

financial concerns in Japan. This is embarrassing for the United States member who is sitting on this subcommittee, because not only are the contents of the document proposed by the American delegation discussed in detail but also its authorship mentioned.

Mr. Chairman, I feel that it is my duty to the members of the subcommittee of which I am Chairman, to ask you whether you would kindly try to find some way of what I might call safeguarding the interests of our small subcommittee, because in my opinion this public discussion, and detailed discussion, of our activities really interferes with our work--in the first place with the work of the American member of the subcommittee and in the second place, although to a lesser degree, with the work of the other members.

This is all the more alarming since, if the press notices in this morning's papers are correct, the discussion that has now taken place in the Senate was but a forerunner of much more detailed discussions of this problem. I would therefore appreciate it very much if you and the members of the Commission would consider ways and means for putting a stop to further public discussion of the work of our subcommittee, the task of which is sufficiently onerous as it is.

Thank you, Mr. Chairman.

MR. BANERJI: Mr. Chairman, I am under the impression that the subject to which Dr. van Gulik is referring relates to Committee No. 2 and not Committee No. 3. Is he possibly referring to Committee No. 3 or Committee No. 2?

DR. VAN GULIK: Financial Affairs--the Zaibatsu.

MR. BANERJI: I take it that it is Committee No. 2 really. If that is so, we are having a meeting today of Committee No. 2 in the afternoon and I was wondering whether we can either discuss this question in the Economic Committee.

GEN. MCCOY: Mr. Rauchlin, you will remember you queried me about this several weeks ago.

MR. REUCHLIN: Oh, yes, Sir.

GEN. MCCOY: And I have been quite conscious of it, of course, and I have been in conference--and am holding another conference tonight--on the subject with the responsible official of the State Department, who has asked me to assure you that it has given us deep concern and that the full particulars of this leak and the great desire of our Government to in the future try to find some way that it will not happen again. But I am conscious, quite conscious, of the proper attitude of the subcommittee chairman. And, in reply to your query, also, as to the meeting this afternoon, I can only say that we're not yet ready to give a full statement to the Commission on the subject. But it is a matter of deep interest and concern on the part of all concerned.

The meeting is adjourned.

(The meeting adjourned at 11:45 A.M.)

FAR EASTERN COMMISSION

Transcript of Eighty-fifth Meeting of the Far Eastern Commission.

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

Thursday, January 8, 1948

FAR EASTERN COMMISSION

Transcript of Eighty-fifth Meeting of the Far Eastern Commission.
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, January 8, 1948

Representatives Present

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

Secretary General

Mr. Nelson T. Johnson

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

(The eighty-fifth meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:45 A.M., 8 January 1948, Major General Frank R. McCoy, Chairman.)

GEN. MCCOY: Good morning, gentlemen: our session will open.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 84th MEETING

GEN. MCCOY: The minutes of the previous meeting are now before you for your correction or consideration.

Are there any corrections, gentlemen? There seems to be none. If there is no further comment, the minutes of the last meeting will stand on the record.

ITEM 2 - 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)

GEN. MCCOY: Item 2 is a statement by the United States representative of the Far Eastern Commission on reparations shares, FEC-278, including the report of the committee reporting on the subject and of their not being able to reach agreement.

I am still holding conversations on this paper, and I would ask for your indulgence to continue it until the next meeting.

ITEM 3 - RESTITUTION OF LOOTED PROPERTY (FEC-011/40, -/42; FEC-011/12, /21, /32 through /39)

GEN. MCCOY: Item 3, the Restitution of Looted Property, is still somewhat involved, and I refer you to FEC-011/40 as a proposed policy to replace FEC-011/12, as amended by FEC-011/21. It was approved by the Steering Committee on the 18th of November by a vote of 10 to 0, with the Soviet member abstaining. The Soviet member of the Steering Committee stated that he would have to insist upon the provision for the cost of salvaging of looted sunken or damaged ships to be borne by the Japanese Government, and the Commission on the 20th of November referred the question of shipping to an ad hoc subcommittee of the whole for

consideration and report. This subcommittee recommended on the 4th of December that paragraphs 10 and 11 of the indicated paper, /40, be deleted and their contents considered with a view to a separate policy decision. The Soviet representative opposed this recommendation, and further consideration was postponed. At the last meeting, on the 18th of December, the feasibility of taking a vote on the recommendation to delete paragraphs 10 and 11 was discussed and it was agreed to postpone action and thereby allow the Chairman further time for informal negotiations.

I would like to make a further statement in connection with this paper.

"At the meeting on December 4, the Commission discussed at some length the report of an ad hoc subcommittee on the paper: 'Restitution of Looted Property' (FEC-011/40). At the conclusion of the discussion I made the following statements as recorded in the minutes:

'General McCoy said that although the present situation on FEC-011/40 seemed to be one of stalemate, he was loath to press the matter to a vote and therefore formalize the disagreement. If there were no objections, he would prefer to retain it on the Commission agenda for the present.'

"After stating that the United States Government favored the recommendation of the ad hoc committee that paragraphs 10 and 11 of the pending paper, dealing with looted property found outside Japan, should be deleted from the paper and reserved for treatment in a separate paper, I said:

'With regard to the statement of the Chinese representative, he was prepared to state that if FEC-011/40 should be adopted with the deletion of paragraphs 10 and 11 he would be very anxious to comply with the Chinese suggestion that consideration be given on a new paper on the subject of shipping in non-Japanese waters.'

and, finally, I added, as the minutes state:

'As Chairman, he was concerned with finding some way for the eleven countries to reach agreement.'

"In accordance with the spirit of these statements, I suggested to the Chairman of the Reparations Committee that his Committee might make a study of the issue of the restitution of ships looted by the Japanese and now in non-Japanese waters. I was hopeful that some solution might be found for this problem, which alone stands in the way of a unanimous approval of the Restitution paper. Such a solution might be incorporated in the Reparations paper, or, if that should involve too great a delay, in a separate paper.

"The Reparations Committee considered this subject of looted ships in non-Japanese waters, and referred it to a subcommittee which now has the subject under active consideration."

That is a little different from the way you and I understood it yesterday afternoon, Mr. Reuchlin, but I carefully checked it over and I was correct in stating to you that it was still under consideration by a subcommittee--and I was not able to be sure of it at that time but I am now.

Are there any comments or suggestions on my desire to have this still considered until we hear from the Reparations Committee?

MR. REUCHLIN: Mr. Chairman, if I understand the words which you have just spoken it means that the shipping question, which is incorporated in paragraphs 10 and 11, is treated and will be treated separately at this time by one of the subcommittees of the Reparations Committee. That is, of course, exactly what we intended--the separation of the shipping question from the rest of the paper. However, this work in that subcommittee will take a considerable time, I am sure, because many technical sides of the problem have to be considered. I, therefore, have not the slightest objection that the Committee goes on with its consideration of this problem, but at the same time I don't

think it helps us further with the paragraphs on which we have agreed.

As you will recall, Mr. Chairman, I proposed that paragraphs 10 and 11 be removed. Now, evidently this more or less has been done already because the question is treated separately. I would, therefore, ask your permission--your leave--to withdraw my motion, namely, the motion which was seconded by the United Kingdom representative deleting paragraphs 10 and 11. I would ask your leave to withdraw that motion.

GEN. MCCOY: Is there any objection on your part, Mr. Graves?

MR. GRAVES: It's understood, Mr. Chairman, is it, that paragraphs 10 and 11, as such, that is, in their present form, are being considered by the Reparations Committee?

(The Chairman nodded "yes").

MR. GRAVES: Then I have no objections.

GEN. MCCOY: It still leaves it open to suggest either a consideration of deletion or a consideration of some change in this particular paper that will meet, if possible, the objections of the Soviets.

If there are no objections then on the part of the Commission to consider the withdrawal of the motion of the representative of Holland, seconded by the United Kingdom, and leave the whole subject, as it were, with the Reparations Committee--

MR. PLIMSOLL: Yes.

GEN. MCCOY: --it will be so considered.

MR. REUCHLIN: Mr. Chairman, if leave has been granted to me, I would ask your permission to introduce a new motion, and that is a new paper in fact, although it has close resemblance to the other old paper.

If the representatives will look at the Restitution of Looted Property paper, I want to introduce a paper where paragraphs 1, 2, 3, 4, 5, 6, 7, 8, and 9 are identical; paragraph 10 then will be the now numbered paragraph 12; paragraph 11 will be the now numbered paragraph 13; and paragraph 12 will be the now numbered paragraph 14, and I would move that the Commission adopt this motion. I need hardly stress the urgency which we think attaches to this subject, especially, of course,

for us.

MR. LACOSTE: Mr. Chairman, does our Netherlands colleague suggest that paragraphs 13 and 14 become 10 and 11? Am I right in assuming that?

MR. REUCHLIN: Paragraph 12 will become 10; 13 will become 11; and 14 will become 12.

GEN. MCCOY: It seems to me that this is the introduction of a new paper and ought to be done in the usual way rather than in this informal way due to the importance and the urgency of the case, which I am very conscious of; at the same time the paper before the Reparations Committee is not just the paragraphs indicated--11 and 12--I think, but the subject of Japanese shipping in neutral--

MR. PLIMSOLL: Yes, it's the whole question of shipping.

GEN. MCCOY: The whole question of Japanese shipping in waters outside Japan.

MR. PLIMSOLL: Yes.

GEN. MCCOY: So that I don't think that we're ready yet to act on a new paper, which I am quite conscious the Netherlands representative can do, but I would like to have him prepare the paper and submit it to the Secretary General rather than act on it this morning.

MR. REUCHLIN: Mr. Chairman, I think that the paragraphs which are in this paper have all be considered for a very considerable length of time and there was unanimous agreement on these paragraphs. Also the Soviet representative could agree with all the paragraphs which I want to be contained in this new paper. So I don't think there is any new subject being brought up. All these paragraphs have been considered and have been agreed upon, so I really don't see what stands in the way of accepting this paper.

GEN. MCCOY: Well it's not the paper before the Commission. I would, of course, be glad to hear anyone on the subject.

The Soviet representative:

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

MR. TSARAPKIN: Mr. Chairman, in order to avoid any misinterpretation of the Soviet position, as apparently I am afraid is being done by the Netherlands representative, I would like to clarify the Soviet position on this matter.

The Soviet delegation is considering this document as a whole—all the fourteen paragraphs that are included in the paper. The agreement that the Soviet delegation gave to the twelve paragraphs is connected with general agreement on the whole paper and with the adoption of paragraphs 10 and 11. Any artificial revision of the paper would disrupt the organic entity of the whole document.

In this case, Mr. Chairman, I am afraid that the document suggested would be unacceptable to the Soviet delegation.

Thank you, Mr. Chairman.

GEN. MCCOY: Are there any other remarks on the subject?

DR. KOO: Mr. Chairman, the clarification just given by the Soviet delegate has made it clear that his acceptance of article 12 is dependent upon a satisfactory solution of paragraphs 10 and 11. In my view, Mr. Chairman, paragraph 12 is a very essential one. It provides for machinery to be set up to deal with the restitution matters even though it would be in an advisory capacity. Now, if we adopt the paper or any paper without article 12 it would be a great handicap to the whole question of handling restitution property. In other words, in view of the position taken by the Soviet delegate and the further fact that this question in regard to ships outside Japanese waters is being dealt with in Committee No. 1, I would think we should be better advised if we could take a little time for Committee No. 1 to continue its work and see whether or not a satisfactory compromise could not be worked out. In other words, I feel that perhaps it would be premature today for us to take a definite position on this whole question, even

though a new paper might be produced which would not contain paragraphs 10 and 11--in other words, even though the new paper might contain only those articles which could seem to be susceptible of general agreement. But that apparent situation seems to have been disapproved by the position just taken by the Soviet delegate.

So, Mr. Chairman, I believe that it would be better for us perhaps not to take any action today on this paper and give a further chance for Committee No. 1 to continue its efforts to see whether or not some sort of agreement could not be reached on the matter of ships.

MR. LACOSTE: Mr. Chairman, the French delegation would like to express itself strongly in favor of the recommendation just made by the Chinese Ambassador.

GEN. MCCOY: Is that now agreeable to you, in view of the general expression?

MR. REUHLIN: Well, Mr. Chairman, as to general expression, I only heard two representatives and, of course, the Soviet in opposition. But I'm very grateful that the matter now has been cleared up, because as it stands now it is quite clear that we cannot get the looted object back because of opposition by the Soviet Government, and that point is quite clear. I have no objection, or I would, of course, prefer to have this paper adopted at this session but I won't oppose deferring the matter. But it has cleared up the situation for me anyhow.

GEN. MCCOY: Well, if there is no objection, we will continue the subject on the agenda, having in mind the pressure of need on the part of the countries most affected and also the expression of others in addition to the Soviets as to the wisdom of continuing our effort to find a solution. And we'll hope that Committee No. 1 will be able to guide us in that respect.

MR. TSARAPKIN: Mr. Chairman, I am afraid I cannot possibly leave this matter without any remark as to the statement that just was made by the Netherlands representative to the effect that the Soviet dele-

gation is in opposition to the document. Equally, Mr. Chairman, I could state that our honorable Netherlands representative is in equal opposition to this same document. the task of this Commission is to find a favorable solution that would be acceptable to everybody.

Thank you, Mr. Chairman.

GEN. MCCOY: Are there any other remarks on this subject?

We will proceed to Item 4.

ITEM 4 - PROHIBITION OF MILITARY ACTIVITY IN JAPAN AND DISPOSITION OF JAPANESE MILITARY EQUIPMENT (FEC-017/17)

GEN. MCCOY: I will not read the background there; it's familiar to you all, that is, the so-called military paper in which I am still trying to find some way out and would ask that it be continued on the agenda while that is in progress.

MR. TSARAPKIN: Mr. Chairman, with regard to Item 4, Prohibition of Military Activity in Japan, it would be desirable to clarify some matters pertaining to this question.

GEN. MCCOY: Please.

MR. TSARAPKIN: Mr. Chairman, I am referring to paragraph 2 a now: In this connection it would be desirable to have a clarification as to what is implied by the expression "and other small arms". I would favor an expression of views of other members as to the interpretation of this term "other small arms" since it is now in our interests to have a common or homogeneous interpretation of the term on the part of all the members.

