Sincerely yours,

Max W. Bishop
Chief
Division of Northeast Asian Affairs

Enclosure:

Draft copy of
instructions.

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6/17/49

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In reply refer to
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CONFIDENTIAL

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Colonel R. W. Porter, Jr.,
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Division of Northeast Asian Affairs

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6/17/49

MEMORANDUM FOR THE UNITED STATES MEMBER,
FAR EASTERN COMMISSION

Subject: SC-271/17, Fishing Aquatic Industries in Japan

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W. Walton Butterworth
Director for Far Eastern Affairs

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FE:NA:HWMoseley:db

6/17/49

STANDARD FORM NO. 64

Office Memorandum

~~RESTRICTED~~ *Folger* *NA file*
 OFFICE OF EASTERN AFFAIRS
 UNITED STATES GOVERNMENT
 JUN 27 1949
 DIRECTOR
 DEPARTMENT OF STATE

TO : FE - Mr. Butterworth

DATE: June 27, 1949

FROM : NA - Mr. Bishop *MB*

SUBJECT: Discussion with Mr. West on FEC Japanese Fishing Paper.

The final results of the discussion with Mr. West and Col. Hendrick were:

1. The views of SCAP should be requested on paragraph 2b (area of "direct concern" matter). State would draft the cable to be cleared with Army and which would present both sides of the argument as well as indicating the benefits to be derived from approval of the paper by FEC.
2. Definite agreement was reached that paragraph 5 (reparations matter) should be eliminated even if it should be necessary to veto the paper.

I am instructing Dr. Blakeslee to press for the elimination of paragraph 5 in the Steering Committee indicating if necessary that we will veto the paper if it is not removed.

F.W. 894.628/6-1049

CS/T

F.W. 894.628/6-1049

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FE - Mr. Butterworth

June 27, 1949

NA - Mr. Bishop

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FE - Mr. Butterworth

June 27, 1949

NA - Mr. Bishop

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FE:NA:EMoseley:lk
6/27/49

RESTRICTED

STANDARD FORM NO. 64

CONFIDENTIAL

Office Memorandum • UNITED STATES GOVERNMENT

TO : FE - Mr. Butterworth

FROM : NA - Mr. Bishop

SUBJECT: U.S. Position on FEC Paper, "Fishing and Aquatic Industries in Japan"

RMR

DATE: June 17, 1949

NA

NA File

Attached for your signature (Tab A) is a memorandum for the U.S. Member FEC which sets forth instructions with respect to SC-271/19, Fishing and Aquatic Industries in Japan. This paper has had a long and controversial history, and in its amended form has the approval of the Department. It is now before the Steering Committee and it is expected that it will soon go forward to the Commission.

After extensive consideration of the paper by the FEC Departmental group, which included discussions with the Army regarding our proposed position, we instructed our representative on the Steering Committee last April to support the paper provided that the last sentence in paragraph 2b could be eliminated. This sentence stated "In cases where no agreement is reached within a reasonable period, SCAP shall refer the matter to the FEC." We also instructed our representative on the Steering Committee to enter into the record a carefully worded statement of our understanding of the second sentence in paragraph 2b which sentence reads "If such expansion will involve an area in which any member country of the FEC has a direct concern in respect to fishing or other commercial aquatic activities, prior authorization shall be obtained by SCAP from such country." This statement (Tab B) was modified extensively to meet the wishes of certain officers in the Civil Affairs Division. Our statement and position with respect to the paper as a whole was accepted by the other members of the Committee as a firm position and several of the other members have received instructions from their governments to support the paper based upon our position.

NA has now received a letter (Tab C) dated June 10 from Colonel Porter, Chief of the Far Eastern Affairs Group, CAD, requesting certain major changes in the paper. Our proposed reply is set forth at Tab D in which we state that we accept the Army proposals for paragraph 1, that we feel that we cannot accept the changes proposed for the second sentence of paragraph 2b as this Government is already committed in its announced position on that program, and that we will instruct our delegation to seek deletion of paragraph 5 which relates to reparations removal of Japanese vessels.

approval of

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The Army is particularly interested in deletion of paragraph 5 which reads:

"Nothing in the foregoing should be interpreted to prevent removal as reparations of Japanese vessels, equipment or other facilities used for fishing or other commercial aquatic activities, nor to predetermine the ultimate constitution and size of the Japanese fishing fleet."

