

FEC Mtgs.

90 - 99\*



FAR EASTERN COMMISSION

Transcript of Ninetieth Meeting of the Far Eastern Commission.

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

Wednesday, February 4, 1948



FAR EASTERN COMMISSION

Transcript of Ninetieth Meeting of the Far Eastern Commission.  
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.  
Wednesday, February 4, 1948

Representatives Present

Major General Frank R. McCoy, Chairman	(United States)
His Excellency Mr. N. J. O. Makin	(Australia)
Mr. R. E. Collins	(Canada)
His Excellency Dr. V. K. Wellington Koo	(China)
His Excellency Mr. Paul E. Maggier	(France)
His Excellency Mr. M. Asaf Ali Mr. S. N. Banerji	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. G. R. Powles	(New Zealand)
Mr. J. U. Jovellanos	(Philippines)
His Excellency Mr. A. S. Panyushkin	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

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



(The ninetieth meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:40 A.M., 4 February 1948, Major General Frank R. McCoy, Chairman.)

GEN. MCCOY: Good morning, gentlemen. I am glad that you all have arrived. I suspected that we might have had some absences this morning but we are fortunate in having a full representation.

Before proceeding to the business of the session, I am sure that you will join with me in the consideration of the great tragedy that has happened to our friends in India, and I would like to state for the Commission, in speaking, I hope, for them, I would like to express for myself and for all members of the Commission our deep sympathy with our Indian colleague for the tragic loss which the people of India suffered in the death of their religious and political leader.

Mahatma Gandhi was recognized as one of the few distinguished personalities in the world's recent history. His distinction lay in the success with which he taught and expressed the ethical and spiritual values in life and in the demonstration which he gave of the strength and power—even in our modern age—of ethical and spiritual forces. His memory, his teachings, and his ideals, as in the case of historic leaders of other nations, will live on to guide and be an inspiration to the people of India.

The Far Eastern Commission has, I believe, an especial interest in Mahatma Gandhi since one of his basic principles is the foundation on which the Far Eastern Commission has been erected—the principle that international problems could be settled peacefully by consultation and agreement.

Perchance there may be others who wish to express other points that I have not expressed for you.



MR. MAKIN: Mr. Chairman, I wish to associate myself with the statement you have made and to indicate how deeply we have been moved by the course of events which has meant the passing of one of the greatest men of this present living time, and the noble expressions of his life will, I am sure, be an inspiration to those who are required to live after. He was a noble son of his country and gave a rich example of what can be attained by personal goodness and the expression of a life devoted to the great cause of his people. Words are totally inadequate, Sir, to be able to express all that is in one's heart at this time, but I would certainly like, in the name of Australia, to say how deeply we mourn his passing. But we will seek to have written across the memory of our own hearts the feelings of enrichment that comes from the record of such a wonderful man who has given such noble service to his people in his time.

MR. NAKKIAN: Mr. Chairman, I agree entirely with what you said and what our colleague from Australia added to your great sympathetic words. I feel that, as French representative, and having had such a long record of connection with India, and being one of the Powers that at the present time is in negotiation with the Government of India for a new status of the French establishment--what you call the French establishment in India--I feel I have to add a few words to what you have just said.

The example given to the Indian people by Gandhi goes beyond the fresh air of India. It is not only an example for his own people. His philosophy of life and political doctrine is good not only for his people but also for the whole of humanity, and I am sure that if we were able in our international relations--and even in our internal relations--to follow the example he has given and to obey his command, the situation in the world--not only in foreign affairs but also in civil, internal affairs of every country--would be in a better shape. So, at this time of such great sorrow for the Indian people, I wish to



MR. MAKIN: Mr. Chairman, I wish to associate myself with the statement you have made and to indicate how deeply we have been moved by the course of events which has meant the passing of one of the greatest men of this present living time, and the noble expressions of his life will, I am sure, be an inspiration to those who are required to live after. He was a noble son of his country and gave a rich example of what can be attained by personal goodness and the expression of a life devoted to the great cause of his people. Words are totally inadequate, Sir, to be able to express all that is in one's heart at this time, but I would certainly like, in the name of Australia, to say how deeply we mourn his passing. But we will seek to have written across the memory of our own hearts the feelings of enrichment that comes from the record of such a wonderful man who has given such noble service to his people in his time.

MR. MACKIAN: Mr. Chairman, I agree entirely with what you said and what our colleague from Australia added to your great sympathetic words. I feel that, as French representative, and having had such a long record of connection with India, and being one of the Powers that at the present time is in negotiation with the Government of India for a new status of the French establishment--what you call the French establishment in India--I feel I have to add a few words to what you have just said.

The example given to the Indian people by Gandhi goes beyond the fresh air of India. It is not only an example for his own people. His philosophy of life and political doctrine is good not only for his people but also for the whole of humanity, and I am sure that if we were able in our international relations--and even in our internal relations--to follow the example he has given and to obey his command, the situation in the world--not only in foreign affairs but also in civil, internal affairs of every country--would be in a better shape. So, at this time of such great sorrow for the Indian people, I wish to



express my deep sympathy and express at the same time the wish that he has not died in vain and that his example will be an inspiration for all mankind.

GEN. MCCOY: Thank you very much.

MR. GRAVES: Mr. Chairman, the sentiment of the English people is fairly correctly and aptly summed up in the message which the King sent to the Indian people at the time of this sad event. We all very sincerely hope that this sorrowful time and this grave situation will lead every one to a more speedy realization that the peace must be restored at the earliest possible moment. And that is our very sincere wish for our Indian friends.

GEN. MCCOY: Thank you very much, Mr. Graves.

DR. KOO: Mr. Chairman, as the representative of my country, which is a neighbor to the great country of India, I feel it my duty to express the very profound sentiment of sorrow for the passing away of a great spiritual leader--Mahatma Gandhi. No one you could think of in this contemporary world cherished such high and noble ideals of peace and of cooperation through peaceful methods. In that great thought the world takes confidence and encouragement that the task in which we are all engaged--to promote the course of peace in the world--will always find strength and hope in the great ideals which Mahatma Gandhi worked throughout his life to realize. The results of his great undertaking and his profound faith in that ideal has already produced remarkable results to his own country, and we feel that, although he himself has passed away, his memory will live in all our minds and serve as a source of strength and confidence in the work we are entertaining for the peace of the world.

GEN. MCCOY: Thank you, Mr. Ambassador.

MR. BRUGHLIN: Mr. Chairman, may I associate myself with what you have said and also with the words spoken by the other representatives around the table here. Speaking for the people of the Netherlands,



and especially for the people of the Netherlands Indies in Indonesia, I wish to express our deepest sympathy to the representative of India here in the great loss which they have sustained in the death of their spiritual and political leader—Mahatma Gandhi.

MR. PANYUSHKIN: Mr. Chairman, on behalf of the Soviet delegation, I would like to associate myself with what the Chairman stated here on behalf of the Far Eastern Commission, and I would like to express my greatest sympathy on the loss that the Indian people have suffered in the death of Mahatma Gandhi.

MR. POWLES: Mr. Chairman, on behalf of the New Zealand delegation, I should like to associate myself with the remarks which you have made and also which have been made by other speakers this morning, and to express to our Indian colleague the very sincere sympathy of the people of New Zealand in the tragic loss which they have suffered. The figure of Gandhi was a shining light throughout the world and I do not think that the fact<sup>of</sup> his death will in any way diminish that light. I think it is one of those lights which will shine forever.

MR. JOVELLANOS: Mr. Chairman, I should like to associate myself and my Government with the statement you have made and would like to express our deep sympathy to our Indian colleague on the tragic loss of India. I was wondering whether the statement you have made could be released to the press?

GEN. MCCOY: If that is the wish of the Commission.

The Secretary General would like to include the statements made by all concerned, if it is agreeable to the other members.

MR. COLLINS: Mr. Chairman, I don't think that there is very much that can be added to what has been said this morning, but I would like to associate myself with the sentiments which you have expressed in tribute to this very great leader and in sympathy with the people of India in this moment of great tragedy.



MR. ASAF ALI: Mr. Chairman, you will permit me to express my deepest gratitude and also the gratitude of my people for all the tributes which my colleagues have paid to the memory of the departed spirit. I can assure you that my Government and my people will value these tributes from all of you. It will touch their hearts--the hearts of hundreds of millions of people, and it will evoke from them not merely feelings of gratitude but of the utmost good will towards all who have appreciated their loss and who have shared their loss.

Mahatma Gandhi, Mr. Chairman, was a unique personality of the age. I had the privilege and the honor of being associated with him for over thirty years--both in his personal capacity and with his mission, and on the basis of personal experience I can assure all of you that I have not come across another man who has lived in this age a more Christ-like life.

It was not only words with which he was concerned--not merely principles with which he was concerned. He lived them from day to day. Only those who came into contact with him personally can testify to the fact that he never uttered a word which did not spring from the bottom of his heart and whatever he said was meant for him to be his own life. For instance, he said, "I sincerely love even those who consider me their enemy". He meant it. We know he meant it. But his love of mankind was the love of the just--not of the bad. Love to him meant loving others for their long-range good and not condoning their weaknesses or inadequacies, and it was out of that feeling that he faced some of the most dangerous situations in the world and said things which were completely misunderstood.

For instance, in 1942, when the United Nations were engaged in a life and death struggle, he delivered what at that time appeared to be an extremely misleading statement to all combatants, calling the attention of all to the cataclysm--to the catastrophe into which the



world was being plunged. We who were working with him did not know how to restrain him because we felt that it might be misunderstood, but what was his answer? He said, "When you are in danger of being completely misunderstood and you know that wrong surrounds you, that is the time for you to speak out. When darkness surrounds you, you must hold up your little flickering lamp even if it is extinguished". It was in that spirit that he lived and worked, and the last example which we have before us of his going on a fast is an amazing one and we're too near the events to be able to assess and evaluate the meaning and significance of the events of his life.

Vast millions had been corrupted in India into complete hatred of one another and some were misguided enough to imagine that his doctrine of truth, love of mankind, peace and emphasized tolerance of all religions and communities and ideas was not in their interest. He faced them all. It required heroic effort--heroism of the highest type to face millions who were just the opposite to what you are thinking at the time. He succeeded. It was a miracle. Certain heart-rendering events are still happening in my country but I have not the slightest doubt in my mind that India--and here I include both the Dominions--will rise purified and worthy of the precepts and the example which he set to the world by the token of his life's principles.

He did not belong merely to India, although by accident of birth he belonged to India. He belonged to the whole of humanity, and as time passes on, Mr. Chairman, his influence will be felt in much wider circles right around the globe and I have no doubt in my mind that his voice will mingle with the voices of all the great religious and moral teachers of the world and will be heard from uncounted pulpits.

Mr. Chairman, I thank all of you.

GEN. MCCOY: Thank you very much.



ITEM 1 - APPROVAL OF THE MINUTES OF THE 69th MEETING

GEN. MCCOY: Gentlemen, the session is now open for our consideration of the minutes of the past meeting. Are there any corrections to be put before us?

MR. PANYUSHKIN: Mr. Chairman, I would like to make an observation which at the same time I want to be corrected in the minutes of this meeting. I apologize for this but unfortunately I missed some of the proceedings at the last meeting.

On page 6 in the first full paragraph, the transcription of your own statement, Mr. Chairman, the last sentence of that paragraph reads: "All agreed that a vote would serve no useful purpose and accordingly GENERAL MCCOY said that he considered each of these efforts at compromise as withdrawn". In this connection, Mr. Chairman, I would like to state that we don't consider our amendment or our amendment to the New Zealand representative's amendment as withdrawn and we would like to have it put for consideration by the Commission.

GEN. MCCOY: We will accept, of course, the correction and give the Ambassador an opportunity to make his point in due course.

Are there any other corrections?

DR. KOO: Mr. Chairman, with reference to Dr. Tan's statement on page 5 in line 3 after the words "He pointed out" there should be inserted the following words: "according to information supplied by the United States member".

Then, in line 4, add after the word "transferred" the following words: "to the Ministry of Welfare".

GEN. MCCOY: The minutes as corrected will be made a matter of record in the usual way, and we will now proceed to Item 2.



**ITEM 2 - PROHIBITION OF MILITARY ACTIVITY IN JAPAN AND DISPOSITION OF JAPANESE MILITARY EQUIPMENT (FEC-017/17, -/19)**

GEN. MCCOY: FEC-017/17, a proposed policy decision, was forwarded to the Commission by the Steering Committee on 2 December. FEC-017/19 contains Soviet proposed amendments submitted at the 86th meeting on 15 January. Discussion was then commenced and has continued through successive meetings. All proposals except the last have now been discussed.

The Ambassador of the U.S.S.R.: I adjourned the meeting after the vote on paragraph 10 under the subheading g and stated at that time that we would in the present meeting, that is, in this particular meeting, we would continue on the agenda in the order of both the last meeting and this meeting. So that it is now before you to present your amendment, if you wish.

MR. PANYUSHKIN: Mr. Chairman, our amendment has already been presented. In paragraph 13 it was suggested that the following wording be deleted: "except as they may be necessary in performing duties essential to the demobilization of repatriated military and naval personnel".

GEN. MCCOY: I understand that the Ambassador submits the amendment as we have it here under subheading g: "Paragraph 13. In line two insert the words 'the following' after the word 'militarism'; insert a colon after the word 'institutions' in line 5, and delete the words 'except as they may be necessary in performing duties essential to the demobilization of repatriated military and naval personnel'."

MR. POWLES: Mr. Chairman, I think the latest version of the Soviet amendment is to be found in FEC-017/19. I think you were reading not from FEC-017/19 but from the previous paper.

GEN. MCCOY: Yes, you are right, Mr. Powles. The paragraph as I have it now is: "Insert a colon after the word 'institutions' in line 5, and delete the words 'except as they may be necessary in performing duties essential to the demobilization of repatriated military and naval



personnel'." Am I right?

MR. PANYUSHKIN: Yes, Mr. Chairman.

GEN. MCCOY: Is there any discussion on this proposed amendment? Has the Ambassador any remarks to make in explanation of his amendment or in clarification?

MR. PANYUSHKIN: Mr. Chairman, I thought the question was so clear, but if it is necessary to explain the amendment of course I could do so.

GEN. MCCOY: Yes, I would be glad to have the Ambassador's opinion.

MR. PANYUSHKIN: As was already stated here by my colleagues as well as emphasized by the Soviet delegation, for demobilization purposes there is no necessity of retaining any military organization under a civilian name. Since demobilization has already been completed and only the function of repatriation remains, the Soviet delegation thinks that there is no necessity to retain the wording which appears in paragraph 13 of FEC-017/17 and, therefore, the Soviet delegation suggests that this wording be deleted.

GEN. MCCOY: Are there any other comments or any questions in connection with this proposed amendment?

DR. KOO: Mr. Chairman, it seems to me that the real point at issue is whether there is any further work of demobilization to be done—in other words, whether repatriation—whether demobilization takes place before or whatever steps have been taken in disarming, disbanding prisoners of war before repatriation constitutes complete demobilization or whether after repatriation to Japan there are still certain steps under the original demobilization law to be taken in order to complete the demobilization of these prisoners of war after their return to Japan under the original Japanese law of demobilization. It seems to me that if that point would be decided then it will be easy to deal with this amendment.

GEN. MCCOY: Well I think you have posed a very proper point there



that does enter into this consideration. There are a great many other points of course. It's a very complex and complicated, we will call it, proceeding that has been going on for two years. Some eight million, I think, have been repatriated and demobilized. It's a very complicated problem involving not only the war conditions but also the legal conditions of demobilization. Many questions are involved of rank and pensions in previous periods. General MacArthur has, step by step, tried to do, I think, just what is envisaged by the Soviet amendment, but it is a progressive thing and faced with a great many difficulties that would not be covered in just the return or repatriation of prisoners of war, and I think that if his orders of October and the plan proposed from a certain date in January will be looked at with interest and sympathy it will be seen that he is trying to do just what the Soviet amendment envisages but in his own way and with a sense of the problem involved.

MR. REUCHLIN: Mr. Chairman, may I just for the sake of clarification--

GEN. MCCOY: Pardon me for just one moment. I will recognize you in just a moment.

Pertinent to the remarks of the Chinese Ambassador, I am informed that we--that is, the American Government--could get facts from the Japanese law as to what demobilization activities must still be accomplished when the remaining 750,000 war prisoners are returned to Japan. This would require a study of Japanese demobilization law and perhaps interchange of cables with SCAP. It would probably take some two weeks to work out those particulars if it were deemed important enough to delay our present consideration. But I think that without doubt the expressions here around the table--not only with regard to this amendment but also pertinent to others having like intent--show that there is a general understanding of the problems there with which General MacArthur is faced.