GEN. MCCOY: You have no objection, as I understand it, to our continuing to see if we can find agreement but wish clarification of the term "small arms"?

MR. TSARAPKIN: Yes.

MR. REUCHLIN: Mr. Chairman, may I perhaps remind the Soviet representative that this question was taken up by the technical committee. It was found that the term "small arms" could not be defined

exactly and correctly because in different countries evidently it meant a different thing. But I think we more or less came to the conclusion that "small arms"—the Admiral was present and will correct me—was a weapon which could be carried by a man. We had a convention of '29 or '39 which was brought to our attention by the French delegate and that didn't help us. They tried evidently, in general, in Geneva also to find an acceptable interpretation of this term "small arms". But we thought that because the "small arms" are limited, because it follows: "exclusively used by the civil police", we thought that was sufficient. One thing, for instance, which was mentioned was the bazooka, that a man can carry, and you can hardly call that a small arm, but it was said that it was not exclusively used by the civil police, thereby the term "small arms exclusively used by the civil police" limited actually the amount of weapons which would be meant by this paragraph. A definition I don't think we can find.

MR. POWLES: Mr. Chairman, I think that we ought to be grateful to our Soviet colleague for again raising this particular point because it is one of the points in the paper which I have previously mentioned as open to question. I would like any representative to inform me, if he could, what small arms there are which are exclusively used by civil police. I don't really know of any myself and I have consistently pointed out that this particular phraseology in the paper as it stands will only lead to confusion, because of the doubt in interpretation. For that reason I was very glad to support the amendment which had been offered by Mr. Lacoste some little time ago; the purport of that amendment, which I understood it then, would remove from the paper that objectionable phrase and substitute an addition which made it clear that under certain circumstances the Supreme Commander would be allowed to issue weapons to the Japanese civil police of a desired character, and those weapons were specified in the amendment. I still feel that that is the only way to remove what is a defect in this paper. I may be

quite wrong--there may perhaps be small arms which are exclusively used by civil police, but if there are any I do feel that the Commission ought to be informed as to what they are.

GEN. MCCOY: Well I think the American position in general was that some discretion ought to be given to the responsible man to meet an emergency.

MR. POWLES: I agree with that, Sir, but then the paper as it is worded doesn't give that discretion because as I understand the English language "exclusively" means by civil police and by nobody else. I was just going to say that for that particular reason I have always, whenever the matter has been discussed, queried this word, and so far my small voice has been unable to convince other members that there is some difficulty about it.

GEN. MCCOY: Well there was general--you might say almost general agreement on the French effort to find a formula, so that possibly we can still do that.

MR. COLLINS: Mr. Chairman, I would like to associate myself with Mr. Powles on this. We could accept the paragraph as it now stands, but we have always felt that it is a bit on the obscure side. And our position is very much the same as that of New Zealand--that under normal circumstances we think the civil police in Japan should be armed with rifles and pistols but the situation should be made for the issuance of other small arms in case of emergency at the discretion of SCAP, which I think is virtually the substance of the French proposal.

GEN. MCCOY: Well we still have that before us and that is one of the things we are discussing now, and I hope we can reach agreement on that. I think there is almost agreement. I know my Government was prepared to accept the French suggestion.

MR. LACOSTE: Mr. Chairman, I just wanted to point out--not that I am defending this text--but "exclusively" it seems to me means those arms which civil police use and not mean that no other force would use.

That was what was meant. It may possibly be drafted better, but that is what is meant.

GEN. MCCOY: But Mr. Powles don't understand it that way.

Well, you can see there are a number of little points—we have narrowed this old paper down and I still hope that we can find a way of getting agreement, and I ask your permission to continue the motion.

MR. POWLES: Mr. Chairman, might I, in an endeavor to clarify another point in the paper, ask, through you, the Soviet representative whether he would be prepared to accept the original wording of his amendment to paragraph 10? The situation was that some months ago the Soviet representative lodged some amendments which are to be found in the document FEC-017/12, and in FEC-017/12 there was an amendment suggested by the Soviet Government to paragraph 10. That amendment was defeated in committee and the thing didn't come forward to the Commission. At a later date the Soviet representative, in /17, reiterated his previous amendments but he reworded the amendment to paragraph 10. And I supported his earlier amendment because I felt that it was adequate under the circumstances. I indicated at a previous meeting that we provisionally supported the amendment which he now proposed to paragraph 10, but I would like to make it clear that what we really support is the substance of it and we support it as it is drafted in their original proposal of /12. So, I don't necessarily ask the Soviet representative to give me an answer today, but I would very much like it if he would consider reverting to his earlier proposal and not the one which is in /17.

MR. TSARAPKIN: Mr. Chairman, I would like to add one or two words to what I already said at the beginning on paragraph 2 a. As a matter of fact, we don't oppose the wording of paragraph 2 a but in fact what we want is to vote the term "small arms" with an enumeration of the actual items that are implied by the term "small arms".

With regard to paragraph 10, I would like to read it out once again for the members of the Commission so that they have the real wording that we have suggested.

"The demobilization agency terminates its activities and its functions of demobilization should not be transferred to any other agency, except the functions of repatriation of Japanese prisoners of war which functions should be assigned to some civilian agency."

Mr. Chairman, this is the exact wording of our amendment to paragraph 10.

MR. POWLES: I am not sure, Mr. Chairman, whether I made myself quite clear. I pointed out that the original Soviet amendment to paragraph 10 was contained—I now find the first document it was in was /8—quite a long time ago—but it is itself on the cover sheet of /12 and it reads this way:

"The demobilization agency should be immediately dissolved and their functions of completing the demobilization should be transferred to a civilian agency."

GEN. MCCOY: That has already been done.

MR. POWLES: And that has already been done. And I had in an earlier committee discussion supported that amendment, although it was lost, and now, of course, one finds that the Soviet representative has presented a new draft of the amendment and in my humble opinion the new draft isn't as good as the old one. That was why I was asking the Soviet representative whether perhaps he would be good enough to consider whether he couldn't revert to the old one. That was the purpose of my inquiry.

GEN. MCCOY: Well it is plain that there are a number of fine points here that need consideration of those of you who are so well informed on the details of the long negotiations on this paper, and it is just these points that are now up between us. If there are no objections or further statement to make, we will leave it in the hands of our assistants to try and meet these points, and they will be helped by this discussion before the Commission.

ITEM 6 - OTHER BUSINESS

GEN. MCCOY: Several times I have been queried with regard to the embarrassing public discussion of one of the Commission papers which apparently leaked. We have been very fortunate, I think, on the whole that we have been able to consider in our own way the important papers that have come before us without being subjected to this kind of public and political effort outside of responsibility, and, as I told you, our State Department was very much concerned about the leak itself. Therefore, they have authorized me to reply to Dr. van Gulik's statement at a previous meeting as follows:

"As has been noted by members of the Commission, there has recently been a considerable public discussion arising out of a number of stories which have appeared in several newspapers and magazines regarding FEC-230 and also certain portions of the economic decentralization program which the Supreme Commander has been implementing under terms of his basic directives.

"FEC-230, a statement of proposed policy with respect to excessive concentration of economic power in Japan, was submitted to the Commission for its consideration in May of this past year. After being given a confidential classification it was referred to Committee No. 2 which still has it under consideration.

"Press discussion of FEC-230 has included publication of several excerpts from the paper. The United States Government is anxious to determine how this classified document first came into private and unauthorized hands.

"The result of investigation of this question so far has produced no evidence that the leak occurred in Washington. The publication of these excerpts and the press comment regarding them have been a source of embarrassment to officials of the United States Government over the last several weeks."

So that that's the over-all answer to your query and I am not

able to put my finger on the leak—but I'm sure it wasn't in the Commission nor in the Department of State or other departments of my Government in Washington. So that I'll have to give you that over-all reply to your query.

MR. REUCHLIN: Thank you very much, Mr. Chairman.

Of course, I may perhaps point this out—the reason that I brought these questions up at the various meetings was—not that I thought that I had the only knowledge of these leakages—I think all the members knew about them, but I really wanted to point out that if we keep on the lid too tight the journalists will definitely try to pry the lid off—and that has happened. And I think that is actually our task; we should provide the press with more information. Of course there is still the old question of whether the press should be present and I think that it is our opinion that the press should not be present, but we should also try to prevent leakages.

It has always been my habit, and maybe a very bad habit, to come every meeting with a leakage story. I think I have now the latest one and that is a small leakage which was committed by the Under Secretary of State himself at a press conference—or I don't think it was the Under Secretary of State himself—it was Mr. White, I think—the press officer.

You will remember that Senator Knowland questioned your Government as to whether the United States had a definite reparations plan introduced and at his press conference Mr. Lovett, of course, was quite free to give the information as far as the American proposal was concerned. But then what was said was that the American proposal had been turned down by the Soviet Government. Now this is a part of the minutes of the meeting. That was a confidential meeting and I wonder whether at this press conference this news should have been given because we only know this as eleven members - but it has not been published.

GEN. MCCOY: Well that is the unfortunate thing about this whole subject of publicity. As I say, we have been very fortunate so far and I have tried, and I know the Secretary General has, to preserve the sanctity of this informal action here and never to give out any action on the part of any of the delegates or of the representatives of the countries concerned. And I can only say that we have been fortunate so far in that the leaks have been very, very few and we have been preserved from this constant public discussion by the fact that we have been able to carry on here without the blazing light of publicity--and I am sorry that we are still under it for the moment. We're all quite conscious of it and I know the Department is doing everything it can to preserve the sanctity of this Commission--under considerable stress of circumstances.

Are there any other points to be brought up this morning?

There seems to be none.

We stand adjourned.

(The meeting adjourned at 11:35 A.M.)

FAR EASTERN COMMISSION

Transcript of Eighty-sixth Meeting of the Far Eastern Commission.

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

Thursday, January 15, 1948

FAR EASTERN COMMISSION

Transcript of Eighty-sixth Meeting of the Far Eastern Commission.
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, January 15, 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	(China)
Mr. R. Douteau	(France)
Mr. J. Vesugar	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. G. R. Powles	(New Zealand)
Mr. J. U. Jevellanos	(Philippines)
His Excellency Mr. A. S. Panyushkin	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelsch T. Johnson

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

(The eighty-sixth meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:40 A.M., 15 January 1948, Major General Frank R. McCoy, Chairman.)

GEN. MCCOY: Good morning, gentlemen.

Before opening the session, I would like to present the new Ambassador of the Soviets to America, Mr. Panyushkin, who has served in the Far East and is known to many of you personally. I hope that we will have the interest of his presence from now on as the Russian delegate.

And I am so glad to look across the table and see our old friend, Mr. Vesugar, who has been away almost a year, hasn't it been?

MR. VESUGAR: Yes, Sir, just about a year.

GEN. MCCOY: That gives us a feeling of being an institution - you can come and go and find us still here after a year's absence.

Our session is now open, gentlemen.

There was circulated a paper from the Commonwealth of Pakistan that gives us a new problem--

Yes. The Secretary General calls my attention to the fact that I have forgotten the customary action on the minutes of the past meeting.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 85th MEETING

GEN. MCCOY: They are for your consideration and comment or correction.

If there are no comments, they will go on the record as approved.

ITEM 2 - APPLICATION BY PAKISTAN FOR MEMBERSHIP IN THE FAR EASTERN COMMISSION (PEC-286)

GEN. MCCOY: Now we come to the application by Pakistan for membership in the Far Eastern Commission. Since this is a new action in prospect for our Commission, I call your attention to the Moscow Agreement of December 27, 1945, which provides that the membership of the Commission may be increased by agreement among the participating Powers as

conditions warrant by the addition of representatives of other United Nations in the Far East or having territories therein. In other words, the action of the participating Powers will be sufficient, that is, as Governments represented on this Commission, that the membership of the Commission may be increased by unanimous agreement by the eleven Powers. It is believed that the agreement of the Governments themselves is contemplated whether expressed through diplomatic channels or by appropriate instructions to the representatives on the Far Eastern Commission, as you consider this new problem in the sense that it appeals to you and with the opinion expressed by myself as that intended in our Terms of Reference.

I am glad to have any comment or consideration that you may wish to give it prior to asking your own Governments for instructions as indicated. Are there any remarks or queries in connection with the problem?

DR. KOO: Mr. Chairman, as this is a new paper, we are reporting to our Government for their views before I can express any opinion on it. Meanwhile, you have just read a passage in the Terms of Reference. I wonder if you could clarify it a little bit? This particular sentence, "The membership of the Commission may be increased by agreement among the participating Powers...", does it mean agreements by the Governments? That is to say, does it mean the matter is beyond the jurisdiction of the Commission as such and is to be taken up by discussion among the Governments, or do you think that the Commission—

GEN. MCCOY: Well I would think that it could be done either way. But since the application has come to this Commission and it might be the best way of handling it, and certainly as the request of Pakistan, so that the Governments participating in this Commission could communicate their instructions to the representatives here and it would save the diplomatic exchanges between Pakistan and the ten other governments represented here. That was my idea that we would lay it before you and see if we could comply with the request of Pakistan in the way we feel the Terms of Reference gives authority, and that is, I take it, that

we couldn't act as a Commission but if the participating Governments here represented would authorize their Ambassadors here to act, why then by agreement here we could accept the request. It would seem to be probably the better way of doing it than the diplomatic way, since we're all represented here and know the background and the implications.

DR. KOO: Not as a Commission but as the convenient way of discussing it.

GEN. MCCOY: As the convenient way of the approval of the participating Powers. Is there any other discussion on that question?

MR. REUCHLIN: Mr. Chairman, if the intention of our governments is going to be communicated through us as to whether a new state should be in our midst here, I presume that would mean that there has got to be a discussion around the table here. Now, if that is the case, I think it would be very undesirable to treat it in the Commission. I don't think this question should be discussed around this table. If the attention of our governments would be communicated through our medium, as you said, it could be done through the ambassadors--it could be done through us--I have no objection, but I think we are creating a very dangerous precedent if we have a discussion around this table as to the usefulness or as to accepting a new member in our midst. I think it is an extremely delicate question.

GEN. MCCOY: Well now, we will clarify that a little bit for me for the moment. In what way do you think it might be unfortunate to have it discussed around the table since we are here in a closed session?

MR. REUCHLIN: First of all the state in question is not represented here so its merits cannot be defended by the applicant. But, still, I think it would be very unwise if we indulge in a discussion as to whether we should accept a state--"A", "B", or State "C". That is my feeling.