Mr. West has personally indicated an interest in having this paragraph deleted as the Army feels that its inclusion in a policy decision could be construed as a modification of our announced reparations policy and that it would serve to alarm and discourage Japanese investors. I am inclined to agree that some confusion might arise if the United States were to approve this statement at this time, although from a legal or technical standpoint the statement seems harmless. Dr. Blakeslee is of the opinion that it would be undignified for us to modify our original position which included support of this paragraph. However, I feel that we are justified in instructing our delegation to seek its deletion as our original position of support as far as this paragraph is concerned was made prior to our announcement of our position regarding reparations removals and level of industry. I do not feel that we should go so far as to veto the paper if we are not successful in obtaining deletion of this paragraph. Consequently it is proposed that if the U.S. delegation is unsuccessful in obtaining its deletion, General McCoy should make a statement for the record before the FEC as indicated in Tab A.

If you approve, we shall forward the proposed reply to Colonel Porter and hold your instruction to General McCoy until Colonel Porter informs us of the views of the Army Department. I shall at the same time telephone Mr. West in an effort to obtain his agreement.

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FE - Mr. Butterworth

June 17, 1949

NA - Mr. Bishop

U.S. Position on FEC Paper, Fishing and Aquatic Industries
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ADDRESS OFFICIAL COMMUNICATIONS TO
THE SECRETARY OF STATE
WASHINGTON 25, D. C.

DEPARTMENT OF STATE
WASHINGTON



A

MEMORANDUM FOR THE UNITED STATES MEMBER,
FAR EASTERN COMMISSION

Subject: SC-271/19. Fishing Aquatic Industries in Japan

Reference is made to SC-271/19, Fishing and Aquatic Industries in Japan, which is now under consideration by the Steering Committee. The United States Representative on the Steering Committee is requested to seek approval of that Committee to the deletion of paragraph 5 on the grounds that it is irrelevant to the purpose of the paper and therefore confusing.

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F.W. 894628/6-1049

W. Walton Butterworth
Director for Far Eastern Affairs

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MEMORANDUM FOR THE UNITED STATES MEMBER,
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W. Walton Butterworth
Director for Far Eastern Affairs

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SC-271/19FEC-RESTRICTEDSC-271/1914 June 1949FAR EASTERN COMMISSIONSTEERING COMMITTEE

FISHING AND AQUATIC INDUSTRIES IN JAPAN
As Amended at 145th Steering Committee Meeting
(References: FEC-035 series, 271 series)

Note by the Secretary General

1. The enclosure, a proposed policy decision on fishing and aquatic industries in Japan, with amendments approved by the Steering Committee at its 145th meeting, 14 June 1949, is circulated for the further consideration of the STEERING COMMITTEE.

2. The following proposed amendment is outstanding:

Paragraph 2 b (U.S.) Delete last sentence.

NELSON T. JOHNSON
Secretary General

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SC-271/19

CONFIDENTIAL FILE

F.W. 874.628 / 6-1047

FEC-RESTRICTEDE N C L O S U R EFISHING AND AQUATIC INDUSTRIES IN JAPAN
As Amended at 145th Steering Committee Meeting

1. Subject to the requirements of this and other policies established in accordance with the terms of reference of the Far Eastern Commission, the Japanese should use their existing resources to the maximum extent consistent with proper conservation measures in order to obtain fish for domestic consumption and export.