Now, Mr. delegate of the Netherlands:



MR. REUCHLIN: Just as an attempt of clarification of some words, I seem to remember that at the last meeting we spent some considerable time on finding out whether demobilization could take place before or after repatriation. I have been asking our experts on this and it seems that the Russian Ambassador is right and Mr. Powles is right because there is a different system, evidently, even in America. Demobilization in our concept means something different. Demobilization in your and in the Russian Ambassador's idea is the disbanding of the unit. In American I have been told--what we call demobilization is called separations and, of course, I would like to be corrected by your experts, so that the American idea of demobilization corresponds actually with the Russian idea of demobilization, which can take place before repatriation. In our mind that cannot take place before repatriation if it is a repatriation of a prisoner of war. You can demobilize somebody in another country but he can't demobilize anywhere in a prisoner of war camp. That is possible in the Soviet idea and translation of the word "demobilization". So, what I would like to avoid is again a misunderstanding perhaps on the thing in which we all mean the same thing.

MR. GRAVES: Mr. Chairman, when we accepted the paper as it is shown in FEC-017/17 we accepted this particular paragraph on the thesis that there is a certain function of demobilization to be completed after repatriation, and, in fact, these words in paragraph 13 do establish that. They say: "...as they may be necessary in performing duties essential in demobilization of repatriated military and naval personnel". Now, if they had not been repatriated then this function could not be performed in the manner in which it is supposed to be performed in paragraph 13. The wording is quite clear so far as we are concerned: "...performing duties essential to the demobilization of repatriated military and naval personnel", that is, it assumes repatriation before demobilization and our view of demobilization extends to the returning of personnel to their home families.



GEN. MCCOY: I think there is involved in this whole question throughout these amendments a natural concern about the continuance of a military organization in Japan, having in mind all of us, I would suppose, what happened in Germany after the First World War. Well I don't know of anybody who is more conscious of that concern than General MacArthur and he has been very meticulous in his carrying out not only the plans of the demobilization as has been reported to you but also he has been conscious of that very danger and has gradually dissipated and dismissed from time to time everyone that could be spared under the complications of the law and the customs of the service. And it is his intention to dispose of all of them very shortly and carry out the general intent that we are all concerned about. It's just a matter of confidence in the man who is responsible and who is, I think, trying to carry out not only the former policies of this Commission but also of his own, also with full consideration of the ideas expressed here. But I think he's very jealous, naturally, of that responsibility and the fact that he's better able to determine when and how this final demobilization shall take place. And I am sure that I can assure you that he's most concerned about any future organization and will be very particular in disposing of that as the repatriation and demobilization continue. I believe the Ambassador spoke of the fact that that repatriation is now proceeding from his point of view regularly about 50,000 a month and subject to the transportation and other facilities available. There has been a decided difference of opinion on that out in Japan but I won't go into that controversy.

As representing my Government, we could not accept this paragraph 13 as proposed. However, we realize that other members of this Commission consider this a very important paper and every effort for two years has been made to reach agreement, and we have reached agreement two or three times and then are faced with later disagreements.



But I think, if the whole history of this paper were put before you, that you would feel that every possible effort has been made to get agreement, that is, considered practicable, and the effort has involved much conciliatory attitude—and my Government still has that.

So, not being able to accept the amendment proposed by the U.S.S.R., we would like to try once more to see if we can propose as an alternative a little bit different formula to take the place of the Soviet amendment. But, before doing that, I must state that my Government would not be able to accept the Soviet amendment but it would be able to agree to the Soviet amendment providing for the deletion from the first paragraph of Section 13 of the clause: "as they may be necessary in performing duties essential to the demobilization of repatriated military and naval personnel" provided there be substituted the clause: "except as they may be deemed necessary by the Supreme Commander for a temporary period for some special service". The proposed paragraph then would read:

"For the purpose of prevention of the revival of Japanese militarism persons who have at one time fallen within any of the following categories should not be nominated or employed in the government service, public office, or educational institutions except as they may be deemed necessary by the Supreme Commander for a temporary period for some special service."

Now I would be disposed to make a motion on that if, after consideration by the Soviet Ambassador, he could accept that proposal of the United States. If the Ambassador would like to consider this, I will have a copy run off and distributed for his consideration and the members of the Commission.

MR. PANYUSHKIN: May I ask a question, Mr. Chairman? What special purposes are implied for the retention of this personnel?

GEN. MCCOY: That would be the responsibility of the Supreme Commander, who is the only one that can pass on those individual classifications and needs.



cations and needs.

MR. PANYUSHKIN: But it seems to me that the responsibility for the formulation of the policy does not rest with the Supreme Commander. The formulation of policies and principles does not rest with the Supreme Commander but with the Far Eastern Commission. It is justly the responsibility and duty of the Far Eastern Commission to formulate policies and principles. Therefore, Mr. Chairman, before, as the Soviet representative, I could consider your wording, I would like to know what meaning you put in the words "as they may be deemed necessary by the Supreme Commander for a temporary period for some special purpose". What are those special purposes?

GEN. MCCOY: Well I can't say. That is just to cover the many things that will come up in the way of implementation. I think the Ambassador and I differ decidedly on what are policies and what is implementation.

MR. PANYUSHKIN: Mr. Chairman, implementation, as it seems to me, should accord with the policies and principles laid down here by the Far Eastern Commission. In this connection, if we adopted your wording then this particular phrase "special purposes" could be interpreted too broadly. Therefore, the amendment proposed by the United States delegation is not clear and tends to be interpreted too broadly and is not acceptable to the Soviet delegation.

GEN. MCCOY: Well, in that case then neither is the Soviet amendment acceptable to the United States, that is, paragraph 13, nor is the formula proposed by the United States acceptable to the Soviets. So, unless there is some desire on the part of other members of the Commission to discuss these matters further or to have them put to a vote, I would feel that both the Soviet amendment and the United States alternative would be lost in the sense that if we did put it to a vote. But I am entirely in the hands of the Commission on that point of procedure.

MR. PANYUSHKIN: Mr. Chairman—



GEN. MCCOY: Mr. Ambassador, do you wish your amendment put to a vote? Do you make a motion, in view of the fact that the United States could not accept it?

MR. PANYUSHKIN: I would like to say one or two words before putting the amendment to a vote. I would like to bring to the knowledge of our colleagues why the Soviet Government considers that the demobilization should be completed before repatriation.

As is known and as is stated in our documents, all the armed forces of Japan--the armed forces which were defeated by the Allies--should be disbanded--all of them--land, naval, and air forces. As is known, more than two years have elapsed since the defeat of Japan. I think the Supreme Commander in Japan and also the Allied commanders in other territories where Japanese troops had been have had enough time to complete the demobilization--to disband the military units and to dismiss them. As is also known, in the appropriate documents, it has been stated that Japan should have no army, as such, lest she should be a menace to world peace.

Following this demobilization function in other countries, for example, the United States and Great Britain, would be taken care of by the appropriate demobilization authorities and completed by them, which function would constitute giving employment to the demobilization personnel, taking care of their housing for them, et cetera, and making records of the military contingents and also performing other functions related to the recording of the military personnel. To perform such functions naturally demobilization authorities are required as they are in other countries--in the United Kingdom, the United States, or any other countries, or the U.S.S.R. These demobilization authorities or agencies are retained because the army itself is retained. But, as we have already agreed no army should be kept by Japan, no functions are retained that should be taken care of by the agencies that are engaged in taking records of the military personnel. However, one



function remains and this function consists of distributing, so to say, or settling of members of the former Japanese armed forces--not as military units but as citizens of that country repatriated to their home land. Now, since more than two years have elapsed, we consider that this was sufficient time to have the demobilization, as such, completed. Therefore, we consider that there is no necessity to have an agency containing military personnel and bearing a civil name and performing duties which are not the duties that are usually performed by such agency. We consider that the officers of the First Demobilization Bureau who are working under a civilian name is undesirable. This situation, which I have referred to before, does not correspond to the principles of our Commission. Probably at the first stage of the occupation the retention of such agency as the First Demobilization Bureau could have been justified. However, I am afraid more than two years have already elapsed. I really don't know how long it is going to take us to have the demobilization of the army completed. As far as the Soviet Union is concerned, we have already stated that the demobilization has already been completed. The military units have been disbanded.

In view of what I have stated before, the Soviet delegation feels strongly and presses for the elimination of the wording to which I referred in paragraph 13. These are the real reasons for which the Soviet delegation has submitted its amendment and is pressing it. It seems to me that this would help us to adopt precise wording and would also help the Supreme Commander.

That is all, Mr. Chairman.

MR. POWLES: Mr. Chairman, the reasons why I am unable to accept the Soviet amendment were very adequately and precisely expressed by Mr. Graves a little while ago. The New Zealand delegation shares his views on the interpretation of the word "demobilisation", and I think we are grateful to the Soviet Ambassador for his explanation as to how



he understands it and that it ought to be possible perhaps to find a frame of words which is capable of meaning the same thing in both languages. It occurs to me that one ought to address our inquiry to the situation of the returning prisoners of war at the time that he arrives in Japan.

According to the Soviet point of view that man is then a completely demobilized soldier. According to the point of view expressed by some others of us around the table that man, when he arrives in Japan, is not a completely demobilized soldier. He doesn't become so until he is properly returned to his home and lawfully discharged from the Japanese Army. I was wondering whether it might be satisfactory to the Soviet Ambassador if, in the phrase to which he takes exception, instead of saying "essential to the demobilization of repatriated military and naval personnel" we said: "essential to the completion of the demobilization of repatriated military and naval personnel" and then that would make it clear that when they arrive in Japan these repatriated people are already partly demobilized in the sense that they don't belong to any units. Their units have been disbanded; their arms have been taken away; but they still, as individuals, need to be discharged from the army and returned to their homes. And the phrase would then read: "except as they may be necessary in performing duties essential to the completion of the demobilization of repatriated military and naval personnel".

GEN. MCCOY: I would like to have Mr. Powles' remarks given to the Soviet Ambassador.

MR. PANYUSHKIN: I am grateful to the New Zealand colleague for the effort to attain mutual agreement on this subject and for the explanation that he gave here, but the question is that the main subjects of the demobilization, which are disarmament and disbandment of the military units, have already been completed. With regard to the remaining little function, that is, the function of supplying the



former military personnel necessary documents--of course we imply the peaceful types of documents, such as railway tickets or money to get home or supplying them with an introduction to get employment--it seems to me that for such a function as I described there is no necessity to retain the military personnel in the form of that demobilization bureau. The Soviet delegation considers that this function of repatriation should be performed by some civilian agency--civilian not in its form but in its substance. Therefore, Mr. Chairman, I will press for my amendment.

GEN. MCCOY: I take it then you make a formal motion?

MR. PANYUSHKIN: In fact, I made such motion at a previous meeting.

GEN. MCCOY: The motion then--so the Soviet amendment:

"Insert a colon after the word 'institutions' in line 5, and delete the words 'except as they may be necessary in performing duties essential to the demobilization of repatriated military and naval personnel'."

Is there a second to that motion of the Soviet representative?

MR. PANYUSHKIN: Mr. Chairman, it seems to me that in order to have a motion be put to a vote no second is necessary, that is to say, I agree with the clarification which you gave us, Mr. Chairman, at the meeting before last and the clarification given by the Deputy Secretary General at our meeting. I probably don't know, but it seems to me there is no such procedure, as requiring a second for putting a motion to a vote, existing in any international organization. So it seems to me, since this idea is sort of a product which was made here by the Far Eastern Commission, we could just as easily do away with it.

GEN. MCCOY: Any comment on the Ambassador's objection to my point of order as Chairman?

It has been the custom for some two years in this Commission, as the Ambassador says, to on a formal vote usually, if you will remember, when the matter is so plain that to avoid formal votes and to keep matters on the agenda for continued negotiation, I have made



the point of order from time to time and it has been accepted for two years--that for the purpose of informal discussion and to save time, and with the intent of not summarily disposing of questions that might still have full agreement, it has worked very well. We could have a long discussion over the procedures of like organizations but we, that is the Commission, is the judge of its own procedure and precedents sustain my ruling that a subject can be discussed, as we have just discussed these amendments without a second but that when the formal motion is put then a second is required. And I hold, subject to your approval, that procedure.

Does the Ambassador wish me to put that to a vote--that point of order?

MR. PANYUSHKIN: I don't think, Mr. Chairman, that it is necessary to vote on such a point. I don't think we have even grounds to vote on it. We are not a "club for discussions" here. We are an organization which determines policies which means that each representative could raise anything he likes, but the question rises of who is going to vote on it. To confine ourselves only to discussion will not be satisfactory. We have to clarify the positions of all members of this body on any question. It wouldn't make sense to restrict the freedom of our discussion here and that of making motions. I don't think that the point of procedure should be put to a vote. It seems to me we should just draw up that practice of requiring a second.

If precedents are required, for example, I could bring such precedents here. For example, Rule 34 of the provisional rules of procedure of the Security Council reads:

"For any Motion or draft of a resolution submitted by a representative on the Security Council it shall not be necessary that they be seconded before being put to a vote."

I could also bring an analogous example with regard to the procedure in the Council for Trusteeship. Rule 58 of the Trusteeship Council



reads:

"Resolutions and other proposals or amendments submitted by representatives of the members of the Trusteeship Council can be put to a vote without having been seconded."

An analogous rules of procedure are used also in the Council of Foreign Ministers. The question naturally arises why we should complicate our work here by introducing the principle of a second. It seems to me what we should do is simply to eliminate such practice, the more so since nowhere in our papers it has been laid down. Therefore, Mr. Chairman, I suggest that we abdicate or waiver or withdraw from the principle of a second.

That is all, Mr. Chairman.

MR. NAGGIAR: Mr. Chairman, as you remember, this problem of procedure was the object of some explanations that were given to us some time ago on the basis of what happened in the United Nations, but it is a rather technical problem--difficult--difficult because we have for two years acted not on rules, because I further remember we never adopted specific rules for procedure, but we acted on the understanding that a motion to be formally voted upon had to be seconded.

For the time being we are in the midst of discussion on--perhaps at the end of our discussion on this military paper. I wonder if it is time for us to go into a detailed discussion of a revision--not of our rules of procedure--but of our way, I may say, our custom or the precedent we acted upon for two years? So, in order to expedite our work this morning, I am quite willing to second the Soviet proposal on paragraph 13.

GEN. MCCOY: Will the Soviet Ambassador write out the motion--this procedural matter--so that I can put it to a vote, please?

MR. MAKIN: I understood, Mr. Chairman, that--

GEN. MCCOY: I beg your pardon. Your second was on the Soviet amendment.

MR. NAGGIAR: On paragraph 13.



GEN. MCCOY: Oh, I see. I beg your pardon, Mr. Ambassador, I misunderstood you.

MR. MAKIN: Mr. Chairman, it seems that we have been stumbling a good deal over the word "demobilization". I wonder if, by eliminating that word entirely, we could overcome the difficulties that evidently separate some members of the Commission and use the simple words "returned to civil life"? Now that would remove the word that is giving rise to difference, and I think that those more simple words might possibly overcome the problem of any misunderstanding that is taking place at the moment. I would also just at this stage, Mr. Chairman, if I may be allowed to say so, feel that I would like a little more information than what I have at the moment at my disposal. I don't know whether it is in the records of the Commission to give fairly readily, but I think it would be very helpful if we knew what was the number of persons that are likely to be required to be dealt with in this way. The very distinguished Ambassador for China rightly raised the question of the securing of information regarding certain of the duties still to be performed and I would like to know really just how far and in what way this is likely to cover or to be needed to cover the finalizing of either the demobilization or the repatriation of these people. It may be that such of our concern that could be removed by the fact of finding that the number that are to be affected in this way are comparatively negligible. I don't know. I want to know, if it is possible.

GEN. MCCOY: In round numbers, Mr. Ambassador, I believe the reports show somewhere around 700,000 still prisoners of war in the hands--under the authority of the Soviets.

MR. MAKIN: Well that is considerable, but anyhow I do tend to the earlier suggestion that I made that we might possibly, to make some progress, not deal with the word "demobilization" in our text of the document but might employ the language "returned to civil life", and that might possibly remove some of the misunderstanding.



GEN. MCCOY: That would not be acceptable to the United States. I am sorry to dispose of that so summarily, but it would not cause agreement.