GEN. MCCOY: Well, to follow through your suggestion, what would

you think we ought to do about it?

MR. REUCHLIN: I think, Mr. Chairman, that this passage in the Terms of Reference is quite clear. It means the Powers as such, and the proper way should be that the Government of Pakistan, through their representatives abroad, approaches the different governments concerned and they will get an answer, just as we were created in the same way. So I prefer it as a better channel than having a discussion in this Commission as to the possibility of admitting any other members. If we would decide that we are going to discuss it, we might be faced with many other applications which may create great difficulty and a delicate situation.

GEN. MCCOY: Your suggestion, then, would be that we inform the representative of Pakistan that it--

MR. REUCHLIN: Approaches the powers through the usual channels.

GEN. MCCOY: And suggest that it be done through the diplomatic channels.

MR. REUCHLIN: Yes. The other alternative would be that our governments communicate with each other really whether we accept the new state or not, but then I would certainly exclude any discussion of this with amendments and all sorts of possible implications.

GEN. MCCOY: Well that is certainly a good point to consider. Now are there any other remarks on that statement of the Netherlands representative? We want to do it--I was thinking more of the fact that we had an application before us from one of the United Nations represented in this country and it seemed to me, just as a matter of convenience for all concerned, that it could be handled here. But I hadn't thought of these points. That is the reason I like to hear my colleagues, in their wisdom, advise me. There is no commitment on our part or on my part to take action other than under the instructions of the Commission. Since there seems to be no further comment for the moment, do you think that we should refer this to an ad hoc committee

of the Commission to draft a reply or is there a suggestion here for action? Would it be in furtherance of your idea that we either lay this on the table for the moment until instructions can be had from the governments concerned or refer it to an ad hoc committee of the whole to draft a reply?

MR. REUHLIN: I would think the latter suggestion would be the best one.

GEN. MCCOY: Is that agreeable to the other members of the Commission?

MR. PANYUSHKIN: Mr. Chairman, since there seems to be some difference of opinion among the members on this question, I would suggest whether it wouldn't be advisable to take this question from the agenda and not discuss it at this meeting. I would suggest that this question be studied by ourselves, raised before our governments, and as soon as the question has been clarified for ourselves we could raise it again—the point of view of whether it would be advisable to put this question before this Commission. Thank you, Mr. Chairman.

GEN. MCCOY: I take it then that it is the wish of the Commission to lay this request of the representative of Pakistan on the table until the governments concerned in this Commission receive instructions from their governments? I take it that that is what your suggestion was?

MR. PANYUSHKIN: Yes.

GEN. MCCOY: And that is consistent with your intention?

MR. REUHLIN: Yes.

GEN. MCCOY: Mr. Ambassador, does that seem agreeable to you?

DR. KOO: Yes.

MR. PANYUSHKIN: Mr. Chairman, the suggestion I made was to take the item off the agenda.

GEN. MCCOY: Yes. Well we meant that by laying it on the table. It would then have to be brought up again. It would have to be action of the Commission to bring it back on to the agenda, if my suggestion

of laying it on the table is accepted. If it is agreeable to the Commission, the paper will be laid on the table.

ITEM 3 - 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)

GEN. MCCOY: In Item 3, in general, considering the report of Committee No. 1 on the division of reparations shares, and the effort of the United States to cut the Gordian knot there, I'm still having conversations and I shall continue them, with your permission, for a short time longer with those that I have not already conferred. As it stands now in the statement submitted by the United States representative on the 6th of November the proposal has been accepted by Australia, Canada, China, New Zealand, and the Philippine representative. Unfavorable responses have been made by France, India, the Netherlands, the U.S.S.R., and the United Kingdom. So that I once more ask your indulgence while I continue conversations on that subject.

ITEM 4 - a RESTITUTION OF LOOTED PROPERTY (FEC-011/40, /42; /12, /21 /32 thru /39)

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

GEN. MCCOY: Item 4 is this paper that we've all been so concerned with, the Restitution of Looted Property. The Commission referred the question of shipping to an ad hoc subcommittee on the 20th of November and there was a subcommittee report and recommendation that paragraphs 10 and 11 be deleted and their contents considered with a view to the formulation of a separate policy decision. At last week's session there was consideration of several ways of trying to reach agreement and trying to settle the question. Personally, I remarked that I was going to make one more effort through asking the subcommittee of Committee No. ¹ 1 to try out a formula that I had hoped might be agreeable to all concerned, but I am just informed this morning that that sub-

committee--it's rather informal in the way I handled it and purposely so--but I have had a talk with Mr. Collins, who acted as Chairman following Mr. Plimsoll, and with Mr. van Gulik also present, and I'm sorry to say that the effort was well intended, I am sure, and had hopes but has failed to get agreement, and we're once more at a stalemate. I was anxious to, not only as the result of a year's work and the great need of the countries involved in restitution, do everything I could to seek agreement on the part of my colleagues. I would be still hopeful if anybody else can have a glimmer of hope of any action that might be taken or suggested. And, in the meantime, the Soviet Ambassador, who is concerned with the paper, is sitting in for the first time and it may be part of courtesy and wisdom both to defer final action on this paper for another week. Would that seem a reasonable and courteous action on our part, Dr. Koo?

DR. KOO: I think your suggestion is a good one, and in view of the desirability of reaching an agreement if at all possible, perhaps we might all agree to wait another week, as you have suggested.

GEN. MCCOY: Would that be agreeable to you, Mr. Reuchlin: You have to bear the responsibility, as you might say, representing the Powers most interested.

MR. REUCHLIN: If I could suggest, Mr. Chairman, another way out I would certainly suggest it, but at the present moment I don't see it and I hope that another week perhaps will bring a solution. But I still remain rather pessimistic.

Now that you have allowed me to speak, may I just correct one thing which I should have corrected last meeting. I wasn't quick enough. That is, the Soviet representative (you will find that on page 3 of the minutes of the last meeting), Mr. Tsarapkin, when he wound up our debate on this restitution question, said that there has been Netherlands opposition to paragraphs 10 and 11. I would like to point out that there has been no Netherlands opposition to paragraphs

10 and 11. Our point was that this question wasn't ready yet for a decision and, in view of the great urgency, we had separated these two paragraphs, and I think that was the understanding of all the other ten members here--that there has been no opposition--and I would even be prepared to go into a deal with the Soviet representative that, if he votes for the paper without paragraphs 10 and 11, I might even consider supporting part of the Soviet proposal in the subcommittee or even in this Commission. But for the sake of urgency that was the only point why I felt that paragraphs 10 and 11 should be eliminated. We certainly didn't express ourselves against paragraphs 10 and 11.

GEN. MCCOY: Well I don't think anybody did in that sense. It was only as a part of the paper which prevented agreement on what was agreed on generally without those paragraphs.

MR. REUCHLIN: This was only for correcting the statement which I should have corrected last meeting, for which I apologize.

GEN. MCCOY: Do you wish me to have that correction made in the minutes?

MR. REUCHLIN: I am quite satisfied that it be in the minutes of this meeting.

MR. GRAVES: Mr. Chairman, is there any grounds that another week's deliberations will present a possibility of agreement? Is there any indication that opposition to both papers is likely to be removed in the next week?

GEN. MCCOY: Well I don't know. We have searched for every way out that would seem possible. The paper as a whole is acceptable to all the delegates accept the Soviets. Wasn't that the fact? Was there any objection to the paper?

MR. GRAVES: No objection, Mr. Chairman.

GEN. MCCOY: Except that Mr. Tsarapkin announced that it was unacceptable to the Soviets. So that there was an effort then made to consider the Soviet amendments par se outside of the paper and on

the part of Holland to get action on the paper less the shipping. That, we find, is not agreeable to the Soviets. So that there was an effort made to find some compromise or some formula that would enable us to discuss the general question of shipping outside of Japanese waters as a distinct subject and pass that part of the paper which was otherwise acceptable to all concerned. And I think that was your intention, was it not?

MR. REUCHLIN: Exactly, Mr. Chairman.

GEN. MCCOY: Now, so far we haven't gone either way in seeking agreement except in this effort, you might say, of an informal subcommittee of Committee No. 1, on which the Soviets were not represented, but even so the subcommittee were unable to reach agreement and that throws it back for our consideration. And in view of the complexity of the problem, and cognizant of your feeling, just as a matter of hope and of courtesy to the new member of the Commission, I would still ask one week more before fishing and cutting bait.

MR. GRAVES: Well I wonder whether there is any positive point before us, Mr. Chairman, that one week's delay won't produce spontaneous action on the paper. We have failed in the subcommittee to get any agreement on paragraphs 10 and 11, which is the basic trouble, and if there were some positive suggestion before us to consider the next week I could see some hope of making progress. But in the absence of any positive suggestion I don't know what we will do in the next week.

GEN. MCCOY: Well I don't either--just, you might say, floundering.

MR. VESUGAR: Mr. Chairman, would it be possible for this Commission to know what is involved in this controversy? I understand that a matter of principle is involved, certainly, and the Commission should consider principle first before the details. But is it possible for the Commission to know how many ships or how many million dollars or what is involved in this particular item? Maybe if this sum is very small or the number of ships is small we may be able to arrive at a

compromise quicker.

GEN. MCCOY: Well that was one of the problems that was put before the subcommittee. I felt from the start myself that we were more or less acting in the dark because there was no definite information before the Commission as to what it involved, and that is still the case as regards shipping in waters outside of Japan.

MR. VESUGAR: It is not possible to have this figure within a reasonable period?

GEN. MCCOY: Well that seems to be the feeling of the subcommittee. Am I right in that, Mr. Collins?

MR. COLLINS: Mr. Chairman, I am afraid that that specific question really did not receive adequate exploration in the work of the subcommittee. We were dealing mostly with the question of principle and seemed to be getting nowhere on that. Mr. Vesugar's suggestion may open up a possible avenue of further work on the part of the informal subcommittee and it might be useful to continue to explore that angle. It would certainly be useful to the Commission, I should think, to have as much data as possible in order to know more exactly what we are dealing with. I don't know how successful we can be in getting that information but it might be worth the attempt.

GEN. MCCOY: Well there are two points now before us: One is giving our new member particularly concerned in the consideration of the point at issue an opportunity to consider it and talk to me about it, and also the question that Mr. Vesugar raises as to continuing an effort to find out what it is all about in the sense of practical numbers of ships.

MR. VESUGAR: Value.

GEN. MCCOY: And the money involved and where the money is to come from. That last point seems to be easy to solve, if practicable, to arrive at some reasonable sum that would be dependent on where the ships are and the number and the salvaging operations involved. That

brings up quite a long delay, of course, and--

MR. VESUGAR: I admit that.

GEN. MCCOY: --if the Soviets could vote for the original paper, less the shipping problem and consider that over a period until we get the facts and figures, it would seem to me to be a reasonable attitude. And I would hope that there might be some reconsideration there on the part of the Soviet representative, if not in the way of commitment this morning but in the way of consideration anew as to the wishes of the other members of the Commission.

MR. PANYUSHKIN: Mr. Chairman, as far as I could understand your own statement, the decision of this question is delayed only due to the fact that the Soviet position is against the exclusion of the paragraphs concerned. I don't think this statement is exact and therefore correct. It seems to me that there are some other members of this Commission who have raised this question and had discussion on it and are also interested in this question. Therefore, this question does not concern only the Soviet representative but it equally concerns the other countries. Therefore, to look for the person who is guilty in delaying this decision in the person of the Soviet Union would be not correct. As far as I could, during this time, get acquainted with the minutes of the last meeting, I understood that the Netherlands representative has stated that he wanted paragraphs 10 and 11 to be excluded with a view to expediting the adoption of a decision on this matter. It seems to me that the Netherlands representative said he was not opposed to leaving in paragraphs 10 and 11 in this document.

In reply to my United Kingdom colleague, I would say that we could see in that statement a certain pessimism, as, Mr. Chairman, you yourself has suggested to postpone this matter and have a private conversation over this problem. I would associate with your suggestion and would think that it would be a wise step to take.

MR. VESUGAR: Mr. Chairman, my inquiry about what quantity was involved was in no way directed to make for further delay. It was only a question in case this material was known. I would not attempt to delay the matter in trying to find out these figures, and with that in view I would also support your proposal for putting it off for one week in the hope that we could come to some arrangement in the meantime to put the matter through.

GEN. MCCOY: It will be postponed then for one week more so that I can come back after one more effort to clarify the situation, and with the hope of obtaining agreement.

ITEM 5 - PROHIBITION OF MILITARY ACTIVITY IN JAPAN AND DISPOSITION OF
JAPANESE MILITARY EQUIPMENT (FEC-017/17)

GEN. MCCOY: Item 5 is still in process of consideration. It is a paper--unlike the restitution paper, which is one of urgency, whereas the military paper is one of historical importance and an effort, after a year and a half work on it, to not lose the paper and give a feeling that we could not agree on a basic paper, which is for the moment narrowed to very few articles of disagreement.

MR. GRAVES: Mr. Chairman, during the last meeting there were discussions arising out of this paper--although the paper reached a vote of 10 in its favor--there were discussions on matters of substance. Now our position is that my Government have expressed their agreement with the paper as written in FEC-017/17. There are no amendments before us and I would suggest that if there are to be matters of substance raised they should be brought before us in the form of amendments. So, if there are still discussions to be carried on on this paper, I would invite our Soviet colleague to put them in the form of amendments so that we know what we have to put before our Government. In the absence of those of course we can't go back to our Government and say such and such matters have still got to be considered. It is, of course, very proper for the Soviet delegate to put in any amendments he pleases to the Commission and then we could review them, comment on them, and, if necessary, state our position, but I am under direct instructions in regard to one or two of these items. Our position is very definite and we should like the earliest possible opportunity of stating our position. So, if it is convenient to the Soviet delegate, I would invite him to put in any amendments he thinks should now be considered.

GEN. MCCOY: Well I take the responsibility for trying to narrow the thing before I did put it before the Commission with the hope that I could find some measure of agreement that would be acceptable to the Commission, having in mind your position. I have had that very much in mind, and I certainly will, before taking any action, put the points

at issue before the Commission, with the approval of the countries interested.

Is there any other business to be put before the Commission this morning? There seems to be none--

MR. PANYUSHKIN: Mr. Chairman, are you postponing this item?