2. a. Japanese fishing or other commercial aquatic activities should be permitted, subject to security considerations, in any part or all of the following area:

From a point midway between Nosappu Misaki and Kaigara Jima at approximately $43^{\circ}23'14''$ north latitude, $145^{\circ}50'30''$ east longitude, to 43° north latitude, $146^{\circ}30'$ east longitude; thence to 45° north latitude, 165° east longitude; thence south to 40° north latitude, 165° east longitude; east to 180° longitude; thence south along the 180th meridian to 20° north latitude; thence west along the 20th parallel to 165° east longitude; thence south along the 165th meridian to 16° north latitude; west to 150° east longitude; thence north along the 150th meridian to the Tropic of Cancer; west to 141° east longitude; thence south along the 141st meridian to 16° north latitude; west to 130° east longitude; thence north along the 130th meridian to 24° north latitude; west to $124^{\circ}30'$ east longitude; thence to $32^{\circ}40'$ north latitude, 126° east longitude; thence to 33° north latitude, $127^{\circ}40'$ east longitude; thence to 40° north latitude, 135° east longitude; to $45^{\circ}30'$ north latitude, 140° east longitude; thence east to $45^{\circ}30'$ north latitude, 145° east longitude rounding Soya Misaki at a distance of three (3) miles from shore; south along 145th meridian to a point three (3) miles off the coast of Hokkaido; thence along a line three (3) miles off the coast of Hokkaido rounding Shiretoko Saki and passing through the Nemuro Kaikyo to a point $43^{\circ}26'17''$ north latitude, $145^{\circ}48'03''$ east longitude; thence in a south easterly direction to the starting point midway between Nosappu Misaki and Kaigara Jima.

b. The Supreme Commander for the Allied Powers may, subject to security considerations, expand the above mentioned area for Japanese fishing or other commercial aquatic activities. If such expansion will involve an area in which any member country of the FEC has a direct concern in respect to fishing or other commercial aquatic activities, prior authorization shall be obtained by SCAP from such country. In cases where no agreement is reached within a reasonable period, SCAP shall refer the matter to the FEC.

3. All Japanese vessels engaged in fishing or other commercial aquatic activities outside Japanese territorial waters under this policy should carry appropriate identifying marks.

4. Japanese fishing operations should strictly conform to international agreements relating to conservation of fisheries and to recognized conservation practices including conservation measures instituted by littoral states.

5. Nothing in the foregoing should be interpreted to prevent removal as reparations of Japanese vessels, equipment or other facilities used for fishing or other commercial aquatic activities, nor to predetermine the ultimate constitution and size of the Japanese fishing fleet.



THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

ACTION

is assigned to

FE

DIVISION OF Office of the United States
NORTHEAST ASIAN AFFAIRS Political Adviser for Japan

JUN 29 1949

Tokyo, June 13, 1949.

No. 376. DEPARTMENT OF STATE

SECRET (For Department use only):

Subject: Authorization of 1949-1950 Japanese Antarctic Whaling Expedition.

The Honorable
The Secretary of State,
Washington.

Sir:

I have the honor to refer to this Mission's airgram no. 116 of May 12, 1949, and to previous correspondence concerning authorization and publicity of plans for a Japanese Antarctic whaling expedition for the coming season and to enclose a copy of a communication dated June 7, 1949, prepared by the Natural Resources Section, General Headquarters, proposing that a 1949-1950 expedition be formally authorized.

The enclosed communication is addressed to the Chief of Staff and states that it is desirable to issue a formal directive to the Japanese Government as soon as possible authorizing Antarctic whaling for the coming season in order that preparations may be undertaken. Included as a subenclosure is a draft SCAP directive to the Japanese Government authorizing an expedition of two fleets to operate on substantially the same basis as last year's expedition.

This Mission, in its capacity as the Diplomatic Section of General Headquarters, has concurred in the enclosed proposal by the Natural Resources Section. It is anticipated that General Headquarters will approve the proposal, but the date upon which the formal authorization will be issued to the Japanese Government remains uncertain.

Respectfully yours,

Cloyce K. Huston
Chargé d'Affaires ad interim

Enclosure: *all*
✓ Copy of check note dated June 7, 1949, from Natural Resources Section to Chief of Staff, with enclosure.

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RBFinn:hh
In triplicate to Department.

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one copy of desp. only retained in DC/R.

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Enclosure to Despatch No. 376 dated June 13, 1949, from United States Political Adviser for Japan, Tokyo, subject: "Authorization of 1949-1950 Japanese Antarctic Whaling Expedition".