DR. KOO: Mr. Chairman, before we vote, I would like to perhaps get some clarification in order to decide how we should vote--how the Chinese delegation should vote. We have no serious objection to the retention of this clause and we do not think the amendment proposed by the Soviet Union adds very much to the whole article, because basically we are quite agreed as to the principle which is enunciated in the first paragraph of article 13. It says very clear that, "For the purpose of prevention of the revival of Japanese militarism..."--that is a very important principle and that we have all agreed to, and that is a principle to which we of China attach very great importance. And the three categories of officers to be excluded from appointment are very comprehensive. We think that the enumeration of these three extensive, comprehensive categories would enable the Supreme Commander to carry out that principle of prevention of any revival of Japanese militarism. This exception which is found at the end of the first paragraph is understood, that is, by us, to be merely to respond to a temporary need because there are a very considerable number of prisoners of war to be repatriated still, as you have just mentioned. It is, in round figures, around 700,000. According to our figures it is also around that. It's even more than that--something like 767,000, which means that there is considerable work to be done after their return to Japan eventually of effectuating their return to civil life, which may include such work as the settlement of the pension accounts or the gratuities or the clothing or the transportation which, in our case, we consider to be part of demobilization--under our laws--but which, according to the Soviet view, are something which are to follow the completion of the demobilization which no longer constitutes a part of the work of demobilization. Well, that is



only a difference of system, as some one has pointed out, but whatever that is--

GEN. MCCOY: It is also a difference of law.

DR. KOO: Laws--that is right. Yes. But whatever we call it-- whether it is still part of demobilization or whether it is post-demobilization work, that work has to be done, and I take it, in the matter of identification of individuals before accounts could be settled with each in repatriating an individual, records will have to be gone through by those who have been accustomed to handling those records. So, from our point of view, that work has to be done and perhaps in the circumstances it could best be done by those who have been dealing with that before.

The point I would like to make sure for myself is that, in the first place this work is only temporary work and that in the second place such people, such officers as may be employed or nominated to perform these duties will be only for a limited period and are on a temporary basis, and as soon as those duties, the necessary work, is completed these people, these officers who normally would come under the prohibition stated in a, b and g would be, as soon as their work is finished, discharged and subjected to the prohibition as it is stated here. Of course, if they qualify under the last paragraph in 13, that is to say, if they belong to the categories of a and g and they have been opponents of Japanese expansionism and totalitarianism, that general ban does not apply to them because they could, if that is the only question of fact and evidence which could be judged only by the Supreme Commander--in other words, if our interpretation or understanding of the scope of this clause and its limited significance is correct, then we are prepared to vote for the retention and we would not consider the Soviet amendment as so essential, because the main purpose which we all have in mind is to prevent revival of Japanese militarism and to prevent any abuse of this exception and to preclude



any possibility of eluding this exception as a sort of loophole for any attempt to revive militarism. If that understanding on our part is correct, we think there is not much ground for any apprehension that this addition--the inclusion of this clause of exception would give rise to any really substantiated, well-founded misgivings. So, in that case, we would vote for the original text rather than for the Soviet amendment.

GEN. MCCOY: I think you have brought out the pertinent points, Mr. Ambassador, very clearly, and I can assure you that that is the intention of this paper and is now being carried out by the Supreme Commander on that very line. If you read his orders covering this transfer to the civil ministry you will find those points are all covered very explicitly.

MR. MAKIN: Mr. Chairman, may I say again in the debate, the views expressed by the Ambassador for China are substantially the views that our delegation have upon this matter. But I am just wondering as to whether we just all fully realize that the position, I think, is safeguarded against possibly any wrongful application of personnel to the purposes required and it is in this way--that is, it is not the Japanese themselves that will make the nomination of any such persons who are to be so employed--it is the one that represents our position as an Allied force that is implementing the terms of any peace settlement or, at least, the interim period before the peace settlement is effected. And I ask myself, "Should we really so purposely deny to ourselves or to the Supreme Commander or whoever has got this responsibility on behalf of this Commission--should we deny to them any person who possibly is specially qualified to be able to deal with the problems that are associated with the return of these people to civil life?" I know that in regard to repatriation in my own country we have used, particularly in repatriation matters, men who were formerly of the services. We felt that their special



knowledge of many of the problems gave them possibly quite a unique knowledge that was helpful toward the satisfactory completion of the repatriation. Now it may be that it might be desirable not to have any of this personnel, but that surely is for those who are governing the application of these conditions to determine as to whether those people are right and proper—suitable and desirable to have for such a purpose. And I think it is not the Japanese that are going to do it; it is the question of our own administration there that is going to do it. That being so, I feel that any of the fears that have been entertained on the matter of the use of certain of this personnel that has been associated possibly with the Japanese forces is not quite so real as possibly some members of the Commission may have thought. And I hope that we shall yet be able, Sir, to find a unanimous agreement upon even this problem that has given us a good many vexed thoughts, and I feel that if we just get to understand that this can give no rise to, shall I say, influencing the future of militaristic design or desire on the part of the Japanese but it is one of which we ourselves have got the full responsibility of implementing and thus full and ample safeguards can be made in regard to the desirability of those of whom may be used on this particular purpose. I feel that many of the fears that are claimed, Sir, possibly are not so real as we may have at first thought, and I would earnestly suggest to those who have had difference to the view that is set down in the paper that is submitted for our consideration might take those thoughts that I have sought—rather imperfectly, I am afraid—to express into consideration and possibly they will then be able to see their way clear to accept the suggestions that have been made in the paper that is now before us for consideration.

MR. GRAVES: Mr. Chairman, I do submit that the Commission now has before it a substantive motion which has been <sup>properly</sup> proposed and properly seconded, and I wonder whether it isn't in accordance with our



recognized procedure that after that the debate should be reopened? I don't put any point of view forward, but I do submit that we have a motion before us.

GEN. MCCOY: I would just--in answer to the two Ambassadors--to reassure them as to the temporary nature of the intention of the Supreme Commander and also as to the way that the personnel is being used in this temporary period, I will ask Dr. Blakeslee to read from the order which has to do with these two points.

DR. BLAKESLEE: Mr. Chairman, the memorandum for the Japanese Government from the Supreme Commander dated October 4, 1947, to which reference has frequently been made, points out, as has already been explained, that Demobilization Bureau No. 1 is to be transferred to the Welfare Ministry, which was accomplished on the 15th of October. Demobilization Bureau No. 2 was eliminated on January 1, 1948, and a plan is now under active consideration by the Supreme Commander and his assistants which will provide that all other activities of demobilization shall, as soon as possible--at the latest within four months--be absorbed into the administrative machinery of the Japanese Government. And then there follows this sentence:

"Such plan will provide for the control of the policies of agencies thereafter engaged in demilitarization and demobilization by persons not subject to the provisions of SCAPIN 550 (that is the screening provision) and will ensure the speedy elimination of remaining ex-military officers subject to SCAPIN 550..."

This is the important provision:

"approval for whose retention has not been specifically granted in each individual case by the Supreme Commander for the Allied Powers."

MR. REUCHLIN: Mr. Chairman, may I support Mr. Graves' point of view--that we have a motion before us which has been seconded and that we close the debate now.

GEN. MCCOY: The motion has been made by the Soviet representative



and has been seconded by the French Ambassador and will now be put to the vote.

MR. NAGGIAR: Mr. Chairman, before going to a vote, may I say a few words to explain my position?

I will vote against the Soviet proposal on condition that the text of the American draft—the first one not the second one you proposed—the one which is in the paper before us—but perhaps you remember you made an amendment to the Russian amendment, and I will vote against the Russian amendment if you maintain the draft as it is now in paragraph 13, that is, "except as may be necessary in performing duties essential to the demobilization or repatriation of military and naval personnel" because I consider this formula more precise than the one you proposed on the Russian amendment. And besides, I wish to reserve my right to make, when the time comes to vote on the basic paper, an amendment to the basic paper.

MR. PANYUSHKIN: I am thankful to my French colleague for his having seconded my motion. The question is, however, that I, for one, don't consider that a second is necessary for a motion. No such rules exist anywhere. Should we really, by introducing this sort of domestic rule, restrict the democratic freedom of our discussions? We can best consider our questions here when we have freedom of discussion and freedom of consideration of a decision. Of course, you could put to a vote my motion since it has been seconded, but as I have stated before no second should be necessary.

GEN. MCCOY: Well I will accept the Soviet Ambassador's reservation on the point of procedure but put the motion since it has been moved and seconded in accordance with our procedure up to this time. I will now put it to the vote.

The United Kingdom: for or against?

MR. GRAVES: Against the Soviet motion.

GEN. MCCOY: Mr. Ambassador:



MR. PANYUSHKIN: I can't be against my own proposal.

GEN. MCCOY: You vote for the amendment. The Philippines:

MR. JOVELLANOS: Against, Mr. Chairman.

MR. POWLES: Against.

MR. REUCHLIN: Against.

MR. BANERJI: Against.

MR. NAGGIAR: Against.

DR. KOO: Against.

MR. COLLINS: Against.

MR. MAKIN: Against.

GEN. MCCOY: Under the procedure of this Commission and the vote had on this motion, the amendment is lost.

It is now twenty minutes of one and there is still the consideration that may be given to the basic paper and possible amendments which are indicated or implied, and I will inform the French Ambassador that I will consider this amendment that I suggested this morning and which did not bring agreement on the part of the Soviet representative--that I will consider making that amendment at another time.

MR. NAGGIAR: So I will be free to make mine at the same time?

GEN. MCCOY: Yes.



ITEM 7 - OTHER BUSINESS

GEN. MCCOY: There seems to be no time for consideration of other matters. Is there anything under pressure that need be mentioned?

The Secretary General will prepare the statements with reference to the tragic death of Mahatma Gandhi and have them checked with each one of you before giving it to the press.

If there is no other business this morning, we will stand adjourned until 10:30 tomorrow morning.

MR. PANYUSHKIN: Mr. Chairman, I would like to make the following statement:

Mr. Chairman, in connection with the fact that in the press lately there have been repeated tendentious articles dealing with the work of the Far Eastern Commission as a whole and positions of individual countries on questions considered in the Commission which are presented in a form of a sensational disclosure of secrets, as, for example, articles published in the "Washington Daily News" of 31st January and in the "Newsweek" of the 2nd of February, this year, in which intentionally the real facts are distorted, we consider that the Far Eastern Commission should bring to the knowledge of public opinion that the authors of such articles, using while writing them information illegally obtained and distorted, or distorting such information intentionally themselves, misinformed the readers and created a false impression of the work of the Far Eastern Commission as a whole as well as of the positions of individual countries members of the Far Eastern Commission, as, for example, the position of the U.S.S.R., on the questions discussed at a recent meeting of the Far Eastern Commission. The Soviet delegation proposes that the Commission decide to suggest to the Chairman of the Far Eastern Commission with the participation of the countries interested in this matter to prepare for the next meeting of the Far Eastern Commission - not tomorrow's meeting but the one following - a text of refutation in which the



real course of discussion of the questions should be clarified as they took place at the last meetings of the Commission.

In addition to that, I propose, Mr. Chairman, that the Chairman of our Commission undertake an investigation in connection with the fact of the leakage of the information on the basis of which leakage of secret documents such sensational and false articles appeared lately in the press.

That is all, Mr. Chairman.

GEN. MCCOY: We have been so engaged with other business that I hadn't taken notice of that before the Commission, but I did give a statement as soon as it was brought to my attention to the press.

"In connection with the article of which he mentions, the particular article in "Newsweek" dated February 2nd which deals with the proceedings in recent meetings of the Commission, the article is inaccurate and misleading. I much regret its publication, especially since the article is evidently based in some part on information which must have been given, directly or indirectly, to a member of the press by some one who was present in one or more recent meetings of the Commission.

"I am authorized by my Government to state that it also deeply regrets this publication and that it has no information or indication as to the source of the leak. As soon as my attention was called to this issue of "Newsweek" I prepared a press release which pointed out the inaccurate and misleading character of the article, and which the Secretariat distributed to the members of the Commission.

"As I have stated a number of times, the Far Eastern Commission, during its two years, has had a good record in regard to the security of its proceedings and its confidential documents. This generally good record makes this present leak increasingly regrettable.

"The main point of the article is that there has recently



been a striking change in both the official and personal relations between members of the Commission. I am aware of no such change. From the beginning of the Far Eastern Commission and until today each member and each assistant has earnestly and to the best of his ability—yet with all courtesy—supported and advocated the views of his government. From the beginning of the Far Eastern Commission and until today each member and each assistant has been notably pleasant in the personal relations with other members and assistants. I expect these relations, both professional and personal, to continue unchanged.

“The only lesson from this regrettable incident is that each person who attends a Commission meeting or who has any responsibility for a confidential FEC document should exercise increasing vigilance to safeguard the security of the FEC confidential material both oral and written.”

I am not sure just what the Ambassador wishes the Chairman to do now.

MR. PANYUSHKIN: Mr. Chairman, what I actually want is that you, together with the representatives of the countries concerned, prepare a draft refutation for publication in the press in which a clarification of the real course of the discussions should be expressed, so that this draft should refute the fabrications that have been published lately in the press, and, of course, this refutation should be released to the press.

GEN. MCCOY: Yes—

MR. PANYUSHKIN: Released, of course, after it has been considered here at this Commission.

GEN. MCCOY: Yes. I thought that I had covered that in the statement given out and the articles there in the "New York Times" would indicate that at least in that responsible paper they have covered the point made by the Ambassador.



MR. PANYUSHKIN: Mr. Chairman, I am afraid this will not be sufficient for two reasons: first of all because your statement has not made any effect in the direction desired since you published your statement on the 30th of last month while after that date other publications took place in the press. The second reason for my proposing is that it is absolutely necessary that the truthful picture of our proceedings and considerations should be presented, as it were, in the press. Indeed, in connection with one of our colleagues here, namely, the representative of the U.S.S.R., there were insinuations fabricated which in effect do not exist. Such a situation should be corrected and refuted. It seems to me this would serve only to help our international body here to show the real picture and real face of our Commission.

So, in this connection, Mr. Chairman, I would like to have you record the statement which I made on this matter and adopt an appropriate decision.

GEN. MCCOY: Well I will consult with my colleagues.

I take it you don't want that done today?

MR. PANYUSHKIN: Probably tomorrow.

GEN. MCCOY: Yes--and I will consult with the Ambassador, and I would hope that he might have a statement that he would like to put before the Commission on the subject because I feel very strongly with him in handling it the best possible way.

MR. PANYUSHKIN: Yes.

GEN. MCCOY: And the others--I hope--will be thinking about it and helpful in carrying out the best way to meet the situation.

MR. GRAVES: Mr. Chairman, may I just ask before we leave what is intended to be dealt with tomorrow at the meeting of the Commission? Do you intend to take Items 3, 4, 5, and 6?

GEN. MCCOY: Well, I had in mind going right down our agenda and finishing or considering the Soviets other proposals and the



basic paper first tomorrow and having the same agenda until we clean our slate, as it were.

Is there any objection to that?

We stand adjourned until 10:30 tomorrow morning.

(The meeting adjourned at 1:00 P.M.)



FAR EASTERN COMMISSION

Transcript of Ninety-first Meeting of the Far Eastern Commission.

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

Thursday, February 5, 1948



FAR EASTERN COMMISSION

Transcript of Ninety-first Meeting of the Far Eastern Commission.  
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.  
Thursday, February 5, 1948

Representatives Present

Major General Frank R. McCoy, Chairman	(United States)
Mr. A. Stirling	(Australia)
Mr. R. E. Collins	(Canada)
His Excellency Dr. V. K. Wellington Koo Dr. S. H. Tan	(China)
His Excellency Mr. Paul E. Naggiar	(France)
Mr. S. N. Banerji	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. G. R. Powles	(New Zealand)
Mr. J. U. Jovellanos	(Philippines)
His Excellency Mr. A. S. Panyushkin	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

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



(The ninety-first meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, met at 11:05 A.M., 5 February 1948, Major General Frank R. McCoy, Chairman.)

GEN. MCCOY: Good morning, gentlemen. The session is open for following the agenda before you.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 90th MEETING

GEN. MCCOY: The minutes of the previous meeting are open for correction or comment, and I believe the Secretary General has some corrections to make.

MR. JOHNSON: Mr. Chairman, the Soviet delegation has these corrections to be made.

On page 5, line 3, substitute the words "to disarm and disband" for "to disband and to dismiss".