GEN. MCCOY: Yes, while it is under consideration outside the Commission in an informal way. I am perfectly willing to have the Ambassador take up anything before the Commission with respect to it.

MR. PANYUSHKIN: I am perfectly in agreement with you, Mr. Chairman, that this document is of great importance to ourselves. May I therefore, Mr. Chairman, present some suggestions which my Government would like to present?

Mr. Chairman, with regard to subparagraph 2 a, namely the term "small arms", we would like to have a clarification and definition of what actually the term "small arms" means. In this connection, we would like to make an amendment at the end of the subparagraph. The wording I suggest, Mr. Chairman, is to add to the text of subparagraph 2 a as follows: "In this case the term "small arms" is understood as arms of non-group use and non-fragmentation or mass effect carried and used by a single person". So much for paragraph 2 a, Mr. Chairman.

I apologise, Mr. Chairman, I am not familiar with the procedure of discussing amendments of this kind. Will it be all right if we discuss the amendments one by one or as soon as I present them, or some other procedure?

GEN. MCCOY: Just as the Ambassador wishes.

MR. PANYUSHKIN: Would it be advisable, Mr. Chairman, to hear first the opinions of my colleagues around the table?

GEN. MCCOY: On the first article?

MR. PANYUSHKIN: Yes, Mr. Chairman.

MR. COLLINS: Mr. Chairman, I wonder if we could have that read again?

GEN. MCCOY: Will you read it again, please?

MR. PANYUSHKIN: "In this case the term 'small arms' is understood as arms of non-group and non-fragmentation or mass effect carried and used by a single person".

GEN. MCCOY: The French representative has tried to meet that heretofore.

MR. DOUTEAU: Yes.

GEN. MCCOY: Are you prepared to meet this in the sense of giving your opinion or suggestions?

MR. DOUTEAU: Mr. Chairman, it depends upon what the Russian delegate wants to do. If he has a number of other amendments to present now I wonder if we are prepared to discuss them here now or if it will be necessary perhaps to send it back to the proper committee?

GEN. MCCOY: Well I understood that the Ambassador wished to present these one amendment at a time and have an informal discussion, if there is any discussion desired, and then it would be my opinion, subject to the wishes of the Commission, that after we have had an informal discussion of each, as he requested, that an ad hoc committee of the Commission be appointed to consider the amendments in detail-- after having had the presentation of the amendments, which I think would be agreeable to the United Kingdom representative.

MR. GRAVES: Is this a formal submission of an amendment, Mr. Chairman? This is formally submitted to us as an amendment?

GEN. MCCOY: I understood so. Heretofore they have been just discussed between--

MR. GRAVES: Well this is in line with what I was mentioning a little bit earlier. If we have a formal amendment before us, then it is simple to put it to our Government, but on this particular item I have instructions and could talk about it.

GEN. MCCOY: Well I think possibly, before you present it to the governments, it might be considered by an ad hoc committee of the Com-

mission because it involves a good many technical questions.

MR. GRAVES: Oh, yes.

MR. DOUTEAU: Mr. Chairman, in this case of course we would be prepared to discuss it in another subcommittee.

MR. PANYUSHKIN: Mr. Chairman, may I make a comment on the comment that was made? Personally I think that this question is of great importance to all around this table. I shouldn't think it would be a wise step to take if we resubmitted this paper to Committee No. 7 for reconsideration. Such reference of this document to the said Committee would only signify that among the heads of the delegations there is some disagreement and probably some inability to reach an agreement on this question, and reference of this document to the Committee would, I am afraid, delay the adoption of a decision and I'm certain that it would be wiser to discuss the matter here at this level.

With regard to the point asked by our United Kingdom colleague, I should answer that any presentation of such amendments of ours should be considered as official.

GEN. MCCOY: Well I didn't intend to refer it to the military committee. I intended to have it on the Commission level but to a new committee of the Commission.

Well, we would be glad to hear the other amendments and have them presented formally to the Commission.

MR. PANYUSHKIN: Mr. Chairman, do I take it that you prefer to refer the matter to the subcommittee?

GEN. MCCOY: Well I would be glad to have you present the amendments formally now and I will ask if there is any comment, and after we have considered them at this time there will no doubt be many details that will not reach full understanding here at this particular meeting, so that at this moment it would seem to me, after you have submitted the amendments, as you have submitted the first one, submitted all of them and see if there is any discussion at this time. Then, without calling

for action today, I would appoint a subcommittee of this Commission to consider them in detail, having in mind not only the presentation but also any suggestions that might be heard this morning.

MR. PANYUSHKIN: In that case, Mr. Chairman, I will read out another of the Soviet amendments.

With regard to paragraph 6, Mr. Chairman, after the words "after examination" I suggest that the following addition be made to the text: "at least not later than within a six-month period from the date of the adoption by the Far Eastern Commission of this document".

GEN. MCCOY: Did everybody get that? It seems to be understood.

MR. PANYUSHKIN: May I continue, Mr. Chairman?

GEN. MCCOY: Yes, please.

MR. PANYUSHKIN: We come now to paragraph 9, Mr. Chairman. I would like to suggest the following addition to the text of the first sentence of the paragraph: "within a three-month period after the adoption by the Far Eastern Commission of this document".

With regard to paragraph 10 I have the following suggestion: from the text of that paragraph exclude the following sentence: "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". That should be deleted, Mr. Chairman, and the following text is suggested to be substituted for the sentence which I have just read: "The demobilization agency should terminate its activities and its functions of demobilization should not be transferred to any other agency except the functions of repatriation of Japanese prisoners of war, which functions should be assigned to some civilian agency". Mr. Chairman, I should say that this wording appears on the cover page of FEC-017/17.

MR. REUCHLIN: Mr. Chairman, just for clarification, you remember that Mr. Tsarapkin omitted the word "should" and made it "terminates".

You come back to your original proposal?

MR. PANYUSHKIN: The word "should" should be in there - "should terminate".

We come now to paragraph 13, Mr. Chairman. The Soviet delegation suggests that the following wording be excluded from the opening sentence of that paragraph: "except as they may be necessary in performing duties essential to the demobilization of repatriated military and naval personnel".

Mr. Chairman, I should point out that three of the amendments which I have just read are not new to the Commission. The only new amendment we have is the clarification of the text of subparagraph 2 a.

That is all, Mr. Chairman. Thank you.

GEN. MCCOY: Is there any discussion at this time or clarification that is desired by any member of the Commission?

Have you any comment, Mr. Powles?

MR. POWLES: Mr. Chairman, I should like to say that the New Zealand Government attaches very great importance to this paper, that we still think it's a matter of great importance that the Far Eastern Commission should produce a policy on the subject of demilitarisation and disarmament, and consequently we feel that however difficult and however long our discussions may have been and may yet be we should continue to explore all possible avenues with a view to ultimately producing a policy on this paper.

And I might add, Mr. Chairman, if I may, that in the Steering Committee our French colleague produced an amendment to paragraph 2 A which was seconded by the New Zealand representative. Considering that we have before us some formal amendments now to consider, I was wondering whether our French colleague would consider reintroducing his amendment on the committee level, and if he did so I would be happy to second it as I did before.

GEN. MCCOY: I would welcome that action.

MR. DOUTEAU: Yes, Mr. Chairman, we will be ready to do that.

GEN. MCCOY: Have you a copy of your amendment here? Oh, we have it here in the minutes, I think.

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

GEN. MCCOY: Please.

MR. PANYUSHKIN: Do I take it that the representative of New Zealand approves of our amendment to paragraph 2 g?

MR. POWLES: Mr. Chairman, I am not prepared at the moment to express an opinion on the amendment to paragraph 2 g introduced by the Soviet Ambassador.

GEN. MCCOY: I understood that your remarks were in connection with the whole paper.

MR. POWLES: Yes, my initial remarks were in connection with the whole paper and the importance that we attach to it, but I then referred to an amendment which had previously been introduced by our French colleague and seconded by myself with reference to paragraph 2 g, and my object in suggesting that that amendment should be reintroduced at this stage was that, as our Soviet colleague has introduced now a new amendment for paragraph 2 g, it is obviously one which requires consideration and I for one am not prepared to express an opinion on it this morning because I think it warrants very careful consideration with reference to its various implications. But as that amendment is before the Commission for consideration I would like the French amendment also to be before the Commission for consideration, and whatever action we take at a later stage should be taken in the knowledge that the French amendment has been suggested as well as the Soviet amendment.

GEN. MCCOY: Yes.

MR. PANYUSHKIN: Thank you, Mr. Chairman, for the clarification I just heard.

GEN. MCCOY: As I understand it, your proposal doesn't commit you to either one. It's an effort to get before the new committee the full

details of what might be called previous consideration of that subject-- of that particular point.

MR. POWLES: That is right, Mr. Chairman.

MR. DOUTEAU: That is, the French amendment hasn't been disposed of yet, and I agree with Mr. Powles that if we have to consider the Soviet amendment it seems to me that we have to dispose of our amendment first.

GEN. MCCOY: Well this amendment can be presented now if you wish. It has not been before the Commission before.

MR. DOUTEAU: Yes, I know that, Mr. Chairman.

Again, does the Russian delegate wish to have his amendments all considered now and disposed of today by this Commission as such?

GEN. MCCOY: I understood that he accepted my suggestion that the whole subject, after the formal presentation of the amendments and after an opportunity for any discussion that may be desired by anybody this morning, the Soviet amendments and also any that might be presented by any other member, including your own, to an ad hoc committee of this Commission--not sending it back to the military committee.

MR. DOUTEAU: Yes, I understand that, Mr. Chairman, but if we start disposing of the several amendments, including the French amendment, and vote, will the matter be referred to a subcommittee or just cleared as of now?

GEN. MCCOY: No. I didn't propose to put anything to a vote this morning but simply accept any suggestions or amendments for the action of the subcommittee.

MR. DOUTEAU: Therefore I would maintain my amendment, and if Mr. Powles wants to support it as it was, Sir, presented by the French delegation--

GEN. MCCOY: Are there any other remarks?

MR. GRAVES: I would just like to ask a point of order, Mr. Chairman. We have some Soviet amendments before us but they haven't been seconded yet.

GEN. MCCOY: I would be glad to have your opinion on that. I hadn't proposed to make any formal action this morning but refer the amendments as suggested without even calling for a second to the ad hoc committee of the Commission.

MR. GRAVES: Well we have an amendment by the French delegate before us which, I believe, has been seconded by the New Zealand representative, and unless they are seconded it would be difficult to know which to take first.

GEN. MCCOY: Well I see your point, but I think that could be disposed of when the report comes back from the subcommittee, because there are quite a number of details here that will have to be discussed on this level and I don't think anybody is prepared to vote on them this morning.

MR. PANYUSHKIN: Mr. Chairman, may I suggest the following procedure to be followed in discussing this matter? Since the Soviet amendment to paragraph 2 a is a new one, wouldn't it be advisable to discuss it here at the next meeting of the Commission without having it referred to a subcommittee. As far as the remaining amendments of ourselves are concerned, I should think that, since they are not new, we could dispose of them this meeting. So I don't actually insist that all four amendments be disposed of this meeting.

Thank you, Mr. Chairman.

GEN. MCCOY: Well, there are before the Commission now the amendments, the new amendment under paragraph 2 a and the other amendments which have been considered heretofore in their present form, I think. I take it that the Soviet Ambassador presents these for the consideration of the Commission without at the moment calling for a second and a wish for a vote at this meeting.

MR. PANYUSHKIN: Yes, Mr. Chairman, I am asking the members of the Commission to express their opinions. Probably in the course of the discussion there will be some members who would second the amendments

by the Soviet delegation. Therefore I suggest that these amendments I suggested be considered as I presented them--in the order I presented them.

GEN. MCCOY: As I understand it, the amendments are now before you without being seconded and, of course, in the formal order if we could call for a formal action on the amendments. But I take it that the Ambassador feels as I do--that they should be considered and see if there is any comment or discussion that will help us before we put the amendments to a vote. What I would like to do, if it meets with the approval of the Commission--since there are many technical questions involved here which have been very much discussed in the working committee but not at this level--I had in mind appointing a subcommittee of the whole--that is, we have had various methods of handling such committees and one of them was to simply appoint a subcommittee of the whole and any representative could attend or not, or I could appoint a subcommittee of part of our Commission if it were deemed desirable. But it seems to me that in this question, to meet the wishes of the Soviet Ambassador, who has presented the amendments for discussion and consideration prior to formal action, we might refer his amendments without formally asking for a second to an ad hoc committee of the whole and keep it on this level, as he wishes, and also since the French amendment has not been before the Commission before--it has been considered by the military committee--accept it in the same light as we are accepting the proposals of the Soviets for consideration together, that is, the French proposal to be considered together with the Soviet proposals by a committee of the whole with the hope that we can have formal action next week. Is that agreeable?

MR. PANYUSHKIN: Mr. Chairman, since there is no second to the Soviet amendments, I am afraid these amendments have not been put to a discussion yet during which probably the seconder will be there. The Soviet delegation considers that this document is really of very great

importance. I take it the same thought was expressed by my New Zealand colleague. As far as I know, Mr. Chairman, other representatives on this Commission are also equally interested in the adoption of this document. Such concern on the part of the members of this Commission is justified and, I should say, is correct since the document embraces some really important matters. Of course, Mr. Chairman, I should mention in this connection that we have a proverb in Russia: "One shouldn't intrude into a monastery with his own rules". However, since most of the four amendments which I suggested are not new, and also since we felt that the other members are interested in having an early decision on this matter, I would suggest not to refer the matter to any committee or subcommittee but to put them to discussion at this level--one by one--and see if we have any official seconder to the Soviet amendments. I suggest that these amendments of ours be discussed one by one in the nature that we officially presented them at this meeting.

MR. POWLES: Mr. Chairman, as our Soviet colleague has felt that it would not be appropriate to refer this matter to anything in the nature of a committee, and, as you yourself have suggested that you had in mind setting up a committee of the whole to consider it, might we not perhaps consider having a special meeting of the Commission to go through with the discussion of the amendments which are now before us and to dispose of them. I make that suggestion because it is now a quarter past twelve and none of us is quite sure how long such a discussion would take if we embarked on it now.