COPY

W. M. Terry - 26-5389
HGS/WCH/CMA/WMT/jb

NR 442 (7 Jun 1949)F1

Japanese Antarctic Whaling in 1949-50 Season.

NR

CS

7 Jun 1949

1. Reference is made to note 2 of check sheet from NR to Chief of Staff, subject as above, 6 May 1949, attached.
2. In accordance with paragraphs 2 and 3 of reference note, NR recommends that the attached proposed directive be issued to the Japanese Government authorizing participation in Antarctic whaling during the 1949-50 season, and specifying conditions under which the expedition shall be operated.
3. In order to insure the success of the 1949-50 expedition, and avoid risk to valuable cargoes of whale oil and meat, it is imperative that extensive repairs be made to three major units of the Japanese fleet. Arrangements for obtaining funds to finance these repairs, and arrangements for borrowing approximately ¥ 3,000,000,000 from commercial banks to be used as operating funds, must be initiated as quickly as possible in order that sufficient time for thorough repair be available. It will be extremely difficult for the two whaling companies involved to obtain credit and negotiate with shipyards without an official authorization from SCAP. Commercial banks and shipyards are reluctant to conclude negotiations involving such large sums of money without such official authorization. The issuing of a directive to the Japanese Government will provide a sound basis for these negotiations.
4. NR therefore requests that the attached proposed directive be issued at the earliest propitious moment, preferably not later than 10 June 1949, in order that preparations for the 1949-50 expedition may be initiated.

2 Incls
as indic above
sent FD

.....H. G. S.....

COPY of Subenclosure

SECRET

Enclosure to Tokyo's
Despatch No. 376 dated
June 13, 1949.

-2-

COPY of Subenclosure

GENERAL HEADQUARTERS
Supreme Commander for the Allied Powers

APO 500

AG 800.217 ()NR/F1
SCAPIN

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Japanese Whaling Operations in the Antarctic in
the 1949-1950 Season.

1. Reference is made to:

a. Memorandum for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers, AG 800.217 (23 Nov 48)NR/F1 SCAPIN 1942, 23 November 1948, Subject, "Whaling Industry."

b. Memorandum from the Japanese Government to General Headquarters, Supreme Commander for the Allied Powers, MAF No. 76'49, dated 13 May 1949.

2. Japanese whaling operations in the Antarctic are hereby authorized for the 1949-1950 season. Such operations will be conducted in accordance with the provisions of reference memorandum, 1 a, above.

3. Within thirty days of the receipt of this memorandum the Japanese Government will submit to the Supreme Commander for the Allied Powers for approval a plan for the organization and operation of an Antarctic whaling expedition consisting of two fleets. The plan will include a list of the names and gross tonnages of the factory ships, catchers, and auxiliaries to be used and the names of the personnel who will manage each fleet. Subsequent to the approval of the plan or modification thereof, any substitution of vessels or personnel for those named must be approved by the Supreme Commander for the Allied Powers.

4. Vessels participating in the whaling expedition will comply with the following:

a. Each vessel will be marked and operated in conformity with directives from the Administrator, Naval Shipping Control Authority.

b. The master

SECRET

Enclosure to Tokyo's
Despatch No. 376 dated
June 13, 1949.

-3-

b. The master of each of the participating factory ships will maintain a duplicate of the ship's log which will be available for inspection at all times and upon completion of the expedition will be submitted, properly certified, to the Supreme Commander for the Allied Powers.

c. During the voyage to and from the whaling area no vessel will approach land nearer than 12 miles. The route to be followed by each vessel will be supplied to the Supreme Commander for the Allied Powers and the Commander, Naval Forces, Far East, by the Japanese Government 15 days prior to the departure of each vessel from Japan and from the whaling area.

d. The master of each of the participating factory ships during the periods enroute to and from the whaling area will forward daily radiograms to the Fisheries Agency in Tokyo listing the position of his ship at 1200 hours local time on the date the radiogram is dispatched.

e. The master of each of the participating factory ships during the whaling operations will forward a daily radiogram to the Fisheries Agency in Tokyo containing the following information:

- (1) Position of his ship at 1200 hours local time on the date the radiogram is dispatched.
- (2) Number and kind of whales processed during the previous 24 hour period ending at 2400 hours local time, output of whale oil and other products, and raw material weights of meat, blubber and other materials processed as food stuffs.

f. The senior Japanese Government Inspector aboard each of the two participating factory ships will personally verify all information forwarded to the Fisheries Agency in Tokyo by radiogram as required in paragraphs d and e above.

g. The master of each of the two factory ships will, upon conclusion of whaling operations, dispatch a radiogram to the Fisheries Agency in Tokyo stating the date of departure of his ship from the whaling area.

