

C2-245/22FEC-RESTRICTEDC2-245/224 November 1948FAR EASTERN COMMISSIONCOMMITTEE NO. 2: ECONOMIC AND FINANCIAL AFFAIRSCIVIL AVIATION IN JAPAN
(Reference: 245 Series)Note by the Secretary General

The enclosure, a New Zealand statement on non-Japanese civil aviation in Japan, submitted by the New Zealand representative at the 132nd meeting of Committee No. 2 on 2 November 1948, is circulated herewith for the consideration of COMMITTEE NO. 2: ECONOMIC AND FINANCIAL AFFAIRS.

NELSON T. JOHNSON
Secretary General

C2-245/22

FEC-RESTRICTEDENCLOSURECIVIL AVIATION IN JAPAN

Civil aviation has now come to be as much an essential service as rail or road transport and it is not considered wise or desirable to contemplate any long term prohibition against the Japanese operating their own internal air services. To attempt otherwise would be to risk the production of reactions dangerous to the interests of the Allies and to the development of a peaceful Japan. These considerations influence the New Zealand attitude upon Paragraphs 1 and 3 of the paper.

As far as concerns Paragraph 1, there is no objection, under suitable safeguards, to Japanese nationals engaging in internal flight operations, but it seems that the introduction of the United States amendment renders certain major drafting changes necessary in the paragraph in order to make its meaning clear. It is suggested that the following might be substituted in lieu of Paragraph 1:

"(a) During the period of the occupation Japanese nationals should not be permitted to engage in aviation related activities except in accordance with the provisions of this paragraph.

(b) If SCAP should determine that the objectives of the occupation so require, Japanese nationals may be permitted to engage in flight operations confined to the territorial limits of the four main islands of Japan, provided that SCAP is satisfied that such flight operations will not constitute a threat to the security of any member of the United Nations.

(c) SCAP may authorize foreign civil air carriers to utilize Japanese nationals in connection with the maintenance and operation of aviation ground facilities and services, provided that no Japanese national may be employed in any such activity which will develop skills and experience dangerous from a security point of view.

(d) Both the nature of the operation or employment and the person to be engaged therein must be specifically approved by SCAP in each case. All Japanese so employed or occupied should be engaged under employment practices which will minimize the labour turnover and the consequent spread of skills and experience in aviation related activities."

As to Paragraph 3, the proposed amendment to sub-clauses (c) and (d), which would authorize foreign air carriers to carry passengers, etc. from one place to another in Japan, cannot be accepted. It is believed that the grant of such rights would be a retrograde step, giving to foreigners a commercial interest in the economy and essential services of the country of a type which is not usual in the present day world. The Powers responsible for the occupation of Japan

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should see to it that Japanese rights, where they are legitimate, should be protected in a manner similar to the way in which most sovereign nations of the world protect their own rights. If it is necessary for internal air services to be established in Japan -- and it is believed that sooner or later it will be both necessary and advisable to establish such services -- then these services should be established by the Japanese, subject, of course, to suitable safeguards.

The first amendment to Paragraph 3 is acceptable in principle, but it would seem to require clarification on this point -- Is SCAP's finding in each case to refer to the mutual advantage to Japan and the particular United Nations country concerned, or in each case is there to be advantage to United Nations countries as a whole? The latter would appear to be the preferable situation but perhaps some re-drafting might be required in order to make this meaning clear.

The second amendment to Paragraph 3 is generally acceptable, but would, it is thought, be improved by the insertion after the word "SCAP" in line 7 of the paragraph of the phrase "in accordance with Paragraph 5".

As far as concerns the amendment to Paragraph 2, it is believed that so far no convincing case has been made for the imposition of the sixty day time limit upon the activities of the Far Eastern Commission. It is believed that the Terms of Reference with their provisions for the issue of interim directives are completely adequate for the purposes of this paragraph, and consequently the proposed amendment to paragraph 2 is unacceptable.

The amendment to Paragraph 4 is acceptable.

No particular objection is seen to the amendment to Paragraph 5 but it does not seem to be necessary. The original paragraph required SCAP to consult with the countries concerned -- not necessarily requiring an agreement to be reached -- and it would seem wise to retain this provision.

C2-245/23FEC-RESTRICTEDC2-245/2317 November 1948FAR EASTERN COMMISSIONCOMMITTEE NO. 2: ECONOMIC AND FINANCIAL AFFAIRSCIVIL AVIATION IN JAPAN
(Reference: 245 Series)Note by the Secretary General

At its 133rd meeting, 16 November 1948, the United States Member agreed to the following changes in the U.S. proposal (FEC-245/20):

Paragraph 1:

Insert after the words "flight operations" in line 3 the words "within Japan".