I might add, with reference to the question of seconding, that, of course, this Commission doesn't have any official rules of procedure. We just have a procedural practice which we have developed over quite a long process of discussion, and my impression of that practice is that we have never insisted upon a seconder to be forthcoming for a particular proposal until the stage has been reached at which it is felt that there is no more discussion forthcoming and that the matter ought to be put to

a vote. In other words, we have never called for a seconder initially in such a way as to prevent discussion and that, I suggest, ought to be the practice that we follow in this case.

GEN. MCCOY: Well the Soviet Ambassador has asked for discussion on each one of these amendments and I will take them in order to see if there is any discussion this morning, or any remarks.

MR. REUCHLIN: Mr. Chairman, before we embark on a discussion, perhaps we could have a clarification or a statement--an explanation--of the different amendments by the Soviet representative so that we can form our opinion after we have heard him.

GEN. MCCOY: In other words, you want the reasons?

MR. REUCHLIN: The reasons and explanations--because, for instance, this first amendment about small arms--I must admit that I don't quite understand it. I don't quite see what non-group and non-fragmentation or mass effect is. I would like to have a little elucidation on the subject.

GEN. MCCOY: Well that is what the Ambassador asked--discussion. Now, in view of your query, will the Ambassador explain the first amendment to 2 a: "In this case the term small arms is understood as arms of non-group use and non-fragmentation or mass effect carried and used by a single person"?

MR. PANYUSHKIN: Mr. Chairman, I could give some clarification if there is such necessity.

GEN. MCCOY: It has been asked by the Netherlands colleague.

MR. PANYUSHKIN: Mr. Chairman, with regard to the words "non-group use", I don't think there should be any difficulty to understand these words since it should imply that when a weapon or an arm is used by a single person and not by a group of persons, in other words, if a weapon is manned or applied in action by a group of persons then such weapon should not come under these weapons. I should add also, Mr. Chairman, that a non-group use weapon will mean not only in the sense of the

physical use of a weapon but also by the number of people that services that weapon. If this weapon is served by a number of people and not a single person then we would call it a group-use weapon.

MR. REUCHLIN: Mr. Chairman, may I ask the Soviet member--does it mean exactly the same as the last words: "carried and used by a single person"? Is that the same idea?

MR. PANYUSHKIN: Yes. As far as the phrase "non-fragmentation" is concerned, it means a bomb or shell--well, when it hits a point it shouldn't explode and give a mass effect. In other words, a shell that hits a point when sent by a weapon and remains in essentially the same form it was in the barrel, shall we say, is a weapon which gives no fragmentation effect--without exploding by itself.

MR. POWLES: Mr. Chairman, if the words "non-group use", which were not clear to me either and perhaps not clear to some others, mean the same as the last phrase: "carried and used by a single person", as now seems to be the case, would it not add to the clarity of the Soviet amendment if those words were omitted?

MR. PANYUSHKIN: I should emphasize, Mr. Chairman, that our wording as it is here would give a clear interpretation to the thing and would avoid any possibility of misinterpretation or wrong interpretation.

MR. POWLES: Mr. Chairman, the difficulty I had in my mind about the use of the words "non-group" was that they might be taken to mean used against the group or used by a group. I can understand--our Soviet colleague now says that "non-group use" means that it mustn't be used by a group, but as it stands there it possibly could mean also that it mustn't be used against a group--and I don't think that was intended, and as I feel that there is an ambiguity there it seems to me that, if it means the same as "carried and used by a single person", it might well be left out.

MR. PANYUSHKIN: May I answer that question, Mr. Chairman? What we mean by "group use" of a weapon is a weapon which is manned by a

group of men and not used against a group of men.

GEN. MCCOY: Are there any other queries or comments on that particular article?

DR. KOO: Mr. Chairman, I would like to ask one little clarification about the scope of the words used and I would like to ask more specifically whether, for example, tear gas bombs and submachine guns, which are mentioned in the French amendment are within the exclusion or without the exclusion--are permissible.

GEN. MCCOY: Did you get the question?

MR. PANYUSHKIN: Mr. Chairman, ^{as} I understood it, it seems to me a submachine gun, for example, is a weapon of group use. Since I have done some little fighting myself I would say that a submachine gun could not be considered as a single person use weapon but a group use weapon because of the fact that it is manned not only by the one who actually shoots the submachine gun but also by a group of other persons who carry munitions for it and in other ways serve this gun.

MR. POWLES: Mr. Chairman, if the Soviet Ambassador has stated his opinion that a submachine gun would be excluded by his amendment, I am afraid I couldn't support his amendment because I feel that the Japanese police should be permitted under certain safeguards to use submachine guns. But the explanation that the Soviet Ambassador gave for his exclusion of submachine guns seemed to apply to machine guns and not to submachine guns. There is a well-known difference between the two, as any of us who served in the army know, and, if I might be allowed to say so to the Soviet Ambassador, I also have some small military experience and have actually used a submachine gun singly and by myself--nobody helped me at all.

MR. PANYUSHKIN: Mr. Chairman, if there is such a weapon as a submachine gun which is not manned by a group of persons then it shouldn't come under our wording.

MR. COLLINS: Mr. Chairman, I would like to ask a question here in

order to get complete clarification on this. The one phrase that was not explained by the Soviet Ambassador, the words "mass effect": I quite agree that a submachine gun could hardly be considered as of group use, but I wonder whether either a submachine gun or a tear gas bomb comes under the description of "mass effect"?

MR. REUCHLIN: Mr. Chairman, I myself, and perhaps other members, have not the same advantage as some other members of having military experience and I would seriously ask you to adjourn discussions until such time that we could have our military advisers here, because I feel we are getting into highly technical details which I am afraid I don't understand much about. So adjournment I think would be in order.

GEN. MCCOY: You want an answer now?

MR. COLLINS: Not necessarily, Sir. I just heard the question regarding tear gas bombs, which has not been answered.

GEN. MCCOY: That is, about the tear gas bombs?

DR. KOO: Yes.

GEN. MCCOY: The Chinese Ambassador made the query about the use of gas bombs, and I understood from your explanation that that is not accepted by this wording, that is, it does not fragmentate and the gas comes from the bomb without bursting the bomb. I think that query was made by the Chinese Ambassador. Am I correct?

DR. KOO: Yes, I would like to know whether tear gas bombs come within the exclusion or not.

GEN. MCCOY: The question was whether tear gas bombs come under this wording of the Ambassador.

MR. PANYUSHKIN: Mr. Chairman, I am certain that a tear gas bomb is a weapon of mass effect. When a tear gas bomb explodes it affects not a single person or not the person against which it was probably shot, but it gives a mass effect since it affects all the persons that surround this particular spot.

GEN. MCCOY: In other words, from your understanding of the amend-

ment, it prohibits the use by police of both the hand weapon known as the sub-calibre machine gun and the use of tear gas?

MR. PANYUSHKIN: Yes, Mr. Chairman, that is the conclusion that should be drawn from the wording.

GEN. MCCOY: That is, I understand that the conclusion that we draw from your understanding of the words is that the sub-calibre machine gun carried by one person is prohibited and also the use of a tear gas bomb?

MR. PANYUSHKIN: Mr. Chairman, if it is a submachine gun which is manned by a single person then it shouldn't come under our wording, but if it is served by a group of persons then it should. On the other hand, Mr. Chairman, one could argue that machine guns are weapons of mass effect.

GEN. MCCOY: Well that answers your question, Mr. Powles.

MR. POWLES: It could be very well so argued.

MR. REUCHLIN: But, Mr. Chairman, surely if a machine gun has a mass effect, I can see that a rifle has not a mass effect--but a hundred soldiers with a hundred rifles would have a mass effect so the rifles should be forbidden.

MR. PANYUSHKIN: We don't oppose rifles.

GEN. MCCOY: Well, gentlemen, are there any other comments at this time?

MR. PANYUSHKIN: Mr. Chairman, at this stage I would support our New Zealand colleague's suggestion to call a special meeting and adjourn this afternoon since the time is getting late--close to lunch.

GEN. MCCOY: There were two suggestions: one is to hold a special meeting of the Commission, and the other to appoint an ad hoc committee of the whole. Which is the desire of the Commission?

MR. PANYUSHKIN: I take it the first suggestion which you just mentioned was submitted by the New Zealand representative?

GEN. MCCOY: Yes.

MR. PANYUSHKIN: I therefore support that proposal.

GEN. MCCOY: Do you make that motion--that we have a special meeting of the Commission?

MR. POWLES: I am prepared to make that proposal, Mr. Chairman.

GEN. MCCOY: Is there any second?

MR. PANYUSHKIN: We second it, Mr. Chairman.

GEN. MCCOY: When would you suggest? The Secretary General suggests, if that is the consensus of the Commission, that we have a special meeting on Friday, tomorrow morning. Would that be agreeable to you?

MR. POWLES: Just what my colleagues feel about it, Mr. Chairman. I have no views on it.

GEN. MCCOY: Is Friday, tomorrow, agreeable to you?

MR. PANYUSHKIN: No objection, Mr. Chairman.

GEN. MCCOY: Or Monday morning--which would be more agreeable to the members?

MR. PANYUSHKIN: It is all the same for me, Mr. Chairman.

MR. POWLES: It is the same for me, Mr. Chairman.

GEN. MCCOY: What is your wish, gentlemen?

DR. KOO: In view of the technical character of these terms, I certainly would like to consult our experts. Perhaps Monday would be preferable, to give us a little more time for consultation.

GEN. MCCOY: If there is no objection, then, we will meet as a Commission on Monday morning at 10:30 A.M.

ITEM ~~6~~ - ADVANCE TRANSFERS OF JAPANESE REPARATIONS (FEC-201/1)

(There was no discussion of this item.)

ITEM 7 - OTHER BUSINESS

(None)

GEN. MCCOY: We now stand adjourned, gentlemen.

(The meeting adjourned at 12:45 P.M.)

FAR EASTERN COMMISSION

Transcript of Eighty-seventh Meeting of the Far Eastern Commission.

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

Monday, January 19, 1948

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Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.
Monday, January 19, 1948

Representatives Present

Major General Frank R. McCoy, Chairman	(United States)
Mr. H. W. Bullock	(Australia)
Mr. R. E. Collins	(Canada)
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. Alexander 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 eighty-seventh meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:40 A.M., 19 January 1948, Major General Frank R. McCoy, Chairman.)

GEN. MCCOY: Good morning, gentlemen, we will now come to order.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 86th MEETING

GEN. MCCOY: The minutes of our last meeting are before you for comment or correction.

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

MR. PANYUSHKIN: Mr. Chairman, I have some comments on the minutes. I would like to have the following corrections to the minutes:

On page 2, paragraph 2, there is some inaccuracy in my statement concerning the document FEC-286; my statement should be worded as follows:

"In so far as there are among the representatives different points of view concerning this subject and due to the fact that not all the representatives had sufficient time to study FEC-286 which had been received one day before the FEC meeting, MR. PANYUSHKIN suggested to take this question off the agenda in order that the representatives ask the views of their Governments and later consider the question whether or not the application of Pakistan should be put before the Commission".

On page 3, paragraph 7, after the second sentence add a new sentence in the following wording:

"But the main reason for the delay in the adoption of this document in the whole lies in the fact that certain countries do not show the willingness to approve the Soviet amendment to paragraph 10 in which other countries are interested as well."

On page 3, paragraph 7, substitute the word "any" for the word "all" in the third sentence.

On page 3, paragraph 7, substitute the words "in the Commission" for the words "between the Soviet and the United States" in the last sentence.

GEN. MCCOY: The minutes will stand of record as corrected.

ITEM 2 - PROHIBITION OF MILITARY ACTIVITY IN JAPAN AND DISPOSITION OF JAPANESE MILITARY EQUIPMENT (FEC-017/17, -/18)

GEN. MCCOY: This special meeting is for the express purpose of considering the paper under Item 2, the Prohibition of Military Activity in Japan and Disposition of Japanese Military Equipment, originally of the 017 series. FEC-017/17 (and here there is a correction to be made: instead of /18 it should be /19) is a proposed policy decision forwarded to the Commission at the Steering Committee meeting on the 2nd of December last. Certain Soviet objections to the proposal were placed before the Commission as formal amendments at the meeting of 15 January and these amendments are shown in FEC-017/19. Discussion of these amendments was begun at that meeting and is to be resumed at the present special meeting.

What is your wish, Mr. Ambassador, as to our procedure? Do you wish to take up the amendments one at a time and dispose of them after discussion or do you wish to present them as heretofore and have me follow through one amendment at a time?

MR. PANYUSHKIN: Mr. Chairman, as I remember, at the last meeting I expressed my opinion as to what would be the best way to proceed with the discussion of the amendments. I thought at that time that to discuss them one by one would be more advisable.

GEN. MCCOY: Yes, so that I shall go ahead then in seriatim?

MR. PANYUSHKIN: Yes.

GEN. MCCOY: There comes up a point of procedure here that was raised at the last meeting and since. Heretofore in this Commission we have discussed such amendments informally on presentation without necessarily calling for a second, and in that procedure the Chairman followed the procedure in the United Nations committees and councils. I am faced, in front of our United Kingdom representative, by the little book known as Robert's Rules of Order, and in that procedure, which is the ordinary procedure of other conferences and committees, it requires a second to the amendment before the amendment is discussed. I'm prepared to follow

either procedure as the Commission may desire. I think myself our informal way of proceeding is probably better under the circumstances, as we look back over our former rulings, and I put it before you, before we discuss the amendments themselves, as to what procedure you would wish me to follow.

MR. NAGGIAR: You just made a reference, Mr. Chairman, to the procedure at the United Nations Security Council. May I inquire if this procedure is adopted as a permanent and general rule at the Security Council now? I am not very well acquainted.

GEN. MCCOY: Mr. Stratton, will you inform the Commission of your research work?

MR. STRATTON: Mr. Chairman, the provisional rules of procedure for the security Council which were adopted in June of last year provide specifically in Rule 34, I believe it is, that no second shall be required for any proposal to be put to a vote, and I understand that the practice is that no second is required for discussion as well.

With regard to the General Assembly, Mr. Chairman, there has been no procedural rule on that point, but I'm informed by people from the State Department who are familiar with procedural matters that the subcommittee of the General Assembly on procedure discussed that very consideration last summer. The proposal had been made in the committee that perhaps a second should be required in the General Assembly before a motion could be discussed or could be voted on, and after some discussion the proposal was rejected for two reasons: first, because the General Assembly, like this body, makes it possible for any member on his own initiative to put any item on the agenda and they felt it would be inconsistent to have that rule and at the same time require that a proposal be seconded before it could be discussed. There would be no point in putting it on the agenda if it couldn't be discussed. Secondly, there was the feeling that the requirement for a second in order for discussion to begin was too restrictive of full and free debate. Therefore the proposal was rejected.