On page 5, paragraph 3, line 4, delete the clause "with necessary documents, such as railroad tickets to their homes" and substitute "with necessary civilian documents, equally with other inhabitants of Japan".

On page 8, item 7 of agenda, penultimate paragraph, fifth line, delete the word "toward" and substitute the word "on".

On page 9, first full paragraph, item 1, delete the word "instruct" and substitute therefor the word "request".

The same paragraph, item 2, delete the word "instructed" and substitute the word "requested".

MR. POWLES: Mr. Chairman, on page 5, in the remarks attributed to me, in the fourth line might I have the words "upon arrival in Japan" inserted after the word "war". It will then read: "... a repatriated prisoner of war upon arrival in Japan was..."



GEN. MCCOY: Are there any other corrections?

DR. KOO: Mr. Chairman, I have a small correction on page 2. In the third paragraph following the word "changes" insert "in paragraph 6".

GEN. MCCOY: Are there any other corrections?

There seems to be none; the minutes as corrected will be made of record.

In connection with the release to the press of statements on the death of Mahatma Gandhi, I inform the Commission that they have been cleared with the representatives concerned and will be released to the press today.



ITEM 2 - PROHIBITION OF MILITARY ACTIVITY IN JAPAN AND DISPOSITION OF JAPANESE MILITARY EQUIPMENT (FEC-017/17, -/19)

GEN. MCCOY: FEC-017/17, a proposed policy decision, was forwarded to the Commission by the Steering Committee on the 2nd of December. FEC-017/19 contains proposed Soviet amendments submitted at the 86th meeting. Discussion has continued since then. The results of the discussion may be summarized as follows:

Paragraph 2 a: Tentative agreement (page 4, Minutes, 87th Mtg.) to retain paragraph as worded in FEC-017/17, with a provision that the Soviet understanding of term "and other small arms" be attached to the policy decision. French representative stated his intention at this time to abide by his proposal (para. 2 of cover sheet of FEC-017/19) on this paragraph if remaining Soviet amendments failed of adoption. Some clarification of meaning of "attached to" will probably be required. No vote has been taken.

Paragraph 6: Soviet proposals either to insert termination date or to delete "after examination" unacceptable to United States (page 6, Minutes, 88th Mtg.) No vote has been taken.

Paragraph 9: Termination date generally unacceptable (page 7, Minutes, 88th Mtg.) No vote has been taken.

Paragraph 10: Amendment lost (page 2, Minutes, 89th Mtg.) by a vote of 8 to 1. According to their statements yesterday, the Soviets now intend to press for the adoption of their own substitute amendment (page 3, Minutes, 89th Mtg.):

"The demobilization agencies should be dissolved and their functions of repatriation of Japanese prisoners of war will be transferred to a civilian agency."

Paragraph 13: Amendment lost (page 8, Minutes, 90th Mtg.) by a vote of 10 to 1.



Miscellaneous:

a. The French representative has indicated his intention of proposing a further amendment when the above have finally been disposed of.

Now that seems to be rather complicated in a sense but I think that it probably is clear in your minds, and since the amendments as stated have all to do practically with the representative of the U.S.S.R., I would ask him if that meets with his understanding or if he wishes to make any point not already covered.

(Mr. Panyushkin, the Soviet representative, spoke throughout the meeting through an interpreter.)

MR. PANYUSHKIN: I think it meets with my understanding except for one point which I would like to draw the attention of the Chairman and the Commission to.

As far as paragraph 6 is concerned, which deals with the destruction of Japanese military equipment, as far as I remember, at the meeting of the Far Eastern Commission of the 21st of January you said, Mr. Chairman, the following as it appears on page 6 of the minutes of the 88th Far Eastern Commission meeting:

"However, he (General McCoy) desired to seek further instructions from his Government and requested that further consideration be postponed until he could obtain such instructions."

GEN. MCCOY: Under this paragraph 6, I have considered the matter with my Government and am authorized to attempt to find agreement—accepting the deletion and the substitution of a new clause, so that the first part of paragraph 6 would then read after eliminating "after examination":

"Military equipment seized from the former Japanese armed forces or from members of the Japanese civil populace should be destroyed or scrapped except for:

a. Unique and new-development items and plans desired for examination or research..."



That would be substituted under paragraph 6, and that wording goes back to the original paper which at the time received general agreement.

I will read that again since the old paper, FEC-017/5, is probably not before you:

"In connection with the proposed deletion of the words 'after examination' in the Soviet amendment to paragraph 6, the United States Government will accept the deletion of the words 'after examination' in the first clause of paragraph 6 provided there be added after the expression 'be destroyed or scrapped except for:' the following:

'a. Unique and new-development items and plans desired for examination or research'.

"The first part of paragraph 6 would then read:

'Military equipment seized from the former Japanese armed forces or from members of the Japanese civil populace should be destroyed or scrapped except for:

a. Unique and new-development items and plans desired for examination or research'."

Then the other items follow as in the basic paper.

MR. NAGGIAR: I thank you, Mr. Chairman, as head of the American delegation, for this very welcome change which makes paragraph 6 very clear, and I am glad that the suggestion made at that time for this change has been agreed upon by the American delegation.

GEN. MCCOY: Are there any other comments?

MR. PANYUSHKIN: Mr. Chairman, I would like to point out that in document FEC-084/21, Reduction of War Industrial Potential of Japan, an analogous phrase was deleted in two places. The Commission seems to have recognized that this phrase was not desirable. I don't seem to have any ground to consider this item once again. I would like to point out that your wording does not improve the existing wording, but on the contrary. The question, as I understand it, is now as to whether



the United States delegation agrees or not to delete the expression "after examination". That was exactly the point that was discussed at the previous meeting, and you promised to inform us of the views of your Government. Since the Commission is at the last stage, so to say, of the discussion of this document—that is, the Commission is about to pass upon this document, I would like the United States delegation to express its views on this matter. I have in mind a wording which would be acceptable to the Commission and not complicating the existing wording.

GEN. MCCOY: I think that no explanation is needed. It's very precise and has already been stated so by one of my colleagues, and that is the position of my Government in deleting the words "after examination" as desired by the Soviet representative.

The United States cannot accept the proposition of the Soviet representative, and we make the alternate suggestion to see if that is acceptable.

I take it then that our effort to reach agreement is not acceptable to the Soviet representative?

MR. PANYUSHKIN: You mean it is unacceptable from the point of view of the deletion of the words "after examination"?

GEN. MCCOY: My proposal was, in accepting the proposition of the deletion of "after examination", that this should take its place as explanatory and declaratory.

MR. PANYUSHKIN: The wording you proposed does not improve the existing wording and, in addition to that, I would like to say that an analogous wording has already been deleted in another document.

The Soviet delegation proposed to delete the words "after examination". The Soviet delegation is supported also by other delegations. This can be seen from recent meetings. Provided the words "after examination" be deleted, we would withdraw our amendment provided this phrase were deleted without any new addition to the paragraph.



GEN. MCCOY: Well that is not acceptable to the United States. And, does the Soviet representative wish to make a motion, in effect, as to his point?

MR. PANYUSHKIN: Yes.

GEN. MCCOY: That is, the amendment proposed and made a motion—formal motion—by the representative of the U.S.S.R. is simply to delete the words "after examination".

Is there a second to this motion? There seems to be no second, so that the motion is lost.

MR. PANYUSHKIN: Mr. Chairman, do I take it that the Soviet motion has been voted on and not accepted?

GEN. MCCOY: It is lost, yes, due to the fact there is no second to your motion.

(Dr. Koo, the Chinese representative, departed the meeting at this time, and Dr. Tan took his seat as alternate.)

MR. PANYUSHKIN: It would seem that we are coming back to the same point of a second. I am at a loss to understand what second is required. I don't think it is correct in substance. I don't know of any similar rules existing anywhere. I have already suggested, Mr. Chairman, that, since it was a purely internal, domestic matter, we drop it. Indeed, we had a case at the last meeting of having a second to a Soviet motion but the seconder actually voted against the motion, so the question is what is the sense of a second? The same thing happened to a previous motion of ours and I am afraid such things have happened on various occasions. The very logic suggests that there is no sense in having a second. The fact is that a representative of a sovereign state has the right not only to raise a question for discussion but also propose his motion for a vote. It seems to me we have been discussing this matter at some length. It would be advisable if we simply put the motion to a vote and it would be so much shorter. Therefore, I consider it necessary to put paragraph 6 to a vote and in general drop the principle of a second.



GEN. MCCOY: Well, the question has been discussed heretofore both in the Steering Committee and before the Commission. As I have stated before, there is no established code of rules of procedure for this Commission. We make very few points of order. It has been very informal and for that reason the usual rules of order have not been insisted upon when a matter was up for discussion without being moved and seconded. I made the ruling to follow our precedent that any member of the Commission could ask to have anything put on the agenda and that it would be discussed informally before the Commission without any formal vote—motion or second—but when it comes to a vote of the Commission formally, if you will remember, most of our actions have been, that is, when agreement was reached—and most of our action up to recently has been by full agreement—that it was done very informally without being put to a formal vote. But from the beginning of our sessions, and I don't think with any objection, when a formal vote was moved a second was required. However, since the Ambassador has made a statement to the Commission on the subject, I am prepared to receive my instructions from the Commission on points of order. But it would have to be from the Commission after discussion and voting and not just in changing our accepted procedure over two years just to meet a personal opinion of the Ambassador. I think that the Ambassador is right partially in his statement that a second is not required in some international conferences, but that seems to me to be a little bit too general. It has been the rule, I think, in most conferences when a motion was put formally to call for a second. However, I am perfectly willing to have the Ambassador make any motion or ask for any decision on the subject that he wishes.

MR. POWLES: Mr. Chairman, do I understand the Soviet Ambassador now to move a motion to the effect that the words "after examination" be deleted, because that is not the amendment which we have as of record before us in the document. The amendment which he proposed was the



insertion of a particular phrase of words including a time limit after the words "after examination" and I understood him to favor the retention of the words "after examination".

GEN. MCCOY: I am once more behind the game here. I am glad you called my attention to that. When I made this statement I asked if I was correct and nobody corrected me at that time and I continued on the wrong line. Apparently, the paper that I had was not the correct one and I read what I thought was the Soviet amendment and he made the motion purely on the deletion of the words "after examination".

Now, apparently the amendment in FEC-017/19 on paragraph 6 is:

"Insert the following in line 3 between the words 'after examination' and 'be destroyed':

'at least not later than within a six months' period from the date of the adoption by the Far Eastern Commission of this document'."

Now, we're a little bit cross wired here and I would accept suggestions as to uncrossing the wires.

MR. PANYUSHKIN: Mr. Chairman, our amendment was that we require that the phrase "after examination" be deleted.

MR. POWLES: Well, Mr. Chairman, if that is the motion which the Soviet Ambassador makes, I should like to second it. I have consistently in discussion supported the deletion of those words. I don't need to go into the reasons now. But I second that motion if that is what it is.

GEN. MCCOY: I will then, in view of the statement of the New Zealand representative, once more, if it is agreeable to the U.S.S.R., make the motion again so that the Commission can act on the motion.

Then, as I take it the amendment proposed still remains the deletion of the words "after examination"?

MR. PANYUSHKIN: Yes.



GEN. MCCOY: That motion is made and I assume from the New Zealand proposition that you second it?

MR. POWLES: Yes, Sir, Mr. Chairman.

MR. NAGGIAR: Mr. Chairman, may I inquire what the complete wording of the new motion is because up to now I have in my file only the first amendment from the Soviet delegation which is <sup>not</sup> the deleting of the words "after examination" but maintaining the words "after examination" and adding a phrase about the date of adoption, et cetera. But if we are going to vote now I would like to know if we are voting on a motion deleting the words "after examination" and making it part of the Soviet amendment or if we are voting only deleting "after examination" with the phrase you added just a few minutes ago among the exceptions.

GEN. MCCOY: Well that was my suggestion which was not accepted.

MR. NAGGIAR: Yes, I understand that, but the motion is only the deletion of the words "after examination"?

GEN. MCCOY: Only. Yes.

MR. NAGGIAR: That is a new motion?

GEN. MCCOY: That is a new motion and has been moved and seconded.

MR. NAGGIAR: I understand now.

GEN. MCCOY: Paragraph 6, if the Soviet motion should be carried, would then read:

"Military equipment seized from the former Japanese armed forces or from members of the Japanese civil populace should be destroyed or scrapped except for:

a., b., c., et cetera."

as in the original paper.

Is it understood now that the motion made formally by the U.S.S.R. is simply the deletion of the words "after examination" from paragraph 6?

Is there any other discussion? I believe this was discussed at length not only in the committee but also here in the Commission, so



I am ready as far as the United States is concerned, and as far as the Chairman is concerned, to put the motion to a vote unless there is further discussion desired.

MR. PANYUSHKIN: Mr. Chairman, it seems to me the time has come that the motion were put to a vote.

GEN. MCCOY: Yes.

MR. PANYUSHKIN: We have discussed the matter for a year.

GEN. MCCOY: I will ask for the "ayes" or "nays"---for or against.

The United Kingdom:

MR. GRAVES: I am in favor of retaining the wording in *FEC-017/17*, that is, with the words "after examination" in the paper.

GEN. MCCOY: The Soviets:

MR. PANYUSHKIN: For the deletion of the words "after examination".

GEN. MCCOY: The Philippines:

MR. JOVELLANOS: I shall abstain, Mr. Chairman.

MR. POWLES: For the deletion.

MR. REUCHLIN: For the deletion.

MR. BANERJI: Against the deletion.

MR. NAGGIAR: For the deletion.

DR. TAN: Abstain.

MR. COLLINS: Abstain.

MR. STIRLING: For the deletion.

GEN. MCCOY: The United States stands for the original wording and against the Soviet motion.

Will you announce the results, Mr. Secretary General?

MR. JOHNSON: The voting was: for the motion: New Zealand, the Netherlands, France, Australia, and the U.S.S.R.; against: the United Kingdom, the United States, and India; abstained from voting: the Philippines, Canada, and China.

GEN. MCCOY: The motion, having not received the concurrence of the United States and the United Kingdom, is lost.



What was your vote, representative from China?

DR. TAN: Abstention, Mr. Chairman.

GEN. MCCOY: So that the motion is lost on the non-concurrence of the United States, the United Kingdom, and China did not approve so they did not concur.

DR. TAN: China did not vote.

GEN. MCCOY: Yes, but it has to receive--to be a valid act of the Commission it has to have the concurrence of the U.S.S.R., China, the United Kingdom, and the United States.

DR. TAN: But we give up our privilege to cast a vote at this time.

MR. NAGGIAR: Mr. Chairman, the problem you raise about the abstention of China has been, I think, examined in the United Nations and discussed, but we don't know whether an abstention of a veto member is counted as no or is non-veto. I don't know what was the decision on that point.

GEN. MCCOY: Well, just to be entirely correct, I will read the Terms of Reference having to do with this question.

"The Commission may take action by less than unanimous vote provided that action shall have the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: The United States, the United Kingdom, Union of Soviet Socialist Republics, and China."

In any case, this motion is lost without the concurrence of the United Kingdom and the United States.

MR. PANYUSHKIN: Mr. Chairman, I would like to proceed with this question further since you put a question to me as to the order of the discussion.

It seems to me, since the question of paragraph 9 was postponed without decision, I should think it should be--a decision should be passed upon it.

GEN. MCCOY: My remembrance is that there was discussion on that



but no motion made for a vote.

MR. PANYUSHKIN: I am sure we should have some opinion passed by the Commission on this amendment. It is unclear whether our amendment is acceptable or not.

GEN. MCCOY: There was no motion made in the previous meeting when we discussed that question.

MR. PANYUSHKIN: In that case, I make a new motion.

At the end of the first sentence of paragraph 9 the following should be added:

"within a three month period after the adoption by the Far Eastern Commission of this document."

GEN. MCCOY: That is an amendment that is moved, I take it, by the U.S.S.R.?

MR. PANYUSHKIN: Yes, it's a new amendment as a compromise—a concession.

GEN. MCCOY: I didn't understand, Mr. Ambassador.

MR. PANYUSHKIN: As a compromise—as a concession.

MR. GRAVES: Mr. Chairman, according to my document it's the amendment which is shown in FEC-017/19. I don't see anything new in it.

GEN. MCCOY: Yes, it is also in the /19 paper, the original amendment here, that is, to paragraph 9:

"Insert after the words 'subsequent destruction' in line 4, the following words:

'within a three month period after the adoption by the Far Eastern Commission of this document'."