5. Applications for frequencies for radio communications by the whaling fleets will be made to Civil Communications Section, General Headquarters, Supreme Commander for the Allied Powers.

6. The Fisheries Agency will maintain at its office in Tokyo a file of all communications between the whaling fleets and Japan for reference by the Supreme Commander for the Allied Powers when desired.

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Enclosure to Tokyo's
Despatch No. 376 dated
June 13, 1949. Tokyo's
Despatch No. 375 dated
June 13, 1949.

-4-

7. Thirty days prior to the departure of the first units of the expedition the Japanese Government will notify the Supreme Commander for the Allied Powers of the allocation of petroleum products to the participating companies. The Japanese Government will also verify the amount of petroleum products aboard each vessel immediately prior to its departure from Japan and upon its arrival in Japan from the whaling area. Within ten days of the departure and arrival the Japanese Government will notify the Supreme Commander for the Allied Powers of the exact amounts of petroleum products aboard each vessel.

8. The Japanese Government will conduct a complete survey of each vessel destined to carry liquid cargo to insure the absence of any structural deficiencies prior to its departure from Japan. Each of such vessels to which modifications or repairs have been made will be surveyed upon completion of those modifications or repairs. Each of such vessels which have been used for purposes other than whaling since the end of the 1948-49 Antarctic whaling expedition will be surveyed within thirty days prior to its departure from Japan. The cargo space of all vessels surveyed will be empty at the time of survey. A report of the survey will be submitted to General Headquarters, Supreme Commander for the Allied Powers ten days prior to the departure of each surveyed vessel from Japan.

9. The Japanese Government will verify the cargo of each vessel arriving in Japan from the whaling area, and within ten days of the discharging of cargo will notify the Supreme Commander for the Allied Powers of the exact cargo of each vessel and the condition of the cargo.

10. The attention of the Japanese Government is directed to the memorandum referred to in paragraph 1 a above. Reports required by the referenced memorandum will be submitted to the Supreme Commander for the Allied Powers prior to 1 June 1950.

11. This authorization does not establish precedent for whaling operations in any area for any subsequent period of time; nor is it an expression of Allied policy relative to ultimate determination of national jurisdiction, international boundaries, or fishing or whaling operations in any area.

FOR THE SUPREME COMMANDER:

NOTE FOR RECORD:

1. In a memorandum to the Chief of Staff forwarded with check sheet from

SECRET

Enclosure to Tokyo's
Despatch No. 376 dated
June 13, 1949.

-5-

sheet from NR to CS, subject "Japanese Antarctic Whaling in 1949-50 Season", dated 6 May 49, NR recommended authorization of Japanese participation in Antarctic whaling during the 1949-1950 season. The memorandum also recommended that a radio be dispatched notifying the Department of Army of the authorization.

2. In note 2 to reference forwarding check sheet the Chief of Staff disapproved the recommended radio to DA. However, paragraph 3 of note 2 stated that "At the proper time NRS should propose the directive to accomplish whaling in the 1949-1950 season on the same basis and scope as for the 1948-1949 season".

3. NR believes that in order that necessary preparations be initiated as quickly as possible a directive should be issued to the Japanese Government authorizing whaling in the 1949-50 season prior to 10 June 1949.

4. This SCAPIN authorizes the Japanese to participate in Antarctic whaling during the 1949-1950 season with two fleets, and specifies conditions under which the expedition shall be operated.

5. Concurrences: DS _____
ESS _____
G-4 _____
CCS _____

W. M. T. _____ 26-5389

SECRET