GEN. MCCOY: Well, you might say it is the procedure of the United Nations as a whole to permit any member to put an amendment on the agenda and also it can be discussed without a second until it is put before the body for a vote.

MR. STRATTON: And even then they don't require a second for voting in these two organs of the United Nations. I am not sure of the others, but apparently it is a standard rule there.

GEN. MCCOY: Is there any other discussion on this point of procedure?

MR. PANYUSHKIN: Mr. Chairman, I perfectly agree with the expression which was just heard. I agree that no official second is necessary before a question is put to discussion and to a vote.

GEN. MCCOY: If there is no objection then, we will proceed informally on that general line of procedure.

Will you please have before you FEC-017/17. When we adjourned at the last meeting of the Commission the first amendment proposed by the Soviet representative was concerned with paragraph 2 a of /17:

"Add following sentence after the words 'civil police':

'In this case the term "small arms" is understood as arms of non-group use and non-fragmentation or mass effect, carried and used by a single person.'

That was the subject of discussion at the time of our adjournment, and I now put it before you for further discussion after the period in which you had an opportunity to consider what discussion we have already had and possibly a clarification can be had which will be agreeable to all of us.

The minutes are before you and on page 4 the discussion begins— since the discussion was informal and no second called for—I did bring, I think—no, Mr. Fowles of New Zealand brought to our attention that there had been an effort at compromise by the French representative, and following the informal nature of the discussion I suggested that the French amendment be also put before us, so that in the discussion we would have not only the Soviet amendment but also the French amendment.

You will find them both stated on pages 4 and 5.

MR. PANYUSHKIN: Mr. Chairman, may I make some comments? Since you have mentioned first the French and New Zealand amendment, I would like to say one or two words in defense, shall we say, of our own amendment and also why the French-New Zealand amendment is not acceptable to our delegation.

Mr. Chairman, according to the joint French-New Zealand amendment, it is suggested or proposed that the Japanese police be armed with sub-machine guns and tear gas bombs. To allow the Japanese police to have sub-machine guns and tear gas bombs would permit the Japanese to import such weapons, store them, and accumulate and study the tactics of their application. All this would endanger the security of the Allies.

Mr. Chairman, there is, I think, quite a legitimate question: why should not the Japanese police be armed like the German police, in particular as an example, the police in the American Zone of occupation of Germany. As an example I could point out, Mr. Chairman, that in the American Zone of Occupation of Germany automatic weapons are prohibited to be used by the police except pistols, revolvers and policeman's clubs. However, while making some concession as far as the armament of Japanese police are concerned since we are going to allow the Japanese police to be armed with rifles, the Soviet delegation would oppose the armament of Japanese police with fully automatic weapons and tear gas bombs since all these weapons are of mass effect.

Thank you, Mr. Chairman.

GEN. MCCOY: I think, as a matter of information, that it might be stated that this doesn't or it has not been the custom of the Supreme Commander in Japan to arm the Japanese police except with pistols, and on only certain emergency cases there. In fact, in the hands of the Japanese police today there is only about one pistol to four policemen and they are used only to meet emergencies where the danger to them might be enhanced by the irresponsible people having such weapons. This in itself does not mean that the Japanese police are going to be armed

with these special weapons in question, such as sub-caliber machine guns or gas bombs. It simply permits the responsible commander to have a little discretion to meet the emergency and issue them if necessary.

MR. HAGGIAR: Mr. Chairman, may I say a word? I would like to emphasize that the danger to which the Soviet Ambassador referred of having the Japanese making stocks of arms has been dealt with in the French amendment because there is that phrase: "and when not so issued, and after conclusion of the particular emergency, such equipment should be stored under the control of the Supreme Commander for the Allied Powers". So it seems that there is no danger of the Japanese police making stocks of those arms. Besides, the mention of tear gas bombs and sub-machine guns was made in accordance with the general use of police all over the world. They use tear gas bombs and sub-machine guns in case of emergency. So, when the French delegation made this amendment in a spirit of conciliation, we had no intention whatever to have the Japanese police be permitted to use those arms and make stocks of them or to use them in such a way that it would be considered as a mass effect besides the general use of those arms by police all over the world.

MR. POWLES: Mr. Chairman, I think that it should be said that there is a considerable difference in our view between the situation in Germany and the situation in Japan. In Germany there is a military government in the various zones and the population also is not as dense as it is in Japan. The military government in Germany is itself responsible for the actual maintenance of law and order and its control over the administrative organs of Germany's life is very much more detailed and more pervasive than is the control exercised by the Supreme Commander in Japan. In Japan there is ~~not~~ a fully operating Japanese government and that government is primarily responsible for maintaining law and order in Japan. Furthermore, the proportion of occupation troops to population differs very widely as between Japan

and Germany. Under these circumstances, the New Zealand delegation felt that it was highly desirable for the Japanese police in an emergency to have weapons at their disposal of a kind sufficient to enable them to deal adequately with some form of mass activity which might perhaps be produced even in some outlying areas by a revival of militaristic thought or action in some form in Japan. And we also felt that it would be highly undesirable in Japan for the occupation troops, such as they are, not omitting the fact that there are also New Zealand soldiers in Japan, we thought it would be undesirable for these troops to be engaged in any form of activity whereby they themselves came into direct conflict with the Japanese population and would have to be a direct armed conflict. Consequently, we thought that to make that very undesirable event as far off and as unlikely as possible the Japanese police should be permitted themselves to have at their disposal weapons capable of dealing with all forms of minor mass activity, and consequently we felt it essential that they should have at their disposal in an emergency sub-machine guns and tear gas bombs.

GEN. MCCOY: Subject to supervision--

MR. POWLES: Subject to supervision as stated in this amendment, and I think that the amendment endeavors to meet with the general elasticity of the situation in Japan.

GEN. MCCOY: Taking my background as a military man rather than as Chairman of the Commission, there is one other point here in the Soviet Ambassador's remarks last meeting that I think might be cleared up about the tear gas bomb. I refer to Mr. Panyushkin's statement, that is, "He replied that tear gas quite definitely was a weapon of mass effect because when a tear gas bomb explodes it affects not only a single person or the person against whom it may originally have been directed but affects instead all the persons surrounding the particular spot". I think the Ambassador is in a military sense misinformed there because the tear gas bomb doesn't explode. It's not a fragmentation

bomb in the sense that he considers it but the most humane way that we have of giving police action without injuring beyond the temporary irritation that comes from the escape of gas from the bomb without explosion.

MR. NAAGIAR: Mr. Chairman, may I add one word. It seems to me that it is very difficult to avoid any kind of mass effect in police action because tear gas is a human way of dealing with police troubles, but everywhere sometimes in case of emergency and disorderly crowds instead of using tear gas bombs they use fire hoses. They bring in the fire hose and the pumps and have water dropped onto crowds and it is a mass action, if I am not mistaken. You cannot deal with a dispersal problem or deal with one disorderly man at a time. Sometimes you have to act on him in a crowd and you get in a crowd some kind of mass effect. But I understand very well the point of the Soviet delegation when they wish not to add what they call fragmentation weapons, that is to say, shells which they argue are arms of group use and fragmentation action. So it seems to me the term "mass effect" used in the Soviet amendment seems to make all police action very difficult. If mass effect as a rule is prohibited, then how could they deal with a crowd? It would be very difficult.

GEN. MCCOY: Under these explanations, Mr. Ambassador, could you accept the French amendment?

MR. PANYUSHKIN: Mr. Chairman, I would like to give a reply in particular to your own statement. You will remember at the last meeting, when referring to tear gas bombs, I didn't call them fragmentation effect but, at any rate, tear gas bombs are of mass effect. This is point number one.

Mr. Chairman, I just heard our French colleague's apprehension as to how the Japanese police would handle the situation if the police were not armed with mass effect weapons. I would like to point out, however, that we are allowing the Japanese police to use rifles and

pistols. It should be just sufficient for them. We have got to effect that in Japan there is a government which is responsible for maintaining law and order, Mr. Chairman. In regard to the fact that in Japan there is a government responsible for maintaining law and order, I would like to point out this fact: just suppose that we adopted the French-New Zealand amendment, it would give the Japanese Government the right to require to have such armament and that would contradict our policy, which says that Japan should not be a menace to our security.

Thank you, Mr. Chairman.

GEN. MCCOY: Are there any other remarks on the so-called French amendment?

MR. NACCIAR: May I make just a suggestion? I don't know if it is agreeable to the Commission and to the Soviet delegate--we have made this amendment, as you know, Mr. Chairman, in a spirit of conciliation, trying to understand the point of all concerned, and when I compare the French and New Zealand amendment and the Soviet amendment as it stands now, I think perhaps that in a new construction of the two amendments by the Soviet expert and the French expert we may perhaps have a new amendment that would take in some of the language and bring before the Commission a new text that perhaps would be agreeable to all concerned. I make this suggestion that really in a full spirit of conciliation, trying to get over the obstacle we are dealing with now, and I don't know what will come out of it. Three delegation and four, perhaps the American delegation, will be interested in trying to get some new text. I don't know, but anyhow I make this proposition now, Mr. Chairman, and I would like to know the view of other delegations on this proposal.

GEN. MCCOY: Well, as far as the American position is concerned, we will go very far in a conciliatory spirit with our colleagues, having in mind that this paper has been before us for nearly two years, in a very patient effort to meet the different points of view. It doesn't

affect primarily the American position and responsibility in Japan because this paper does not give any new powers to the Supreme Commander. He has sufficient already, and if no action is taken or if this paper is not agreed to, the Supreme Commander is fully empowered to follow his own discretion under the original directives of the American Government which followed very closely the Potsdam Declaration and the agreements of the Powers at that time. So that any agreement that could be reached on this paper is more from the point of view of being conciliatory on our part and trying to meet the wishes of the other members of the Commission. I personally, after having this paper before us all this time, would feel that it is important just to show that international cooperation works with us—that after two years where we have narrowed it to a very minor number of amendments that are capable of clarification and I would hope of acceptance after all this period. I have a certain responsibility as Chairman for doing everything in my power to obtain agreement rather than throw out both the baby and the wash tub out the window after all this period of effort. It would seem to me that the point at stake is not the particular points in these amendments but the ability of us to reach agreement.

What is your wish, Mr. Ambassador, in reply to the French effort to find a formula?

MR. PANYUSHKIN: Mr. Chairman, may I make a comment? The Soviet delegation considers this document of very great importance which should be adopted as soon as possible, and the delegation also shares the views expressed by the New Zealand representative at the last meeting with regard to the importance of the paper.

With regard to the suggestion made by the French representative, I have to say that the Soviet delegation will not agree to any alterations for the wording which was suggested at the last meeting. The wording we have suggested is just in agreement with the position that the Soviet Government has held on this question.

Mr. Chairman, the Soviet Government is unwilling to delay the

adoption of this paragraph and, in trying to do everything it can to adopt a decision on this paragraph, agrees with the wording of this paragraph as it appears in FEC-017/17. However, I would like to make the following statement which I would suggest be attached to the record. The statement which I make is as follows:

"The Soviet delegation understands the term 'and other small arms' in paragraph 2 a of FEC-017/17 to mean arms of non-group use and non-fragmentation or mass effect, carried and used by a single person."

That is all, Mr. Chairman. Thank you.

Mr. Chairman, I would ask that this statement be attached to the document.

(There was a slight pause at this point for consultation.)

GEN. MCCOY: Although I have taken the time to consult my advisers, we're still in session, and I will now ask the New Zealand representative and the French representative if they are willing to withdraw their amendment and if the Soviet representative is willing to withdraw his amendment, to be considered when we vote on the basic paper, and then to go on with the discussion of the other amendments at this time, and having finished with them to then vote on the original paper subject to what action we take on the other amendments as we go along. Are you and the French Ambassador willing to withdraw your amendment for the moment?

MR. NAGGIAR: Mr. Chairman, I am quite willing to do as you suggest--withdraw our amendment--but we will maintain our amendment if there is no agreement on this point.

GEN. MCCOY: Yes. I thought we could clarify one amendment at a time now and then come to the basic paper, having in mind what has gone before.

MR. NAGGIAR: I quite agree with your suggestion, Mr. Chairman.

GEN. MCCOY: Is that agreeable to you, Mr. Powles?

MR. POWLES: Yes, Mr. Chairman.

GEN. MCCOY: Is it agreeable to you to follow that procedure, Mr. Ambassador?

MR. PANYUSHKIN: No objection, Mr. Chairman.

GEN. MCCOY: We will then proceed to the next amendment.

DR. TAN: Mr. Chairman, I should like to ask a question about the Soviet amendment. Paragraph 6, of course, is that "Military equipment seized from the former Japanese armed forces or from members of the Japanese civil populace should after examination" and then follows the Soviet amendment "at least not later than within a six months' period from the date of the adoption by the Far Eastern Commission of this document be destroyed". I want to know whether this amendment would cover all the contingencies or not. Suppose we adopt this paper next week and then after seven months, for instance, some kind of military equipment would appear to be rather complicated and which seem to be of importance is seized from a Japanese private individual, that is, from the civil populace, that would be beyond the six months' period. Does it mean in such event they should be destroyed at once without examination.

GEN. MCCOY: That is not in this particular amendment that we have just been discussing, is it?

DR. TAN: The second one, paragraph 6, Mr. Chairman.

GEN. MCCOY: Yes, that was what we were about to go to. You have reference to paragraph 6, I think.

DR. TAN: Yes, Sir.

GEN. MCCOY: Well we were discussing, you see, paragraph 2 & still.

DR. TAN: I thought we had finished that.

GEN. MCCOY: We are coming now to paragraph 6:

"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.'"

That is what you had reference to, I take it?

DR. TAN: Yes.

GEN. MCCOY: Will you please repeat your question?