And that is, I take it, the exact wording of your present motion?

MR. PANYUSHKIN: Mr. Chairman, the actual wording of the Soviet amendment should read: "within a three-six month period after the adoption by the Far Eastern Commission of this document".

GEN. MCCOY: The motion of the U.S.S.R., as presented and changed by the Ambassador is now, that is, as an amendment to paragraph 9:



"Insert after the words 'subsequent destruction' in line 4 the following words:

'within a three-six month period after the adoption by the Far Eastern Commission of this document'."

DR. TAN: Mr. Chairman, I should like to ask a question by way of getting some information.

Is there any likelihood in the adoption of this paper that after six months from adoption all the Japanese outside Japan who ought to be repatriated and demobilized--would the process be completed by that time?

GEN. MCCOY: Nobody can tell. I don't think the Supreme Commander could tell because it is very uncertain when some 7 or 800,000 repatriates will be brought back to Japan. And that's why this is implementation which the Commission cannot, from my point of view, foresee. It's one of those things that we have an executive representing the Commission out there, who manifestly, from his actions and from the recent orders, is trying to carry out this very policy as soon as he can. And, in the meantime, these amendments of this character, from my point of view, would be a leap in the dark and without consideration of the practical work going on in the sense of repatriation and demobilization under the laws and customs of the Supreme Commander and of the laws of the Japanese Government, which affect these individuals very decidedly as regards their rights under the Japanese law in the sense of pensions and many other service customs that we are unfamiliar with here and necessarily have to be considered out there between the Supreme Commander and the civil authorities to which this demobilization administration has now been transferred.

Is there any further discussion before the vote?

MR. JOVELLANOS: Mr. Chairman, I was wondering whether we are all aware of the fact that paragraph 9 only refers to records of demobilized personnel and not those not yet repatriated? Therefore, we see no point



in leaving these records for any longer period of time.

MR. POWLES: Mr. Chairman, I would like to support the observation just made by my Philippine colleague. I feel that perhaps we have been led into, some of us, a misunderstanding of the paragraph, and my only reason for opposing the insertion of a time limit is, as I said before, that on principle my Government doesn't believe in placing a time limit on the Supreme Commander's actions but we see nevertheless no reason why these records of demobilized personnel should not be destroyed immediately.

GEN. MCCOY: Well I think that none of us see the reason particularly—but certainly they do out there when such records are held for some reason—I haven't any doubt but for details—of many things that we don't and can't know about. I only feel that the Supreme Commander is in the position to do the job of demobilization under the policy of this Commission with full understanding of the wishes of the Commission, but when the Commission attempts to say that something must be done — without a date — but must be done—must be destroyed or a time limit is set without regard to his practical efforts to demobilize these remaining prisoners of war—a very large number—some 7 to 800,000—that we are entering into a field that is purely his responsibility under our policy. I have no doubt that we could find a number of little flaws as we go along, although for two years we know this has been thought out by very intelligent men in efforts to reach agreement. And I am not disposed to pipe down any discussion, but I feel that the general proposition should be understood of giving a policy to the Supreme Commander and letting him implement it with a certain confidence that he will do that as he has in the past and as his intentions show in his recent orders.

MR. GRAVES: Mr. Chairman, I think this paragraph 9 must be construed as having continuing application. It is true that on first reading it it apparently relates to military registration of demobilized personnel at the moment, but there are military personnel still to come



back and they will have military registration and therefore their records will have to be confiscated and destroyed subsequently. If we accepted this motion that everything should be destroyed within three to six months after the acceptance of the policy, then if there are repatriated soldiers after six months there would be no policy to say that the records should be destroyed. I suggest that this has a continuing application and that we must give the Supreme Commander discretion to destroy at a subsequent date and to apply this policy to all records which become available after the repatriation of all soldiers.

GEN. MCCOY: Are there any further comments?

The motion has been made. Has it been seconded? The motion was changed from within a three month period to within a three to six month period after the adoption by the Far Eastern Commission of this document. The motion has formally been made by the U.S.S.R. representative. Is there a second to that motion? There seems to be no second, so that, under our rules of procedure, the amendment is lost.

MR. PANYUSHKIN: Mr. Chairman, our today's amendment has not been, as it seems to me, sufficiently discussed. Probably it would be better to give an opportunity to the Commission to discuss this at more length. I support the observations made here by the Philippine representative and also supported by the New Zealand representative to the effect that this paragraph refers to the demobilized personnel but not repatriated. As can be seen from the short discussion that followed this morning on the Soviet amendment, one can see that the amendment suggested by the Soviet delegation does not meet with acceptance of the other members. The Soviet delegation considers that, in order to expedite the acceptance of this document, which the Soviet delegation considers to be a very important document, the Soviet delegation will not press on the adoption of its amendment to paragraph 9. However, the Soviet delegation does not consider that for a motion to be put to a vote a second is necessary.



GEN. MCCOY: Mr. Ambassador, I notice that the time of adjournment is approaching, and, in view of continued consideration of this military paper, in line with our personal conversations before the meeting I feel that I ought to continue further consideration of this paper and take up the pressing subject that you brought to my attention in connection with the desire of the U.S.S.R. to proceed today with the appointment of an ad hoc committee to draft some statement of the Commission in answer to certain news articles that have appeared recently. So that, if there is no objection, I will once more continue the agenda with the military paper as the first question for continued consideration and action at a later meeting, and ask the representative of the U.S.S.R. to state his wishes with regard to this drafting of a convention action.

- ITEM 3 - ATTENDANCE AT INTER-GOVERNMENTAL CONFERENCES (FEC-236/10, SC-236/8; 236 series)
- ITEM 4 - a STATEMENT BY THE UNITED STATES REPRESENTATIVE OF THE FAR EASTERN COMMISSION ON REPARATIONS SHARES (FEC-278)  
b REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25; 219 series)
- ITEM 5 - a RESTITUTION OF LOOTED PROPERTY (FEC-011/40, -/42; FEC-011/12, -/21, -/32 through -/39)  
b RESTITUTION OF LOOTED PROPERTY; NETHERLANDS SUBSTITUTE (FEC-011/43)
- ITEM 6 - ADVANCE TRANSFERS OF JAPANESE REPARATIONS (FEC-201/1)  
(There was no discussion of the above-listed items.)

ITEM 7 - OTHER BUSINESS

- a. Discussion of Unauthorized Release of Commission Proceedings to the Press

MR. PANYUSHKIN: Mr. Chairman, would you mind if I recount in brief the contents of our conversation which took place before this meeting? You have no objections?

GEN. MCCOY: No.

MR. PANYUSHKIN: In view of the Soviet proposal which was suggested



at yesterday's meeting of the Commission, to the effect that the Commission should prepare a draft text of refutation to those false and tendentious statements that appeared lately in the press, namely, an article in the "Washington Daily News" of the 30th of January and another one in the "Newsweek" magazine of the 2nd of February, the Chairman considered it necessary to have a private talk—was so kind as to consider it necessary to have a private talk with me before the meeting of this morning. From that short discussion that we had I draw the impression that the Chairman has no objections to having a refutation published. However, the Chairman took exception to the suggestion that he head that ad hoc group to draft a text of refutation. I agree with the Chairman and do not press for my suggestion that the group should be headed by the Chairman. However, I would propose another suggestion that the group to draft the text of this refutation be headed by our Secretary General, Mr. Nelson Johnson. It seems to me that this type of group should be headed by either the Chairman or the Secretary General. Since the Chairman is unable to head this group, then the nomination of the Secretary General remains. As to the right of participation of the Soviet delegation in the work of that group, we would delegate some member of our delegation, but we don't intend to be at the head of the group. That is all, Mr. Chairman.

GEN. MCCOY: At the request of the Soviet Ambassador—and I am very sympathetic with his feelings, the suggestion has been made, and I would put it to the Commission, that an ad hoc committee be formed, and at the request also of the Ambassador, that the Secretary General act as Chairman for the Commission to draft a statement to be given to the press which is more nearly explanatory and better meets the unfortunate situation than the rather colorless statement that the Chairman gave out last week. If it meets with your approval, I will appoint an ad hoc committee of the whole with the Secretary General as Chairman to prepare and consider the action to be proposed to the Commission at the next meeting next Thursday.



MR. GRAVES: Mr. Chairman, may I ask a question?

Is it proposed that some sort of statement should be issued in the name of the Commission?

GEN. MCCOY: That is the request of the U.S.S.R.

MR. GRAVES: I have very much sympathy for our Soviet colleague over the misrepresentation in the press, but I would point out that we are all subject to misrepresentation in the press and in other international bodies that is a very common occurrence - we ourselves are subject to misrepresentation - but we don't feel that we're entitled to go to an international body and ask it to exonerate us in statements to the press. And if there is a suggestion that this international body should have that in contemplation I should have to seek instructions of my Government before I could have anything to do with it. So I should reserve my position in regard to taking part in it.

GEN. MCCOY: Well--of course it will be presented to the Commission by this ad hoc committee and there is no action of the Commission committed beyond having it considered at the request of the U.S.S.R. I would hope that as many as might help in the consideration of this question would meet at the call of the Secretary General, if there is no objection to that preliminary meeting, and they will report to the Commission at the next meeting. I don't think that you would have to take that up, would you?

MR. GRAVES: No. I should, of course, attend the meetings, but I would like to say right at the beginning that we should have to reserve our position about a possible statement by this international body.

GEN. MCCOY: The Secretary General, then, will communicate with the other members promptly so that we can have a report to the Commission at the next meeting, Thursday, one week.

Gentlemen, we stand adjourned.

(The meeting adjourned at 12:35 P.M.)



FAR EASTERN COMMISSION

Transcript of Ninety-second Meeting of the Far Eastern Commission.

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

Thursday, February 12, 1948



FAR EASTERN COMMISSION

Transcript of Ninety-second Meeting of the Far Eastern Commission.  
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.  
Thursday, February 12, 1948

Representatives Present

Major General Frank R. McCoy, Chairman	(United States)
Mr. H. W. Bullock	(Australia)
His Excellency Dr. V. K. Wellington Koo	(China)
Mr. R. E. Collins	(Canada)
His Excellency Mr. Paul E. Naggiar	(France)
Mr. S. N. Banerji	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. G. R. Powles	(New Zealand)
Mr. J. U. Jovellanos	(Philippines)
His Excellency Mr. A. S. Panyushkin	(U.S.S.R.)
Mr. J. F. Ford	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

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



(The ninety-second meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:30 A.M., 12 February 1948, Major General Frank R. McCoy, Chairman.)

GEN. MCCOY: Gentlemen, we seem to be around the table and we will open the session this morning with the usual reference to the minutes of the previous meeting for your consideration.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 91st MEETING

(Mr. Panyushkin, the Soviet representative, spoke throughout the meeting through an interpreter.)

MR. PANYUSHKIN: Mr. Chairman, I have an observation to make on the minutes of the last meeting.

Mr. Chairman, if I understood it properly at the last meeting, the transcription is not quite correct. I am referring to page 4, the last paragraph of that page, from the Chairman's statement I can see that the Soviet motion had been lost, while according to the proceedings of the last meeting I did not get such impression. I remember that in connection with the Chairman's statement I said that, in order to expedite the adoption of this paragraph, the Soviet delegation was withdrawing its amendment, but if it were lost as stated by the Chairman, which I repeat was not my impression, in that case I would not consider it as withdrawn by my delegation. One couldn't possibly withdraw it since, according to the Chairman's statement, it had been lost. Indeed, if an amendment is lost you can't withdraw it. Therefore, I would like to have a certain proper correction made in the minutes, that is, a correction in the Chairman's statement that the motion had not been lost. In that case, I would retain my statement that I withdraw the motion. If the Chairman considers that the motion has been lost, then I withdraw my statement, that is to say, I withdraw my statement which reads that I withdraw my motion.

GEN. MCCOY: Well--that involves a consideration that is very properly brought to my attention, and I will take it up when we come to



the military paper and discuss it with the representative and the Commission at that time.

MR. PANYUSHKIN: Mr. Chairman, it seems to me that this point raised by myself relates to the approval of the minutes.

GEN. MCCOY: Yes. Well I was just considering how we could best meet the situation so that it would be consistent.

MR. PANYUSHKIN: My suggestion would be, Mr. Chairman, in the transcription of what you said as it appears in the last paragraph on page 4, amend the text as follows:

"GENERAL MCCOY asked whether there was a second to the Soviet motion so that the motion could be put to a vote."

Delete all the rest.

GEN. MCCOY: Of course, as I understand it, the Soviet Ambassador is not questioning the minutes themselves but my so-called inconsistent statement. Isn't that the case from your point of view?

MR. POWLES: I rather gather, Mr. Chairman, that the Soviet Ambassador is questioning the minutes.

GEN. MCCOY: Oh, questioning the correction of the minutes?

MR. POWLES: I took a pencil note at the time of what my impression of the occurrence was and I don't have any note of your declaring that the motion was lost, but I do have the note of your saying that there was no second. But I did not think that you went as far as to say that the motion was therefore lost.

GEN. MCCOY: It is my remembrance that I did say that. As far as I can see from the verbatim minutes that is correct.

So this is a consideration of the correctness of the minutes-- not a consideration of what was meant. But I will let you read the verbatim minutes which starts here and my statement, which I accept as having made exactly as it is here. Now, Mr. Panyushkin followed it with a statement, and I would like you to read both of them and see if - I consider my statement correct as made there, and if Mr. Panyushkin



accepts his statement as correct, then we are all together. But if he wants to make a correction in his statement, well we will, of course, accept that. But my statement is as I made it at that time.

MR. PANYUSHKIN: Mr. Chairman, in that case I will not withdraw my amendment.

GEN. MCCOY: Is that statement of the Ambassador as recorded there correct from his remembrance.

MR. PANYUSHKIN: Well, probably it is correct, but I was not under the impression that the motion was lost. It seems to me that the Chairman was hasty in declaring that the motion had been lost.

GEN. MCCOY: Well I'm ready to accept his statement at the time we considered the paper, but all I am concerned about now is as to the correctness of what was said at the time. That is, from my remembrance, and checking up with this statement of mine, I think that the minutes are correct, but--

MR. PANYUSHKIN: Mr. Chairman--

GEN. MCCOY: I understand that there is a difference of opinion about my use of words, but the minutes themselves I think are correct as far as I am concerned, and then we will discuss this point if he wishes when we come to it.

MR. PANYUSHKIN: I have no observations--no remarks on the minutes.

MR. FORD: Mr. Chairman, with your permission, I should like to make a comment too on the minutes.

I should like to say first that my comment would not involve any amendment to the minutes. It refers to page 3 where it is recorded that there was a vote on the motion to delete the words "after examination" in paragraph 6 of FEC-017/17. Mr. Chairman, that motion was lost in the view of the United Kingdom delegation. The reason why the motion was lost was that there was not a concurrence of at least a majority of all the representatives. We do not think that the reason was as stated in the paragraph which appears last but two from the foot of page 3. The Terms of Reference in our opinion, Mr. Chairman,



require that, in order to succeed, a motion should have the affirmative support of at least six members of the Commission including the four specified members. In the poll of opinion on this motion there were only five members supporting the motion, and in the view of our delegation that was the reason why the motion was lost.

That is all, Mr. Chairman, except that I should like to ask that this comment could be recorded in the proceedings of this meeting.

DR. KOO: Mr. Chairman, I am asked--

GEN. MCCOY: Pardon me. Are you commenting on the United Kingdom remarks?

DR. KOO: On the minutes.

GEN. MCCOY: But on your own part--not in reference to this statement? Pardon me just a moment until we finish with this.

Your statement will be made a matter of record if there is no objection.

MR. FORD: Thank you, Mr. Chairman.

DR. KOO: Also, on page 3 I am asked by my alternate who sat in for me at the last part of the meeting last week to say that a statement he had made is omitted after your statement in the last paragraph on page 3. He made a short statement which is not recorded here and he would like to have it recorded, namely, that "DR TAN stated that he refrained or the Chinese delegation refrained from exercising the privilege to vote for or against the motion--in other words, it abstained."

GEN. MCCOY: Are there any other corrections, gentlemen? There seems to be none and these statements that have been made by the U.S.S.R. representative, the United Kingdom representative, and the Chinese representative will be included in the minutes as they wish.

I understand that possibly to cover the full minutes the U.S.S.R. representative would like to have his statement and my comments included in the corrected copy of the minutes, or does he



accept the minutes as they stand with regard to that point after our discussion?