Paragraph 2:

Insert after the word "service" in line 9 the phrase ", on a non-discriminatory basis,".

Paragraph 3 d:

Delete this paragraph.

NELSON T. JOHNSON
Secretary General

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FEC ^{Sec. 7}
Civil Aviation

20 October 1947

Passed on
to Whitman
Travis
RWB

MEMORANDUM TO: Mr. R. W. Barnett

From: D. K. Eichler

Subject: SCAPIN 1779 and Its Bearing on The Civil Aviation Paper, FEC-245

1. I am not sure whether this will be of interest to you or to Mr. Whitman. If the latter, please pass along to him.

2. The attached SCAPIN 1779 (17 Sept 1947) is an authorization by SCAP for installation of navigational radar on vessels being prepared for the coming Antarctic whaling expedition. You are probably aware that para. 1 of FEC-245, Civil Aviation in Japan, is currently under discussion in Committee No. 2. A particularly contentious point has been the last part of the second sentence (underlined below):

"However, SCAP may authorize civil air carriers to utilize Japanese nationals in connection with the maintenance and operation of aviation ground facilities and services; provided, that no Japanese national may be employed in any aviation-related activity until both the job and the person to be used therein have been approved by SCAP from a security point of view."

The United Kingdom and New Zealand Members have submitted amendments to this paragraph which would have the effect of strengthening the security provisions of the United States original, and there appears to be some support for them.

3. In the absence of any information to the contrary it must be assumed that members of the Japanese crew will be in charge of the operation and maintenance of the radar facilities installed on vessels of the whaling expedition as authorized by SCAPIN 1779.

4. It is not improbable that some FEC delegations may point out that the operation and maintenance of marine radar can very easily be considered "an aviation-related activity". During the

Mr. Barnett

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war, I studied and operated both aerial and surface (marine) radar and can state without reservation that there is a one-to-one correspondence between the skills required for the operation and maintenance of aerial radar and those required for the operation and maintenance of surface radar. I might add that the Technical Training Command of the Army always proceeded on the assumption that these skills were transferrable.

5. It is quite possible that the U. S. delegation has already thought this through and is prepared to meet any contingencies that may arise, but I thought it worth while to bring the matter to your attention.

D. K. Eichler

2 Encls.

1. SCAPIN 1779
2. Info re SCAPIN 1779

C2-245/24FEC-RESTRICTEDC2-245/244 March 1949FAR EASTERN COMMISSIONCOMMITTEE NO. 2: ECONOMIC AND FINANCIAL AFFAIRSCIVIL AVIATION IN JAPANNote by the Secretary General

The enclosure, a proposed redraft of the substitute version (given in C2-245/22) of paragraph 1 of FEC-245/20, has been prepared by an ad hoc subcommittee, composed of Mrs. Kallis (U.S.), Mr. Corner (N.Z.) and Mr. Ford (U.K.), in accordance with the request of Committee No. 2 at its 141st meeting on 15 February 1949. It is circulated herewith to serve as a basis of discussion in COMMITTEE NO. 2: ECONOMIC AND FINANCIAL AFFAIRS.

NELSON T. JOHNSON
Secretary General

C2-245/24

FEC-RESTRICTEDE N C L O S U R E

CIVIL AVIATION IN JAPAN
Proposed Redraft of the Substitute Version
(given in C2-245/22) of Paragraph 1 of FEC-245/20

- "1. (a) During the period of the occupation Japanese nationals should not be permitted to engage in aviation related activities except in accordance with the provisions of this paragraph.
- (b) If SCAP should determine that the objectives of the occupation so require, Japanese nationals may be permitted to engage in flight operations confined to the territorial limits of the four main islands of Japan or in the maintenance and operation of aviation ground facilities and services within the same area provided that:
- (1) SCAP is satisfied that such activities will not constitute a threat to the security of any member of the United Nations;
 - (2) no Japanese national may be employed in any activity which will develop skills and experience dangerous from a security point of view;
 - (3) both the nature of the operation or employment and the person to be engaged therein are specifically approved by SCAP in each case; and
 - (4) all Japanese so employed or occupied are engaged under employment practices which will minimize the labor turnover and the consequent spread of skills and experience in aviation or aviation-related activities."

C2-245/24 - END