DR. TAN: What I want is, there may appear to be certain contingencies, certain situations, which this amendment on the face may not be able to cover. Suppose this amendment is adopted tomorrow and the paper is adopted next week, then after seven months, for instance, there will be discovered either from Japanese--well, there are no Japanese armed forces now technically--but suppose military equipment, some kind of military gadget, invention which appears to be of great importance is seized from the Japanese populace, now, what should be done in such a case, because it is very clear that six months already have expired after the adoption of the paper? Would it mean that such invention should be destroyed at once without examination?

GEN. MCCOY: Do you understand the point that Dr. Tan makes?

Would you please reply to that?

MR. PANYUSHKIN: Mr. Chairman, do I take it that this question was put not to me but to the Chairman?

GEN. MCCOY: Well it's a new point to me and I was referring to the Ambassador to see if he had any information since it is his amendment--to see if he can clarify the point raised by Dr. Tan.

MR. PANYUSHKIN: Mr. Chairman, I am afraid I can't take the responsibility of giving an interpretation of the whole document. I could interpret my own amendment. My personal view is that in that case the equipment to which reference was made should be destroyed, I mean, that equipment which would be found later should be destroyed or scrapped.

GEN. MCCOY: I think possibly that there can be a clarification of this whole point brought up by stating what has already been done. Much along the line of the policy that we are considering has already been done, and I will ask Dr. Blakeslee, who is familiar with that fact,

to explain in a general way and then file in the record for your information the statement that he makes with the attendant papers from SCAP.

Dr. Blakeslee--

DR. BLAKESLEE: Mr. Chairman, I simply remind the Chairman and the members of the Commission of two documents which have been distributed: one, FEC-017/11, October 13th, in response to a request of the United States Government, submitted to the Commission a detailed statement of what has been done with the military equipment which was captured from surrendered Japanese. It was explained--at the time in the haste of surrender there was a quantity of military equipment which was handed over and at once dumped into the ocean. Otherwise this is believed to be a correct statement.

You may remember that the first line is "Total Arms of Various Kinds Received:--Artillery, Automatic Weapons, Pistols, Revolvers, Bayonets, Rifles and Carbines, Tanks, Tankettes, and Aircraft"; next the number under each category destroyed; next the number retained as trophies for Allied troops; next, retained by the occupation forces; next, used for training, war memorials, museums, etc.; and finally, returned to the Japanese for use by the police, and a certain small number, 142, tanks and tankettes, after being demilitarized, were given to the farmers.

Next, in response to other questions, there was another document distributed, FEC-017/14, October 30th, and the United States Government informed the Commission that in regard to trophies for troops all items have been removed from Japan except possibly a few trophies still retained by soldiers and sailors in the United States forces in Japan.

Next, Column "E"--"Used for Training, War Memorials, Museums, etc.", all have been either completely removed from Japan or in process thereof.

The next, "Returned to the Japanese", a few thousand pistols

and revolvers have been passed on to the Japanese police and a few demilitarized tanks and tankettes turned over to Japanese farmers for use as tractors.

Under "Ammunition", all ammunition for items listed in FEC-017/11 have been destroyed except a small amount needed for items retained by occupation forces and the pistols and revolvers retained by the Japanese police.

That list, it is believed by our Government, covers quite completely the description of what has happened to the different military equipment received from the Japanese.

GEN. MCCOY: Those documents to which Dr. Blakeslee refers have already been distributed to you, and I think that there's one point, Dr. Blakeslee, as I understand it, by a certain date this was completed, that is, wasn't it to be completed under General MacArthur's direction by the 1st of January?

DR. BLAKESLEE: I don't remember that.

GEN. MCCOY: Well, I am mistaken about that.

DR. TAN: Mr. Chairman, now the point in my mind for which I raised this question is this. We know the general purpose of this paper is to prohibit Japan from being rearmed, et cetera, that is to say, we have the whole objective of this paper in mind and then we will read into the paper the wishes that we have in mind. So, personally, I should like to interpret it this way: "Military equipment seized from..."—this is past participle—I would read it like this: "...which has been or will be seized..." because if we only refer to what has been seized so far it is still highly possible some day the Commander in Chief may discover hidden arms equipment or military inventions of importance, so that is the reason why I raised this point because if we have just permission to cover the past, what has been seized so far, it may not be complete.

GEN. MCCOY: Well your point, Dr. Tan, as I understand it, is covered in the original article. The complication comes from inserting

the six months, for instance, "Military equipment seized from the former Japanese armed forces or from members of the Japanese civil populace should after examination be destroyed or scrapped except for" the reasons given below here, so that your query and exception was taken to the six months.

DR. TAN: Precisely. That is why I first raised the question.

GEN. MCCOY: It seems to be covered here already except for military equipment required for operational needs of the occupation forces or for the lawful activities of the Japanese civil police; items convertible to peacetime civilian uses; such equipment may be drawn for, (1) the maintenance and subsistence of the occupation forces, prisoners of war, and nationals of members of the United Nations; (2) the relief of the local population to the extent necessary to prevent or alleviate epidemic or serious disease and serious unrest which would endanger the occupation forces and the objectives of the occupation. So that it's the insertion of this six months that causes the inquiry in your statement.

DR. TAN: Yes, and also due to the fact that from my interpretation military equipment to be seized from the Japanese populace in the future must be destroyed also. Now that is my understanding. I just wanted to find out about how certain cases would be covered in the future.

GEN. MCCOY: Are there any other points on this particular amendment that occurs to any representative?

MR. COLLINS: Mr. Chairman, one question that I wanted to ask—I may be completely confused on the implications of the wording—but it seems to me that if the Soviet amendment is put in after the word "examination" that the time limit would apply to examination rather than to the destruction and scrapping. I wonder whether any other members are faced with the same difficulty in reading the paragraph as a whole—whether that perhaps is the original intent? The question is, is the time limit supposed to apply to the examination or to the period within which the destruction should take place?

MR. PANYUSHKIN: Mr. Chairman, it seems to me that this six months' period covers both the examination and the destruction from the date of the adoption of the Far Eastern Commission policy.

MR. COLLINS: In that case, I should think that it would be more logically placed after the word "scrapped".

(There was a slight pause at this point for consultation.)

GEN. MCCOY: We will resume our session.

I would like, in line with this amendment, to continue to try and give the whole picture as has been in Japan because there are other occupying forces in Japan as well as the American, and, of course, there have been large numbers of articles and scientific things and war trophies turned over to them, including the British and, I hope, the New Zealand forces, and the Australian and the Soviets, and this applies not only to the American occupying forces but all concerned. Dr. Blakeslee has some further information on that line that I would like to have him communicate to you.

DR. BLAKESLEE: Well, Mr. Chairman, the item which I thought you had in mind was this. This information which the United States Government gave as to the disposition of the different items of military equipment is, as we understand it, complete up to the time the information was given down to the last bayonet and the last rifle, and it was stated clearly that some of these were for trophies brought back to the United States, others were for memorials and museums, and others for memorials and others to be retained as items in museums. Now the query arises whether, if a time limit is put upon the destruction of all of the items of military equipment, it might not be interpreted as an obligation on the part of the United States and of the other countries which have items of Japanese military equipment to destroy them, whereas on the basis of the understanding in the working committee and of the understanding of the Steering Committee it appeared to be the general consensus that items which were thus described in the report of the

United States Government--the trophies, memorials, items in museums-- were not to be destroyed.

The second item to which the Chairman referred is this, that we must bear in mind that this provision, if it should be adopted, the provision in the original paper, the provision in the amendment, would apply to all of the states represented in Japan, a number of which have received from the Supreme Commander very substantial numbers of important items. It also would apply to the equipment which other military commanders have received from the Japanese, and so far as we're aware, Mr. Chairman, no report has been made by the other countries of the disposition which they have made of military equipment seized from the Japanese. Before having a further detailed discussion of this item, I think the thought of the Chairman was that it might be appropriate for the other countries to make an equally detailed statement as to the disposition of Japanese military equipment which they had obtained from the Japanese which so far as we understand has not been presented.

MR. PANYUSHKIN: Mr. Chairman, may I say a word? It seems to me that if this paragraph 6 were adopted either with the amendment which was suggested now or with the exclusion of the words "after examination", it would apply to all countries occupying Japan. I don't think it is reasonable to bind the adoption of this decision with the presentation by the other countries of information pertaining to Japanese equipment which they have.

GEN. MCCOY: Under the circumstances, and under the statements made by my assistants, I would be obliged to say this this amendment in its present form would not be acceptable to the United States.

There are still other amendments to be considered and it is now 12:30. What is the wish of the Commission? Shall we defer the discussion of the other amendments to the next meeting on Thursday? Is that your wish, gentlemen?

MR. GRAVES: Mr. Chairman, you mentioned three amendments, but we are coming back again, I believe, to paragraph 2 A, aren't we, to discuss the question of the statements?

GEN. MCCOY: Yes. Well I thought that would come up when we consider the whole basic paper.

MR. GRAVES: Yes, because I suggest now the right to interpret the statement then.

GEN. MCCOY: Yes.

MR. PANYUSHKIN: May I say a word, Mr. Chairman?

Since the time is getting late, Mr. Chairman, and we probably will not have time to continue on our discussion, and since on next Thursday it's a national holiday for the Soviet Union--Lenin's Day--we commemorate the anniversary of the death of our leader, I would ask, Mr. Chairman, not to hold the meeting on Thursday but to convene the meeting on Wednesday, next, or Friday, next. Would that be practical?

GEN. MCCOY: If it is agreeable then, we will adjourn until Wednesday morning at 9:30 A.M.; at the request of the Soviet Ambassador Thursday will be a holiday, and we will not hold a meeting on Thursday. I think under the circumstances we better say 9:30 A.M., if it is agreeable, on Wednesday. Then we will meet at 9:30 instead of 10:30.

MR. PANYUSHKIN: It is acceptable to me, Mr. Chairman.

GEN. MCCOY: Is that acceptable to the Commission? We will assume so and stand adjourned until 9:30 A.M., Wednesday, with no meeting on Thursday.

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

FAR EASTERN COMMISSION

Transcript of Eighty-eighth Meeting of the Far Eastern Commission.

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

Wednesday, January 21, 1948

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Wednesday, January 21, 1948

Representatives Present

Major General Frank R. McCoy, Chairman	(United States)
Mr. H. W. Bullock	(Australia)
Mr. R. E. Collins	(Canada)
His Excellency Dr. V. K. Wellington Koo	(China)
His Excellency Mr. Paul E. Naggiar	(France)
Mr. J. Vesugar	(India)
Mr. Ol Reuchlin	(Netherlands)
Mr. G. R. Powles	(New Zealand)
Mr. J. U. Jovellanos	(Philippines)
Mr. Alexander 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 eighty-eighth meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:40 A.M., 21 January 1948, Major General Frank R. McCoy, Chairman.)

GEN. MCCOY: Good morning, gentlemen, we are now in open session.

MR. GRAVES: Mr. Chairman, may I just make a remark about the agenda? When we reach Other Business this morning, I should like, with your permission, to make a brief statement on the paper which has just come before us, FEC-288.

GEN. MCCOY: Yes, it will be a pleasure.

ITEM 1 - APPROVAL OF THE MINUTES OF THE 87th MEETING

GEN. MCCOY: Gentlemen, are the minutes correct this time or are there some changes to be indicated?

Well, we are congratulated in that long session that we were able to get the minutes down correctly. If there are no objections, they will be made of record.

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

GEN. MCCOY: The paper known as FEC-017/17 continues to be before us with the consideration informally of the Soviet amendments to paragraph 2 a and paragraph 6, which have already been discussed, and there are now still other amendments that I believe the Ambassador wishes to discuss with us and have me put before the Commission in seriatim?

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

MR. PANYUSHKIN: Mr. Chairman, as far as I remember it was agreed at the last meeting to discuss the amendments in seriatim.

GEN. MCCOY: Yes. These amendments have all been before the working committee and the Steering Committee and are reintroduced after having failed on the lower echelon for reconsideration by the Commission at this level.

MR. HAGGIAR: Mr. Chairman, before we drop entirely the amendment to paragraph 6, may I make some remarks?

I wonder if it would be agreeable to all delegations concerned to keep the draft as it has been established in paragraph 6 but to add the word "technical" to "examination", so that the paragraph would be as follows: "Military equipment seized from the former Japanese armed forces or from members of the Japanese civil populace should after technical examination be destroyed or scrapped except for:"

GEN. MCCOY: The only change you make then would be the insertion of the word "technical"?

MR. NAGGIAR: There would be no other change but the word "technical" put between "after" and "examination".

GEN. MCCOY: Does the Soviet Ambassador accept that suggestion of the French delegate?

MR. PANYUSHKIN: Mr. Chairman, I have a question to ask the French delegate in connection with the amendment he suggests. What idea should be implied by the word "technical" that is to be added to the previous wording?

MR. NAGGIAR: In my opinion the word "technical" has a very precise meaning. The examination, once defined as technical, will be entirely based on technical matters of the arms, ammunition, et cetera. It will be at the discretion in a certain way of the Supreme Commander to interpret the word "technical" without changing its fundamental meaning, of course, but that means examination could not be based for instance on political motives. It will be entirely a question of technicality of the moment and of the goods, of the materiel.

MR. PANYUSHKIN: Mr. Chairman, it seems to me that the expression "examination" is equal in its meaning to the expression "technical examination". There is no difference between them. From the Soviet delegation's point of view the addition suggested by the French representative doesn't alter the meaning of this wording, and therefore it is not acceptable to the Soviet delegation.

GEN. MCCOY: My remembrance is that that was discussed in the working committee--that provision--and from the point of view of the American representative by inserting that word "technical" did change the meaning and would apply to a good many of the so-called trophies that were turned over to the different occupation forces and been distributed for some considerable period both in America and other Allied countries.

MR. BRUCHLIN: Mr. Chairman, at the last meeting and just now you mentioned again those trophies and they seem to offer an obstacle for the United States to accept the Soviet amendment, but all through the consideration of this paper it has been the understanding that anything in this paper can only refer to Japan and nothing in this paper can refer to what shall happen outside of Japan. So I don't see the difficulty with these trophies because most of them are not in Japan, all being either in this country, in museums, or in the possession of private individuals. So I don't quite see the strong stand of the United States against this two years and six months' period which it would be if the paper were accepted today. I have never felt very sympathetic, if I may say so, for the strong stand taken by the United States delegation against the elimination of these words "after examination". I could understand them two years ago. I don't understand them any longer now and certainly not if we add a period of six months, and I personally would like to support the Soviet insertion of these words. I think a period of two years and six months should be quite enough, and I am sure they are enough for an army like the United States Army, to examine anything they want to examine. The only difficulty which remains is the difficulty which was mentioned last meeting by Dr. Kee that if any new weapon should be discovered after that two years and six months' period, they would not be able to examine it, but I think we can circumvent the difficulty. But as far as the trophies, and I come back to them because I would like to hear your opinion as to the

fact whether this doesn't remove your objection against it--that it only refers to Japan.