MR. PANYUSHKIN: Mr. Chairman, do you mean the text as it appears on page 4 in the last paragraph?

GEN. MCCOY: That is, I wanted to know if he accepts the minutes as to his statement as correct? I accept the minutes as to my statement as correct and there has been no question of that, I believe, and I'm just trying to find the best way of meeting the wishes of the---

MR. PANYUSHKIN: Mr. Chairman, I will agree with the text of the minutes of the last meeting provided my statement is recorded which I made at this meeting.

GEN. MCCOY: Yes. Now, Mr. Ambassador from China, do you wish your statement recorded into the corrected minutes as you gave it?

DR. KOO: Well it would go into the minutes of this meeting, I suppose.

GEN. MCCOY: It's in addition to the minutes, as I understand it. You are calling attention to an omission.

(Dr. Koo nodded affirmatively.)

GEN. MCCOY: Well then the statement will go in.

The minutes then stand corrected by statements from the U.S.S.R., the United Kingdom, and the Chinese Ambassador.

In Item 2, to press a privilege on the request of the Ambassador of the U.S.S.R., involves a progress report of the ad hoc drafting subcommittee on a press statement that was to be considered by this drafting committee.

MR. PANYUSHKIN: Mr. Chairman, I would like to make a proposal with regard to the agenda of this morning's meeting.

I would suggest not to take Item 2 as our next item for discussion but pass over to Item 3 and discussion Item 2 later.

GEN. MCCOY: Yes. The request of the U.S.S.R. is to pass over for the moment Item 2 and proceed to the consideration of Item 3. Is that



correct?

MR. PANYUSHKIN: Yes, Mr. Chairman.

GEN. MCCOY: If there is no objection, the request of the U.S.S.R. will be accepted, so that we will now next consider Item 3 on the agenda, the Prohibition of Military Activity in Japan and Disposition of Japanese Military Equipment.

(See following page)



**ITEM 2 - PROHIBITION OF MILITARY ACTIVITY IN JAPAN AND DISPOSITION OF JAPANESE MILITARY EQUIPMENT (FEC-017/17, FEC-017/19)**

GEN. MCCOY: FEC-017/17, a proposed policy decision, was forwarded to the Commission by the Steering Committee on the 2nd of December. FEC-017/19 contains proposed Soviet amendments submitted at the 86th meeting on the 15th of January. The remaining points for discussion are the consideration of paragraph 2 a and paragraph 10 and certain discussion as to further amendments when the above has been disposed of. The two paragraphs that I have still remaining for consideration are paragraphs 2 a, where there was a question of retaining the paragraph as worded in FEC-017/17 with a provision that a statement of the Soviet understanding of the term "and other small arms" be included with the policy decision.

Is there any further comment on that for the moment?

MR. PANYUSHKIN: Do you ask whether there are any comments?

GEN. MCCOY: Yes--whether the Soviet Ambassador wishes--I have the two things for consideration that we have not already discussed and disposed of:--paragraph 2 a, where he made a statement which he asked be attached to the policy paper in case it should become a policy paper of the Commission.

MR. PANYUSHKIN: We have no more comments, Mr. Chairman.

GEN. MCCOY: Yes. I have, in that case, a statement on behalf of the United States Government to be considered in the minutes in like manner.

"At the Commission meeting on January 19, the Soviet Ambassador stated that he could agree to withdraw the Soviet amendment giving a definition of 'small arms', provided that a statement explaining the Soviet understanding of this expression 'be attached to the document'."

"If there is no objection, this proposal of the Soviet Ambassador will be carried out in accordance with the ~~normal~~ normal procedure of the Far Eastern Commission."



And I will ask the Secretary General to explain what that normal procedure is.

MR. JOHNSON: Mr. Chairman, "When the Commission passes policy decisions, the Secretary General sends certified copies to the Secretary of State. Then, in accordance with the Terms of Reference of the Commission, the United States Government prepares directives in accordance with the policy decisions of the Commission and transmits these directives to the Supreme Commander through the appropriate United States Government agency.

"In a number of instances representatives have made statements of the interpretation or explanation of their governments in regard to certain parts of the paper or as to the paper as a whole. These statements have normally been forwarded by the [redacted] Secretary General to the Secretary of State for 'transmission to the Supreme Commander for his information'. These statements have been termed 'excerpts from the minutes of the Commission'.

"For example, the Secretary General on June 6, 1946, forwarded to the Secretary of State a policy decision, 'Aliens in Japan' (FEC-034/2). The Secretary General added: 'I am also enclosing for your information an excerpt from the minutes of the fourteenth meeting of the Commission including a statement made by the representative of the Union of Soviet Socialist Republics in connection with the approval of his Government of the enclosed policy'.

"In accordance with this normal procedure, in case this pending draft policy decision should be approved by the Commission, the Secretary General, if there is no objection, will forward to the Secretary of State a certified copy of the policy decision, and will also send to the Secretary of State, for transmission to the Supreme Commander for his information, whatever statements of interpretation or understanding may be made by representatives on the Commission."



GEN. MCCOY: I wanted to explain the procedure again to the Commission with special reference to the representative of the U.S.S.R., in view of the fact that he hasn't sat in with the Commission until recently and might not be familiar with the procedure in like cases. I will let you look over that as we understand it.

We will declare a recess for five minutes, and please stand by so that we can resume the meeting.

(The meeting recess at 11:10 A.M.)

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

GEN. MCCOY: Is there any further comment on that problem? I wanted the Ambassador to understand how it should be handled by the Secretariat.

MR. PANYUSHKIN: I understand this to mean that our addition, as suggested by ourselves at the meeting of the Commission, did not meet with any disapproval and would be attached to the paper.

GEN. MCCOY: In that way.

MR. PANYUSHKIN: Attached to the policy decision.

GEN. MCCOY: Well, as explained in this procedure that we have been following for two years.

(The Soviet representative nodded affirmatively.)

MR. HAGGIAR: Mr. Chairman, may I request that your statement of procedure be distributed to all the members of the Commission?

GEN. MCCOY: Yes.

The United States will make a statement in the same manner and which will be handled in the same way as the interpretation of the Soviet position and understanding.

"The United States Government understands that it is within the SCAP's discretionary authority to interpret with what small arms he may equip the Japanese civil police and that any interpretation of the phrase 'small arms', which he may find it necessary to make in accordance with his authority under the Terms of Reference, is in no way abridged by any other understanding."



Are there any other statements to be a matter of record and forwarded to the Supreme Commander under the procedure of the Commission?

MR. FORD: Mr. Chairman, as I understood the statement which you read just now, it seemed that the discretion to interpret the meaning of the term "small arms" was being left to the Supreme Commander.

(The Chairman nodded affirmatively.)

MR. FORD: In the opinion of the United Kingdom delegation also, it would be proper to leave the discretion to the Supreme Commander, and we would like to associate ourselves with the statement you have just made.

GEN. MCCOY: Are there any other comments on this matter or any other statements that any representative desires to make?

MR. POWLES: Mr. Chairman, I agree that the Supreme Commander must interpret the policy, but I don't associate myself with any view which might hold that the Supreme Commander is at full liberty to interpret the expression "small arms" without reference to the actual phraseology of the paragraph in which it is used. I think the Supreme Commander must interpret paragraph 2 a as it is in the policy and its form to determine then what small arms come under the meaning of the actual words which are used there, and I don't associate myself with the view that it gives him a complete discretion to interpret the words "small arms" as if they were an isolated expression.

MR. BULLOCK: Mr. Chairman, I should like to support what Mr. Powles has said. It's not small arms as such that we are talking about but small arms that are usually used by civil police and, of course, there are other things in the context too which have to be interpreted in connection with it.

GEN. MCCOY: Yes, the policy paper rules and these statements are accompaniment as to your understanding.

MR. POWLES: Perhaps I may have misunderstood the statement you made yourself just now, Sir. I haven't read it, but I understood you



to say that the Supreme Commander had a discretion to interpret the phrase "small arms".

GEN. MCCOY: Under the policy paper.

MR. FORD: Mr. Chairman, I also only heard the statement which you read. I haven't studied it carefully. And I should like to say that the United Kingdom Government is willing to indorse this paper as it stands and therefore any explanatory statement attached to it would naturally have to be read in the context.

GEN. MCCOY: That is my understanding.

DR. KAP: Mr. Chairman, I wish to say, on behalf of the Chinese delegation our understanding that we see no radical difference between the various points of view reflected here by the different statements so far made because the main purpose of this paragraph is to enable the Supreme Commander to maintain law and orders. That is the overriding purpose, and in order to enable him to carry out this responsibility we have agreed upon a general policy which prescribes certain limitations on the categories of arms he is to use, and the scope of the phrase "small arms" we feel must be left to the discretion of the Supreme Commander and with confidence in his judgment that he will use only the minimum of small arms as regards either the categories or quantities which will be sufficient to meet the situation. And, therefore, we associate ourselves with the understandings both expressed by yourself on behalf of the United States delegation and the statements made by the other members.

GEN. MCCOY: All these excerpts from the minutes will be forwarded in the procedure outlined with the policy paper, so that I should think these round-the-table remarks would be very helpful to the Supreme Commander.

MR. NAGGIAR: Mr. Chairman, I would be glad to see the discretion, as mentioned this morning, on paragraph 2 a of issuing small arms to the policy rest in the power of the Supreme Commander according to not



only the Terms of Reference of the Commission but also the policy paper itself, and such being the case I think it proper to withdraw the French amendment on this paragraph 2 a, an amendment that we proposed in order to achieve unanimity in the Commission. And the Commission seems to approve paragraph 2 a as it stands in FEC-017/17 with the statements just made now by different members of the Commission, so there is no reason for the French delegation to push its own amendment.

GEN. MCCOY: Thank you very much.

We will proceed to paragraph 10 of the Soviet amendments.

MR. PANYUSHKIN: Mr. Chairman, I apologize, but I am having this statement of yours being translated and probably after that I am going to have some observations.

GEN. MCCOY: Well we can come back to this if it is agreeable and proceed to paragraph 10.

The Soviet representative declared his intention to propose the following amendment:

"The demobilization agencies should be dissolved and their functions of repatriation of Japanese prisoners of war should be transferred to a civilian agency."

That, as I remember, was a substitute for your amendment, Mr. Powles, which was withdrawn at one of our meetings.

MR. POWLES: Yes, Mr. Chairman.

GEN. MCCOY: Is there any comment on this proposed substitute amendment on the part of the U.S.S.R.?

MR. PANYUSHKIN: Mr. Chairman, no, Sir.

GEN. MCCOY: In view of there being no other comment, I would state on behalf of the United States that this amendment would not be acceptable and could not, from our point of view, be a part of the policy paper. It would appear to the Supreme Commander to be giving a directive ordering him to dissolve at once demobilisation agencies



which are now functioning and which he is in the process of gradually eliminating.

In view of the inability of the Commission to accept this amendment, does the Soviet representative wish to press it to a vote or does he wish to make any remarks or to withdraw it?

MR. PANYUSHKIN: Mr. Chairman, personally I won't press for putting the motion to a vote.

GEN. MCCOY: There is one other point in that same paragraph of the policy paper which seems to have caused an effort to find a clarification, that is, the original sentence in paragraph 10 which was criticized by several. It reads:

"Such demobilization agency as is retained for the purpose of demobilizing returning Japanese armed forces should be of a civilian character and should be abolished immediately after completion of the demobilization."

In the discussion of this sentence the expression "Japanese armed forces" has been criticized on the ground that there are now no Japanese armed forces. They have all been disarmed. It has been suggested that "Japanese prisoners of war" be substituted for Japanese armed forces. That, I find, is not acceptable on the part of my Government because the returning Japanese soldiers, when they reach Japan, are probably no longer prisoners of war. However, we could help in meeting the criticism in paragraph 10, line 11, by substituting "military personnel" for "armed forces", so that the pertinent sentence would read:

"Such demobilization agency as is retained for the purposes of demobilizing returning Japanese military personnel should be of a civilian character and should be abolished immediately after completion of demobilization."

If this slight change meets with your approval, I would be glad to offer it as an amendment provided the other members of the Commission prefer



it to the original draft. It may make the sentence in the pending draft more acceptable to several of the representatives. This sentence in the pending draft seems to us to state with precision the wishes and objectives of most of the members of the Commission as they have been expressed during the recent discussions.

A demobilization agency has been retained and is now functioning. As the Supreme Commander has stated, the former First Demobilization Bureau has been transferred to the Welfare Ministry and exists as a demobilization agency under the name of the Demobilization Bureau of the Ministry. This agency exists for the purpose of demobilizing returning Japanese military personnel and may be needed for some months longer to demobilize the seven or eight hundred thousand soldiers yet to be returned to Japan. This agency is already of a civilian character since it is a section of the Welfare Ministry. It should be abolished immediately after completion of the demobilization. The Supreme Commander has now under study plans prepared in accordance with his memorandum to the Japanese Government of October the 4th for the complete abolition of these agencies, including the elimination of most of the former Japanese military officers.

In brief, this sentence recognizes the necessary, temporary existence of a civilian demobilization agency and provides for its abolition immediately after completion of the demobilization. The Supreme Commander has already issued orders which will carry out the provisions of this sentence in the relatively near future.

Is there any comment on the proposal?

MR. NAGGIAR: Mr. Chairman, the French delegation has made some of those criticisms to which you have just referred on this paragraph and the proposal you have just made, Mr. Chairman, on behalf of the American delegation--the paragraph as amended by you--will be accepted by the French delegation.

GEN. MCCOY: Are there any other comments around the table on that?



DR. KOO: Mr. Chairman, as I stated at a meeting of the Commission two weeks ago, the Chinese delegation feels that it is necessary to maintain some sort of civilian agency for completing the work of demobilization, and I am not going to repeat the reasons which I gave then.

As regards your proposed amendment, I feel it is an improvement--that is to say, to substitute the phrase "military personnel" for the phrase "armed forces", and I take it it simply means military personnel in the widest sense as opposed only to civilian personnel--that is to say, the military personnel including all army, navy, air, and other branches of the armed forces, and with that understanding I quite wish to endorse the amendment which you have just proposed.

MR. BULLOCK: Mr. Chairman, I just have a very minor point to raise in that connection. In paragraph 1 b you say: "For the purpose of this document 'Japanese Armed Forces' are defined..." Now, there are two references in this paper to Japanese armed forces, one reference in the paragraph we are talking about now and I think the only other reference is in paragraph 6. Now I think--I shouldn't think there would be any necessity to change paragraph 1 b except that paragraph 1 b is Japanese Armed Forces in capitals and in paragraph 6 it doesn't refer to them in capitals. I think that is ~~only~~ a very minor point.

GEN. MCCOY: That seems to be the only complication on that use of the word in this <sup>particular</sup> paragraph; in the other it is used with adequate definition, I think, from the point of view of my advisers.

To save time, I will not make a formal motion for this amendment. If it is acceptable to the Commission--if there is not general acceptance, why then I would make a motion and put it to the vote. Would it be acceptable or is there any objection on the part of any member to the substitution indicated in the United States proposal? Is there any objection to the proposed amendment of the United States in which the term "military personnel" is substituted for "armed forces" so that the pertinent sentence would read:



"Such demobilization agency as is retained for the purposes of demobilizing returning Japanese military personnel should be of a civilian character and should be abolished immediately after completion of demobilization"?

MR. REUCHLIN: Mr. Chairman, may I ask who was against the retention of the phrase "Japanese Armed Forces"? Who was against the words "Japanese Armed Forces"?

GEN. MCCOY: Well it was, I think, brought up first by the French Ambassador and also by the Chinese, I think, in a former discussion of this amendment, and this is an attempt to clarify it.

MR. REUCHLIN: Well, may I then say, Mr. Chairman, that I associate myself entirely with what our Australian colleague has said--that he very rightly, I think, draws attention to paragraph 1 h where we get a definition of a certain term.

Now, if we insert the words "military personnel" we certainly would have to give a definition of what military personnel is. I have for myself no objection at all against the term "Japanese Armed Forces". It doesn't mean that they are armed. It only means that Japanese Armed Forces are Japanese land, sea, and air forces. You may also reason they are no force perhaps if they are in prison. I think it's a very small point and I would be in favor of retaining an expression which has been defined instead of having an expression which is not defined and which we should define.

I may say that, for instance, in Holland we have mounted artillery. Now, the moment a mounted artilleryman was taken prisoner by German forces and was put in a prisoner of war camp in Germany, he was still a mounted artilleryman although he didn't have a horse. So I don't see that Japanese Armed Forces can't be ~~be~~ imprisoned without being armed.

GEN. MCCOY: My attention is again called to the fact that military personnel is defined in the paper in the first paragraph.



MR. REUCHLIN: No, not military personnel.

MR. POWLES: Mr. Chairman, in the discussion at the last Commission meeting on the question of this armed forces, I expressed the view that it would be preferable to use the words "prisoners of war", but I expressed that view in connection with an entirely different context to this particular one. You will probably remember, Sir, that you yourself offered an amended phrase or an amended sentence on behalf of the United States delegation but later in the discussion you withdrew it. Now it was in the discussion of the suggested United States amendment that I made the suggestion that in that amendment the words "prisoners of War" would be better than "armed forces" because the phraseology was quite different, but in this context--the phrase as it is in the original document--I prefer the words "armed forces" to "military personnel".

GEN. MCCOY: Well, this proposed amendment was just an attempt to clarify, after hearing those discussions--and I don't consider it of any importance in itself--this change--so that, if it is not deemed so by the others, why we withdraw the amendment.

Now that seems to me to clarify at least our proceedings up to date and leaves us with the paper before us for your final consideration.

Is there any further consideration of this paper in the form of the different attempts to clarify and amend it? If not, the paper as presented by the Steering Committee is before the Commission for action.

MR. PANYUSHKIN: Mr. Chairman, I am referring to the addition that you made to paragraph 2 a. I am afraid that this statement is not in accord with the question which is dealt with by paragraph 2. As far as I understand all the question here was as to how the term "small arms" should be understood and, since the United States delegation does not agree with the interpretation of this paragraph given by the U.S.S.R. delegation, it would seem that by making this statement the United States



delegation intended to interpret the term "small arms". However, in your statement there is no interpretation given as to how you understand the term "small arms". By this statement you seem to intend to give such authority to the Supreme Commander which neither the Supreme Commander--that is to say, the United States Government has no authority to give such jurisdiction to the Supreme Commander without the agreement of the Far Eastern Commission. Indeed, what do we see here in fact? The United States delegation understands that the Supreme Commander is in full authority to interpret as to how he understands the term "small arms". However, in our draft here it is stated that the civil police could be armed with rifles and pistols and necessary ammunition for them. So the divergence here seems to be that we differently interpret the term "small arms". The Soviet delegation--more properly speaking, the Soviet delegation alone has stated as to how it interprets the term "and other small arms", while none of the other delegations has done so. Therefore, it would seem that if the United States delegation intended to make a certain contribution to this paragraph, it should have had that purpose in view. Therefore, it is not clear why this statement has been made by the United States delegation. Therefore, the words that any interpretation of the term "small arms" which he--that is, the Supreme Commander--can find it necessary in accordance with his jurisdiction--discretion--by no means is not abridged by any other interpretations. Therefore, it seems to me that the United States Government is intending to give the Supreme Commander the authority which actually exceeds his jurisdiction. Therefore, it seems to me that this statement has no relation to the substance of the paragraph because it does not interpret that term "and other small arms". I presume that this proposal by the United States delegation has been submitted in connection with the interpretation that was presented by the Soviet delegation. I have also to add that this statement practically intends to eliminate and annul the whole para-



graph 2. Therefore, if such addition were adopted, it would have been in contradiction to the very paragraph 2 a, and this statement seems to give the Supreme Commander the authority which should not have been given him to that extent. Therefore, I consider this statement in contradiction to the tasks, responsibility and jurisdiction which the Far Eastern Commission should adhere to.

That is all, Mr. Chairman.

GEN. MCCOY: Any comment on the question as stated by the Soviet representative?

MR. POWLES: Mr. Chairman, the Soviet Ambassador is the only member of us, I think, who is fortunate enough to have in front of him a copy of the statement which you read. We are all trying to recollect the phraseology of it, and could we possibly have copies?

GEN. MCCOY: Yes.

I might add that there seems to be a misunderstanding on the part of the Ambassador as to--not only this statement of the United States in the minutes--and he speaks of it as an adoption. It is not an adoption any more than his statement is an adoption. It is purely a statement from the minutes taken with his statement and the statements of the other members in the minutes that would be very useful to the Supreme Commander in meeting emergencies under the general policy of the paper. It doesn't affect the policy paper in any way. It's not a part of that paper. It's not the policy of this Commission. It's simply a statement of the United States' position after the statement of the Soviet Ambassador, so that the Supreme Commander will have the Soviet interpretation, the United States interpretation, and the others that have been made in the minutes--the United Kingdom, French, New Zealand--which will be sent to him for his information. It's not part of the policy paper in any respect--none of them.

It may be recalled also by the Commission that this effort to define and interpret "small arms" has been struggled over by experts



for a long time without their being able to agree on what small arms are. So that the only man left to make the interpretation under the policy--the general policy of the Commission--is the man on the spot when he has to meet an emergency. He's not going out and arming anybody with any particular arms. He may be faced at intervals--and may not be faced with emergencies that the question will even come up to him. But he is the responsible commander and has to meet many situations that are considered by this paper and the policy paper is the matter for the Commission to determine.

Whatever opinion I may have as United States representative in the minutes is not part of the policy paper at all. I made no objection to the statement of the Soviet Ambassador and accepted it and am ready to comply with his request with regard to it, but all of you have a perfect right to put into the minutes anything you see fit--interpretation, clarification, ad lib--so that I think that explains the relative misunderstanding between us.

MR. NAGGIAR: Mr. Chairman, may I say a word on that problem? It is my view that here in the Commission, when we approve a policy decision, and when the policy decision is transformed in a directive to the Supreme Commander, at any time any member of the Commission may criticize or approve or make any comment on any action taken by the Supreme Commander, either when he's acting under our policy decision or when he's acting under urgent directives given directly to him by the United States Government. That means that when we have approved this policy paper on the Prohibition of Military Activity, and especially as regards paragraph 2 a, if any member of the Commission, after the policy decision has been approved and is put into force, if any member of the Commission is not satisfied with the way the Supreme Commander has interpreted paragraph 2 a, he may raise a question here in the Commission and we may discuss it, arrive to another decision--after the United States Government--if we agree according to our Terms of Reference to



make remarks to the Supreme Commander. So really I don't see great advantages of statements being made, specifically as regards paragraph 2 a, because we will always be able here to intervene, according to our Terms of Reference, if there is any action of the Supreme Commander that does not appear to the Commission as being in accordance with our policy paper. So I think there is no danger of the Commission being bypassed because the Commission will always be able to intervene. Of course, the Commission will intervene perhaps after some action has been taken, but anyhow our power here as a commission is clearly stated by our Terms of Reference. We are permitted to review on the request of any member any directive issued to the Supreme Commander for the Allied Powers or any action taken by the Supreme Commander. So, in spite of the fact that there may be some clarity in those statements-- I am not against those statements--I can't understand the motive that has made some of the delegations willing to have their view made very precise by those statements. I think there is no great danger of the Commission not being able to intervene in time and to make the Supreme Commander aware of our position here as regards any action that he may take according to our policy decision.

GEN. MCCOY: If there are no further comments on the statements made--of course there is no action to be taken on any of these statements or remarks. They are part of the minutes of this Commission and have necessarily no effect on the policy paper now before the Commission for final consideration.

Gentlemen, this last discussion has been in connection with informal statements proposed by members of the Commission as part of the minutes and to be forwarded to the Supreme Commander under the procedure earlier explained, so that we're now ready to consider the policy paper, which is the only paper before the Commission as regards action--approval or disapproval--I mean, there is no--I want to make it perfectly plain to the Soviet Ambassador that his statement and my



statement and the statements of the other members of the Commission are not in question in voting upon this policy paper. It stands by itself as policy of this Commission if adopted, and I now move its adoption as a policy of this Commission.

MR. PANYUSHEIN: Mr. Chairman, I would also ask you to inclose the statement which I made later after you made your own statement--inclose it with the policy decision.

GEN. MCCOY: I have no objection. Is that agreeable to the members of the Commission? It seems to be so.

Is there any second to my motion?

MR. POWLES: Mr. Chairman, might I have the remarks that I made in connection with your statement similarly inclosed with the policy decision?

GEN. MCCOY: Yes. I have already stated that I would have all the statements made by members of the Commission pertinent to the points that we've discussed this morning--but not in any way concerned with the adoption of this paper now.

MR. POWLES: Thank you, Mr. Chairman.

GEN. MCCOY: Is that your understanding all around the table?

The paper is FEC-017/17. It's almost a historical document--after several years of consideration--so that I hope it will meet with your approval.

Is there any second to my motion?

(The Chinese representative nodded affirmatively.)

MR. REUCHLIN: Mr. Chairman, having been so closely associated in past history with this paper, may it be my privilege to second it.

GEN. MCCOY: I accept the second of the Netherlands representative and the Chinese representative.

The motion has been moved and seconded and I will canvass the vote.

MR. NAGGIAR: Mr. Chairman, as you remember, I reserved my right to present an amendment--one other amendment.



GEN. MCCOY: I thought that you had withdrawn that.

MR. NAGGIAR: Not this one. I withdrew the one to "small arms".

My intention was, if it were thought agreeable, to link by some very short preamble our very important and detailed policy paper with our Basic Policy paper we adopted last June, and especially as regards the article of this policy paper which deals with disarmament and demilitarization.

If you remember, we have adopted this Basic Policy paper, Part III, paragraph 1 of which begins with the words:

"Disarmament and demilitarization are the initial tasks of the military occupation and shall be carried out promptly and with determination."

As you all know, the French mind is a very logical mind, and I would like, if it is agreeable—but I won't make it a formal proposal—but if it may help to have our policy decision—not more solid but more clearly founded on our Basic Policy paper last June, it would be by a very short preamble about on these lines:

"In accordance with the Basic Post-Surrender Policy for Japan adopted unanimously by the Far Eastern Commission on the 18th of June 1947, Part III, paragraph 1, of which states that "Disarmament and demilitarization are the initial tasks of the military occupation and shall be carried out promptly and with determination", the Far Eastern Commission approves the following policy decision and set of rules on the Prohibition of Military Activity in Japan and Disposition of the Japanese Military Equipment."

It's just a reference to our Basic Policy paper. I won't make any formal amendment, if there is any objection or any desire not to have it at the beginning of our military paper.

GEN. MCCOY: In the form of a preamble?

MR. NAGGIAR: Just a preamble of a few lines, but I won't discuss



it at length, and if there is no unanimous approval to such a preamble I will withdraw my proposal.

GEN. MCCOY: I am having this copied and will circulate it very quickly, but in the meantime, if you will each look at it as it passes around as a proposed preamble to the policy paper---

I take it this doesn't in any way affect the policy paper and wouldn't require reference to governments?

MR. MAGGIAR: No. It's merely a statement of our Basic Policy decision. I would withdraw my proposal if it is in doubt about the opportuneness of this move.

MR. PANYUSHKIN: Mr. Chairman, we would have no objections to this proposal by the French delegate.

GEN. MCCOY: Would you pass it around and possibly we could get quicker action by not waiting for copies. Is it acceptable to you?

MR. JOVELLANOS: Yes, Mr. Chairman.

MR. POWLES: Yes, Sir.

MR. REUCHLIN: Yes, Mr. Chairman.

MR. BANERJI: Yes, Mr. Chairman.

GEN. MCCOY: Dr. Koo, is it acceptable to you as a preamble?

DR. KOO: I will say very frankly that I see no objection to it. The only hesitation I might have is that it says here, Part III, paragraph 1: "Disarmament and demilitarisation are the initial tasks..... and shall be carried out promptly and with determination". Well, eight months after the adoption of the Basic paper, I don't know where is the purpose or quite appreciate that it has been done very promptly. But, since it doesn't affect the paper as it is, I have no objection to that.

GEN. MCCOY: Under our law, a preamble is not part of the law. So I take it that in this case the Commission would agree that this preamble does not affect the policy paper itself but meets the proper procedure suggested by the Ambassador, to bring it in line with the other basic paper of the Commission. Is that correct, Mr. Ambassador?



MR. NAGGIAR: That is my view.

GEN. MCCOY: Are you agreeable to this preamble?

MR. BULLOCK: I haven't seen it yet, Mr. Chairman.

GEN. MCCOY: Well it is coming around.

MR. BULLOCK: I have no objections, Mr. Chairman.

MR. COLLINS: No objection.

GEN. MCCOY: The preamble will be attached to the paper.

I forgot to ask you. You have no objection?

MR. FORD: No objection, Mr. Chairman.



GEN. MCCOY: In that case, if there is no further comment or suggestions, I will canvass the ayes and nays. Australia:

MR. BULLOCK: For the paper, Mr. Chairman.

MR. COLLINS: In favor.

DR. KOO: In favor.

MR. NAOGIAR: In favor.

MR. BANERJI: In favor.

MR. REUCHLIN: In favor.

MR. POWLES: Yes, Mr. Chairman.

MR. JOVELLANOS: In favor.

GEN. MCCOY: The U.S.S.R.:

MR. PANYUSHKIN: Mr. Chairman, I have a small statement to make.

"Document FEC-017/17, Prohibition of Military Activity in Japan and Disposition of Japanese Military Equipment, is of essential importance in the matter of carrying out the demilitarization of Japan. Proceeding from this, the Soviet delegation during the discussion studied most carefully each paragraph of FEC-017/17 and submitted a number of amendments which improved and clarified provisions of this document. It is regretted that the Soviet delegations amendments to paragraphs 2, 6, 9, 10 and 13 have not been accepted by the other members of the Commission. As before, the Soviet delegation considers these amendments very important and reserves the right to return to their consideration again at an appropriate time. However, in order not to prevent the adoption of document FEC-017/17 the Soviet delegation will abstain from voting."

GEN. MCCOY: I haven't canvassed the United Kingdom yet.

MR. FORD: In favor, Mr. Chairman.

GEN. MCCOY: The United States votes in favor, so that the Commission has voted for the paper, the Soviet Ambassador abstaining.

I will declare a recess to consult my legal assistants.



(The meeting recessed at 12:35 P.M.)

(The meeting reconvened at 12:50 P.M.)

GEN. MCCOY: Gentlemen, we will come to order.

It's the first time the Chairman has actually been confronted with this peculiar situation and it seems to embody such implications as to a very important rule of order which seems in the English of the Terms of Reference perfectly plain, but there are doubts in the minds of some of my colleagues in spite of the plain language. If I had to make a ruling off the bat I would have to follow the accurate language of that--it seems perfectly plain at a glance--but in view of the importance of the ruling on future action of the Commission and also in view of the fact that there seems to be a feeling on the part of my colleagues as to the importance of the paper--both historically and otherwise--I would ask a meeting this afternoon at three o'clock of the Committee of the whole to discuss the point of order that I will have to make in interpreting the Terms of Reference in this abstention of the U.S.S.R. So that if it meets with your approval, I would like to call that meeting this afternoon and call this Commission to a meeting tomorrow morning at 10:30 to finish the matter at issue and to provide me with the wishes of the Commission on the meticulous point at issue.

MR. NAGGIAR: Mr. Chairman, I am sorry to say that I have arranged for leaving after lunch for New York. I won't be able to be present. I will have an alternate at both meetings.

GEN. MCCOY: You could be here this afternoon?

MR. NAGGIAR: No, I won't be.

GEN. MCCOY: You could not. Would the majority of the Commission be ready to meet at three o'clock and give the benefit of their legal opinion and recommendations to the Chairman?

MR. FORD: Mr. Chairman, the question of interpretation of the Terms of Reference is an exceedingly important one, and I am afraid I should want to take instructions from London. Obviously it is impossible



to take instructions by this afternoon or tomorrow morning, and I am afraid that I should only be able to speak in a personal capacity and informally.

MR. POWLES: Mr. Chairman, would it be possible, considering that we have been discussing the paper for a very long time now, just for us all to be a little bit more patient, because I personally would prefer to receive instructions. Could we have the Committee of the whole, say, Wednesday of next week and then have a Commission meeting on Thursday?

GEN. MCCOY: That seems to be the wishes of the Commission. In view of this prospective delay, which would seem to involve considerable legal discussion, although it seems to me at a glance perfectly plain, it could be solved by the U.S.S.R. if they could concur, having also in mind the reservations they make for the future.

MR. PANYUSHKIN: Mr. Chairman, our reasons and our position are clearly stated in our statement. Therefore, I don't think there is any necessity of making any additional statement.

GEN. MCCOY: I don't propose an additional statement. I accept that as part of the minutes and with the reservation stated. I'm only asking under the present difficult conditions and having in mind that it is the U.S.S.R. and New Zealand that have been concerned as to the importance of this paper. My Government is not particularly concerned in it and never has been, except to meet the wishes of the Commission, and the members particularly that I have mentioned.

DR. KOO: Mr. Chairman, could we proceed on this line? I am merely throwing out a suggestion--an idea.

According to the proposal made by the Soviet Ambassador, it is very clear that he does not have the intent to prevent adoption of the document as a whole, and so far as this paper is concerned it seems to me that there was no exercise of the so-called veto power, and since all the others voted for the paper, couldn't we consider the paper as having been adopted?



Now, as regards the broad question of interpretation of an abstention--the effect of an abstention in various combinations of situations, we might follow the suggestion of the Chairman at a later meeting or by arrangement to discuss it later on at an appropriate time. I make my suggestion because in the case of an abstention, because the intention of a delegation or a representative abstaining certainly plays an important part in the consideration of the effect of it, and if the Commission could accept this suggestion, then at least our work on this very important paper could be considered as complete, leaving the question of procedure to a future consideration, because I was very much impressed by the phrase used in the Soviet statement: "However, in order not to prevent the adoption of document FEC-017/17, the Soviet delegation will abstain from voting", and I think that was the intention-- I think we have every reason to ~~congratulate~~ congratulate the Commission as being able to consider this paper as having been adopted and the work on the paper complete.

GEN. MCCOY: What is your opinion on it, Mr. Ambassador?

MR. NAGGIAR: Mr. Chairman, I think the views of the Chinese Ambassador seem very to the point, and as regards the French delegation we consider that the problem of the veto, so-called veto, or unanimity rule, we need to interpret our Terms of Reference on a strictly legal basis--it ought to be studied very carefully in connection with what happened to the United Nations, because the same problem has been dealt with in the United Nations procedure, and I concur with the view that taking into account the phrase of the Soviet delegation's statement it is quite clear to me that they do not wish to prevent the adoption of this paper and the Soviet Ambassador used the word "adoption", so that means to me that the paper is to be adopted according to our Terms of Reference. And when the Soviet delegate says that he don't wish to prevent the adoption of the document that means that he has made a careful study of the rules of procedure under our Terms of Reference and is



willing not to prevent the adoption of the paper.

MR. BANERJI: Mr. Chairman, when the Soviet Ambassador says that they don't want to prevent the adoption of the document, and when he abstains from using the veto, I wouldn't think that he would want to use his abstention as a veto, that is to say, he will not object if the majority of the Commission thinks that the paper can be adopted. And in this particular case I find that ten members of the Commission have accepted this paper and the Soviet delegation, though it has abstained, doesn't want to prevent the adoption of this paper, I would presume that the Soviet abstention in this case does not mean a veto. That is a personal opinion. I think it is a legal opinion and has to be decided by legal advice. But if the Soviet Ambassador can make it plain that the interpretation that I have, and the opinions the Chinese and French Ambassadors have read into it is correct, then maybe the Soviet Ambassador can say whether his abstention does amount to a veto or not. If he says his abstention in this particular case does not amount to a veto, then the question is simple. But if he says his abstention does amount to a veto, then, of course, we will have to consider this question.

MR. REUCHLIN: Mr. Chairman, I am in full agreement with the statements made by the previous speakers. However, you said that in your mind the question was quite clear, and I also think that it is quite clear, but I don't know whether you and I mean something differently because in the minutes of the last meeting, on page 3, it says:

"GENERAL MCCOY said that he would interpret an abstention from voting on the part of a veto power as, in effect, an exercise of the veto."

I personally would like to state here that—I should have done it perhaps at the last meeting—but I don't agree with that interpretation. But I do agree that we have to have a unanimous vote, and I think that unanimous vote has been obtained.



GEN. MCCOY: Has been obtained?

MR. REUCHLIN: Has been obtained.

GEN. MCCOY: What is your opinion?

MR. POWLES: Mr. Chairman, I think that according to the Terms of Reference the passage of the paper, which must be regarded as action of the Commission, must have the concurrence of the Soviet Union. A simple abstinence without more doesn't seem to me to be a concurrence. If the Soviet Ambassador were to indicate that his abstention was a concurrence, then I feel that we would be able to pass the paper, but not unless.

MR. JOVELLANOS: Mr. Chairman, I am not a legal expert. However, I would be inclined to personally associate myself with the views just expressed by Mr. Powles that an abstention represents a non-concurrence of the Power concerned. I should like, furthermore, to get instructions from my Government on the interpretation of the voting procedure.

GEN. MCCOY: What would your recommendation be in this particular moment, Mr. Ford, representing the United Kingdom?

MR. FORD: Mr. Chairman, I should make it quite clear that I am speaking quite off-hand on this point and subject to reference to London for instructions. But, having said that, I don't feel that I can agree with the views expressed by our Chinese, French, Indian, and Netherlands colleagues. My approach to this is to look at the Terms of Reference--the text. I think these were very carefully drawn up and I think it's our duty to use them with scrupulous regard for accurate interpretation. The Terms of Reference say that the Commission may take action by less than unanimous vote provided that action shall have the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: the United States, the United Kingdom, U.S.S.R., and China. In the vote that we just had the U.S.S.R. abstained. As I read this sentence in the Terms of Reference the concurrence of the United States, United Kingdom, U.S.S.R., and China is



required for the vote to succeed. In my understanding an abstention isn't equivalent to a concurrence. My view, therefore, is that the vote was lost. If the U.S.S.R. colleague wishes the paper to be adopted, I think the only course for him is to concur.

GEN. MCCOY: Will you explain that to the Ambassador?

MR. PANYUSHKIN: Mr. Chairman, in order to consider properly the question of the Soviet position on this document one should more carefully read our own statement, but not the rules of procedure. Our statements reads:

"As before, the Soviet delegation considers these amendments very important and reserves the right to return to their consideration again at an appropriate time."

It further reads:

"However, in order not to prevent the adoption of document FEC-017/17 the Soviet delegation will abstain from voting.

It appears to me that the statement of the Soviet delegation elucidates with sufficient clarity our position regarding document FEC-017/17.

DR. KOO: Mr. Chairman, may I just add a word. Some of our colleagues have referred to the wording of the Terms of Reference and certainly they are quite correct in the word "concurrence" as used in paragraph 2 of Part V. Perhaps if I threw a little light, if I make some reference to the practice in the Security Council where the members are given the right of so-called veto, under Article 27 of the Charter, it might be helpful in our discussion.

Well the Charter is even more specific than the Terms of Reference because paragraph 3 says:

"Decisions of the Security Council on all other matters", that is, matters other than procedural matters, "shall be made by an affirmative vote of 7 members, including the contrary votes of the members."

Those are the five Powers, including France.

Now, in the course of the practice of the last two years, the Security Council has finally come to take this stand which was urged very much by Committee No. 1 of the General Assembly, so that as it



stands now the practice in the Security Council--if I am wrong I hope someone will correct me--is that an abstention by any of the permanent members is no longer considered as a veto. And this evolution is of great interest because it has really been in response to the general desire throughout the world to so-call liberalize the veto provision in order to facilitate progress in the Security Council and to expedite the work, and also help the Council to reach decisions quickly. We, of course, have our own Terms of Reference and we are not bound by what is the practice in the Security Council, but perhaps from a broad point of view it is worth considering whether we, in the interest of also facilitating decisions in this Commission, should not accept an abstention not as a veto, especially in a case where the delegate or the representative, who is entitled to exercise the veto power, announces his intention that it was not his intention to veto it and not his intention to prevent the adoption of the paper. Therefore, for those reasons really, which I should have perhaps explained in the beginning, I throw out the suggestion that we might consider separately the two--in two parts, one part concerning this particular paper, the adoption of which seems to me has been desired by the Commission as a whole--ten members voted positively, affirmatively, favorably for it, and one member stated by its statement that it did not wish to prevent the adoption. In other words, that they had no objection to the adoption of this paper. So that as regards the paper itself, we might consider it as having been adopted because there was no veto exercised or claimed by any of the Powers entitled to such exercise, and then leave the question of the effect of an abstention in a future practice as regards practice of the Commission to some appropriate time where the Commission might want to take up this question and perhaps settle upon a definite practice.

GEN. MCCOY: Well, I will take the responsibility under the circumstances of declaring the paper adopted in this light as explained by the Ambassador, and will query the Commission on this broader question where the abstention implies non-concurrence.



I declare it adopted.

MR. REUCHLIN: Mr. Chairman, one point I think we should settle.

The Steering Committee recommended that the enclosure, which is this paper, be released to the press in the normal procedure. Is that acceptable to the Commission?

GEN. MCCOY: If there is no objection, that will be done.

MR. BULLOCK: Mr. Chairman, when you were going around the table you did not have the opportunity to reach me. Of course, you have now made your ruling but since the views of some of the other members will appear in the minutes, I would like to have this opportunity to say what I would have said before you made your ruling.

I can speak only personally, of course, but the veto is a comparatively new institution and, of course, it's an institution which is well known. My Government has fought against it and has been active in liberalizing it, and it would be my personal view that particularly in a situation like this where one of the members with the so-called veto power has offered to forego his right to prevent action and, in fact, his intention in this case was perfectly clear that he desired adoption of this paper, it would seem to me that in such circumstances we should--our reaction to that should not be to go into the fine shades of legal meaning in the Terms of Reference but rather to see the intention of the Power concerned at the time.

GEN. MCCOY: That is what  governed my change of mind.

MR. COLLINS: Mr. Chairman, seeing as we have had a complete round robin, I might as well add my small bit to it.

Speaking personally, as most of us have been doing, I think there is some excuse, even from the Terms of Reference themselves, for the decision which you have made. The Terms of Reference say that the action shall have the concurrence of at least a majority, including the four Powers. I think the action in this case is the adoption of the paper which the Soviet representative has indicated that he has no



objection to. In other words, he concurs in the action taken by the Commission, which is the adoption of the paper.

MR. PANYUSHKIN: Mr. Chairman, do I take it that you are going to adjourn the meeting?

GEN. MCCOY: Yes.

MR. PANYUSHKIN: I have a question here in connection with the refutation that was raised previously, Sir. Could we possibly further it along? Could we possibly expedite it?

GEN. MCCOY: I am sorry that I have an official engagement that I must keep. I am now twenty minutes late, and I shall have to defer that to another meeting. I am sorry.

MR. PANYUSHKIN: We can probably meet some time again later?

GEN. MCCOY: Yes, and I will consider any request from any member to that effect.

ITEM 3 - REPORT OF THE AD HOC DRAFTING SUBCOMMITTEE ON A PRESS STATEMENT  
(FEC-296)

ITEM 4 - ATTENDANCE AT INTER-GOVERNMENTAL CONFERENCES (FEC-236/10  
SC-236/8; 236 series)

ITEM 5 - a STATEMENT BY THE UNITED STATES REPRESENTATIVE OF THE FAR  
EASTERN COMMISSION ON REPARATIONS SHARES (FEC-278)

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

ITEM 6 - a RESTITUTION OF LOOTED PROPERTY (FEC-011/40; -/42, -/12, -/21,  
-/32 thru -/39)

b RESTITUTION OF LOOTED PROPERTY: NETHERLANDS SUBSTITUTE ~~XXXXXX~~  
(FEC-011/43)

ITEM 7 - ADVANCE TRANSFERS OF JAPANESE REPARATIONS (FEC-201/1)

(There was no discussion of the above items.)

ITEM 8 - OTHER BUSINESS

None.

GEN. MCCOY: Gentlemen, we stand adjourned.

(The meeting adjourned at 1:20 P.M.)



**CONFIDENTIAL**

FAR EASTERN COMMISSION

Transcript of Ninety-third Meeting of the Far Eastern Commission.

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

Friday, February 13, 1948

93

**CONFIDENTIAL**



FAR EASTERN COMMISSION

Transcript of Ninety-third Meeting of the Far Eastern Commission,  
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.,  
Friday, February 13, 1948

Representatives Present

Major General Frank R. McCoy, Chairman	(United States)
Mr. A. Stirling	
Mr. H. W. Bullock	(Australia)
Mr. R. E. Collins	(Canada)
His Excellency Dr. V. K. Wellington Koo	(China)
Mr. J. Daridan	(France)
Mr. S. N. Banerji	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. G. R. Powles	(New Zealand)
Mr. J. U. Jovellanos	(Philippines)
His Excellency Mr. A. S. Panyushkin	
Mr. S. K. Tsarapkin	(U.S.S.R.)
Mr. J. F. Ford	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

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



(The ninety-third meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:40 A.M., 13 February 1948, Major General Frank R. McCoy, Chairman.)

GEN. MCCOY: Gentlemen, this is a special meeting for the express purpose of considering the progress report of the ad hoc subcommittee of the Commission in connection with the expressed wish of the Soviet representative, so that the question of the minutes of the past meeting is not before you but will be brought up at the next stated meeting of the Commission.

The special session is now open.

ITEM 1 - REPORT OF THE AD HOC DRAFTING SUBCOMMITTEE ON A PRESS STATEMENT (FEC-296)

GEN. MCCOY: The report that I mentioned is before you as FEC-296. FEC-296 is a report by the Chairman of the ad hoc subcommittee of the whole Commission established at the 91st meeting under the Chairmanship of the Secretary General to consider the drafting of a press statement in connection with unauthorized published accounts of Commission discussions.

Mr. Secretary General, will you follow with the report?

MR. JOHNSON: Mr. Chairman, as Chairman of this ad hoc drafting subcommittee on a press statement, I have the following report to make:

"Pursuant to instructions of the Far Eastern Commission at its ninety-first meeting on 5 February 1948, an ad hoc subcommittee of the whole Commission met at 3:00 P.M., 9 February 1948, under the Chairmanship of the Secretary General, to prepare a draft statement for submission to the full Commission for possible release as a further refutation of certain recent press articles on deliberations within the Commission. A Canadian representative was unavoidably absent.

"The United Kingdom member at the outset expressed the view that there was no necessity for any further statement



beyond the one already released by the Chairman. A polling of members showed general approval for this point of view. Various reasons were advanced, in particular, that such statements were highly unusual on the part of an international body; that the time lag that would necessarily be involved would vitiate the significance of any further statement; and that it would be virtually impossible to add anything to the Chairman's statement without further compromising the confidential negotiations of the Commission.

"At the same time it was generally agreed that a decision as to whether or not a statement should be released was not properly within the subcommittee's jurisdiction.

"The Soviet member presented a draft press statement for consideration. No other drafts were submitted. In the absence of instructions on the Soviet draft, the subcommittee adjourned.

"While it is understood that one or two members have now received instructions on the Soviet draft, it has not yet been possible to schedule a further meeting of the subcommittee. Pursuant to instructions of the Commission the subcommittee Chairman accordingly submits the foregoing report.

"The attention of all concerned is invited to the classification of the above which prohibits the dissemination of the information contained therein to unauthorized persons or to the press."

GEN. MCCOY: I believe the Commission is familiar with the unfortunate and untrue statement that was published in a weekly magazine called "Newsweek" which has several times rather roughly handled the Commission in its articles--occasional articles--on the occupation, although the rough handling usually is directed or has been directed heretofore at the American occupation



authorities and the SCAP authorities in Japan. This time, however, it's a direct statement about our own proceedings which have not been open to the public and raises the unfortunate implications which has naturally caused the Soviet representative to bring the matter before the Commission.

I think the papers are before you, including the draft submitted by the Soviet Ambassador for consideration of the Commission, and I think with the news articles in "Newsweek" and those that followed it in the other papers circulated. Well, the papers are all before you then for your information and I hope you are familiar with them.

The Secretary General notes that this is a progress report and not a final report of the ad hoc committee, but it would seem to me that under the circumstances it would be a good idea to have the Commission consider the question--the whole question--and be free to discuss and recommend as to the attitude of the Commission, as such, in this affair.

MR. POWLES: Mr. Chairman, I feel that perhaps the progress report doesn't make it sufficiently clear that there were a number of members, including myself, who said that they attended the sub-committee in their personal capacity as they were completely without instructions from their government. I think perhaps that might be noted in the minutes.

MR. STIRLING: Mr. Chairman, that applies also in the case of Australia.

MR. FORD: And in the case of the United Kingdom, Mr. Chairman.

MR. JOVELLANOS: Mr. Chairman, I was also at that meeting in a personal capacity.

DR. KOO: I didn't quite get the gist of what the New Zealand member said, which evidently must have been very important for so many of my colleagues to follow up with him. May I just hear his