GEN. MCCOY: Well I think that there are other things for consideration there, and I don't like in any policy paper a date put down over here without knowing the problems and emergencies that arise in a military government under a supreme commander representing the Allies. As soon as you begin to be specific and date the thing that it must be done by a certain date you get into problems that we know not of.

Putting the shoe on the other foot, assuming that you don't see the American position and don't seem to feel that it is pertinent at this time, I will ask the Soviet Ambassador to give me his reasons and understanding for wishing to delete that phrase.

MR. RISUCHLIN: There is no deletion; there is only an addition.

GEN. MCCOY: I see. I had the old paper where he wished it deleted.

Well, I would ask the Ambassador to explain the reason for that amendment: "at least not later than within a six months' period from the date of the adoption by the Far Eastern Commission of this document".

MR. PANYUSHKIN: Mr. Chairman, I am ready to give that explanation. The reason is that in this paragraph the words "after examination" without specifying the term of so many months would be interpreted too broadly, that is to say, the measures to be fulfilled under the subsequent wording of this paragraph could be delayed for a long period of time unless we specified the specific period. If we left the expression "after examination" without specifying as suggested by the Soviet delegation, this would tend to have unclarities and uncertainties in the whole policy, while I should point out that the task of the Far Eastern Commission is to avoid all such unclarities and uncertainties, and it seems to me that we should try to avoid any ambiguities and unclarities in the documents that we adopt in relation to the policy in Japan.

Mr. Chairman, I agree with the representative of the Netherlands in that we should specify some period of time for the fulfillment of this policy, and it is the Soviet proposal that just does that, clarifying the period of time and avoiding any ambiguity or unclarity that could be implied if such a specifying period of time were not inserted. That is my explanation for the Soviet amendment.

Now I would like to hear, Mr. Chairman, yourself to explain why the United States delegation would like to retain the expression "after examination" without giving any specifying period of time for the implementation of the policy and how you understand the words "after examination". What implication and what substance do you put in these words?

GEN. MCCOY: Before I answer that question, do I understand that this applies to all of the Allied Powers and the different scientific and technical equipment and trophies that have been delivered to the other Allied Powers in Japan?

MR. PANYUSHKIN: Mr. Chairman, I gave an explanation to your direct question and at the same time I would like you to give an explanation to my own request, defining the United States position in regard to that expression "after examination" and the implication of the substance. It seems to me that the explanation which I just gave you was clear enough, at least I tried to have it clearly answered. It seems to me it would not be without interest to know how the Chairman of the Commission understands these words "after examination". Therefore, I would like, Mr. Chairman, your answer to my question.

GEN. MCCOY: Mr. Powles, you took a very active and understanding part in this whole discussion, was that point brought up about the application to all concerned on the working committee?

MR. POWLES: Well, Mr. Chairman, my impression of the situation with reference to the paper is wholly in accord with what our Netherlands colleague has said a little while ago, that is to say, it should be

regarded, as in effect it is, a directive to General MacArthur as Supreme Commander in Japan. It is quite true that when the paper was first drafted at the very early stages of the discussion it did have in it certain paragraphs that had reference to activities outside Japan, but in the course of the discussions in the committee and the numerous amendments that have been lodged, it is my impression that all those parts of the paper have been removed with the result that the paper conforms to a sort of general impression that I think the committee had that it applies to the situation in Japan.

GEN. MCCOY: But to the other Powers and what has been given to them or solely to the American--

MR. POWLES: No, it would apply to the situation in Japan. The Supreme Commander of the Allied Powers exercises, of course, a military command over all the occupation forces in Japan, and as a result of that it would apply to all the occupation forces. But I should like to mention here that this question of trophies and equipment taken for museums was never a question in my recollection which seriously worried the working committee. It was always felt, as far as I know, and I think the committee was in agreement on the point, that that sort of equipment, if it was taken away from Japan for that purpose, didn't come within the scope of the paper, and, although there was at one stage a little paragraph, a little subparagraph in this paragraph 6, referring to unique and new-development items which were required to be examined, that paragraph was dropped and the words "after examination" were inserted in the governing phrase for the whole of the subparagraphs that follow.

Now there were a number of us on the committee who felt that the words "after examination" didn't really mean anything very much, and we were, unfortunately, unable to convince the United States representatives and some of the others that this was so, and there was a difference of opinion on the question as to whether the words "after examination" really meant anything. It seems to me, Mr. Chairman, that

if equipment has to be destroyed or scrapped except certain types of equipment, except military equipment required for so and so, and except item b, Items convertible to peacetime civilian uses, the distinction of which is set out again in subparagraphs (1), (2) and (3), is anything is to be done to equipment of a certain general character except for certain specific exceptions, then all that equipment does have to be examined in order to ascertain whether or not it comes within the specific exceptions, so that the words "after examination" seem to be otiose in the context.

GEN. MCCOY: Well, what do you understand by "after examination"?
After who examines?

MR. POWLES: After examination by the appropriate authorities acting under SCAP's Headquarters or whatever it might be. It might be whatever military commander was seized with the particular task on the spot in Japan with regard to looking after this equipment. But the point then came up that these trophies and war memorials and war museum equipment were sort of insisted on as the reason for the retention of the words "after examination". Now it seems to me that that isn't a very sound argument with respect to those put forward because if the words "after examination" are to be regarded as justifying the retention of items in war museums it means that the examination is to continue in perpetuity. It means that the examination is to be a continuing examination by members of the public or by members of those interested who may look at these Japanese weapons forever and ever. Now I really don't think that is what was intended. So I think myself, with due respect, Sir, that the correct approach to these words is to put on one side this question of trophies and equipment that has gone to the war museums, because the whole of this discussion has taken place against that background. We have had information filed by the United States representative; we have had papers filed which show that equipment has gone to war museums and it has gone out of Japan. We have been told that it has gone out of Japan. Well, if we then pass a policy decision which merely says that equipment is to be destroyed, having in mind that it can mean nothing,

but says applicable to equipment which is still in Japan or which has never left Japan, so that the words "after examination" themselves, in my mind, can't seem to be justified on any really logical ground that has reference to the substance of the paper.

Now I would like to add, considering you asked me to make a speech--I am sorry--I hope I am not speaking too long--but I would like to add that, with reference to this question of equipment, ^{it} that has been stated at the last meeting of the Far Eastern Commission that large quantities of Japanese equipment had been handed to non-American occupation forces in Japan. Well I have no knowledge of that, and in view of the statement that was made I am checking on the situation to ascertain what it is, particularly as far as the New Zealand forces are concerned. And I propose to do that just because I don't wish there to be any suggestion whatever that large quantities of Japanese equipment had been handed to non-American occupation forces, leaving the inference, which I am sure wasn't intended, but there was the inference that non-American occupation forces had taken that Japanese military equipment and had not destroyed it or had not dealt with it as it should have been done. However, I say, I am checking on that particular question.

Lastly, Sir, I would like to make reference to the specific words of the Soviet amendment, where it is suggested that a six months' time limit should be placed. Now, in general, my Government is not in favor of the Far Eastern Commission putting a time limit on the implementation of its policies because, in general, again, my Government feels that a possible inference of lack of confidence in the Supreme Commander could be drawn from such a statement in a policy, and the New Zealand Government would not be party to any phraseology from which such an inference could be drawn. Consequently, we would be very reluctant to support a time limit, but, on the other hand, I think it is fair for the United States delegation to recognize that it was their insistence on the inclusion of the words "after examination" which

prompted the Soviets to ask for a time limit, and it is even possible-- I don't know what the situation is at the moment--but it is even possible that, if a way could be seen to reconsider the United States attitude on the subject of the words "after examination", the Soviet delegation might itself be able to reconsider its own attitude relating to the time limit.

GEN. MCCOY: Well that is very explanatory from the broad point of view, and I will now turn to the question that the Ambassador asked me. Would you phrase it again for me, please, the question to me?

MR. PANYUSHKIN: Mr. Chairman, before rephrasing the question, I would like to say a word or two.

You will remember that at the meeting before last I stated that if the words "after examination" had been deleted I would not insist on the adoption of our amendment reading "at least not later than within a six months' period from the date of adoption of a Far Eastern Commission policy decision". Actually, in effect, the whole question boils down to a question of these two words "after examination". If these words were eliminated we would withdraw our amendment.

Mr. Chairman, my question was--what meaning does the United States delegation put in the words "after examination"? I have expressed my own view as to how I understand this wording.

(There was a slight pause at this point for consultation.)

GEN. MCCOY: Mr. Ambassador and the Commission: I have made inquiry of my assistants and it takes us back once more to the early days of the discussion and the reason which the American representative gave at that time for possible omission of "after examination" and the reason that it was kept in. Under the circumstances, for the moment it's a policy paper of my Government which includes that particular phrase, but to go back to the discussion in the working committee will throw some light on it and I will ask Dr. Blakeslee to explain it.

DR. BLAKESLEE: Mr. Chairman, this does go back to the discussion

in the military committee and my information comes from the United States member of that committee.

In the original paper, at least in the paper FEC-017/5, June 24, 1947, paragraph 6 reads: "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". I am informed that that was acceptable to the United States Government but, secondly, that apparently at the request of the other members of the military committee that little subparagraph "Unique and new-development items and plans desired for examination or research" was deleted and the expression "after examination" was inserted. The United States member informed me that by an understanding in the working military committee the expression "after examination" was by agreement understood to cover unique and new-development items and plans desired for examination or research. I am informed that if the expression "after examination" should be dropped the United States view would be that the United States can accept the deletion of "after examination" provided there is reinserted the phrase "except for: a Unique and new-development items and plans desired for examination or research".

GEN. MCCOY: I think probably it was on that understanding that the paper was sent up with the approval of the committee. Is that your remembrance?

MR. POWLES: Yes, I think so, Mr. Chairman.

GEN. MCCOY: Do you remember, Mr. Reuchlin? Were you sitting in at that time.

MR. REUCHLIN: Yes, I think that is correct. It was on that understanding, but I wouldn't be too certain.

DR. KOO: Mr. Chairman, I would like to say a word about this subject. As the paragraph stands now or as the phrase "after examination" stands now it covers the whole paragraph and, as such, it

seems to serve a useful purpose; although that purpose may not have been intended, as Dr. Blakeslee just explained, the evolution of the change, originally—the word "examination" was found in this paper FEC-017/5—pertained only to subparagraph a, that is, applicable to "Unique and new-development items and plans desired for examination or research". But as it stands now in the principal sentence of paragraph 6 it controls all the rest of the paragraph, and, as I said, that being the case, it seems to me that it serves a useful purpose there because this first sentence says that there are in substance two kinds of military equipment. One is to be destroyed or scrapped and the other is to be exempted from destruction or scrapping and the exceptions are ~~enumerated~~ enumerated in a and b, following, and the b, for example, has a very detailed description of the various classes of items to be exempted from scrapping or destruction for various purposes. For that reason the introduction of the qualifying words "technical examination" would greatly limit the meaning and the purpose of the word "examination", because here, as it stands now, the word "examination" implies not only examination into the nature of the equipment, the technical character of the equipment, but also the usage, certain necessary usage to which certain equipment may be put, such as in the different categories enumerated under the controlling words "except for", that is to say, to be excluded from destruction or scrapping. For the same reason, I think, as it stands now, to qualify that phrase with a definite period would rather be contradictory to the purpose of the examination. In other words, take, for example, subparagraph b (2)—subparagraph b in the first place: "Items convertible to peacetime civilian uses; such equipment may be drawn upon for:", well these items are evidently to be excluded from destruction or scrapping, but what items are convertible to peacetime civilian uses and what are not cannot be settled except after a careful examination. Then, we go a little further, under subparagraph b, say, take this sentence (2): "The relief of the local

civil population to the extent necessary to prevent or alleviate epidemic or serious disease and serious unrest which would endanger the occupying forces and the objectives of the occupation". Well, there again it's very difficult to put a period to it; so long as the occupation forces remain it would be their responsibility to see that no unrest or serious disease takes place and if they do take place steps are taken to check them. And so, here again, if we were to set a definite period within which examination must take place and a decision taken as to what is to be destroyed and scrapped and what is not, I am afraid in actual effect it would greatly inconvenience the occupation forces because it would be difficult and perhaps impossible to foretell at what time unrest may or may not break out locally. In other words, so long as we retain, for example, this subparagraph under b there, "Items convertible to peacetime civilian uses; such equipment may be drawn upon for:" these purposes, including the alleviation of epidemic or serious disease or serious unrest, then examination would be necessary and not just once or not within a definite period but examination would be advisable and necessary from time to time until the whole occupation terminates. So, Mr. Chairman, as the paragraph stands now, it seems to me and my delegation that any qualification of the phrase "after examination", whether by the addition of the word "technical" or by the insertion of a definite time limit, would vitiate and defeat the purpose of examination unless here it could be agreed upon that such examination should not at all take place and that, if any examination is to take place, it should be applied only as originally suggested—to unique and new-development items. Then, of course, the whole phrase might go out. But I submit, Mr. Chairman, that as it stands now this phrase in the controlling sentence of paragraph 6, "after examination", has a definite purpose to serve and really any modification of it in the sense proposed, either by the addition of the qualifying word "technical" or a specified period, would greatly reduce the usefulness of this phrase.

GEN. MCCOY: I think this whole discussion throws light on the reasons for the United States position both in the committee and in the Commission.

Is there any more discussion desired on the proposed amendment to paragraph 6?

MR. POWLES: Mr. Chairman, Dr. Blakeslee quite correctly referred to the original subparagraph relating to unique and new-development items which might be desired for examination. One of the reasons, if I recollect rightly, why the majority of the working committee desired the deletion of that provision was the consideration of lapse of time. When the working committee was considering this document, even at that stage, quite a long time had elapsed since the surrender and since the capture of what one may hope to be a very large proportion of Japanese equipment, and certainly since the capture of any items which might be expected to be of a unique and new-development character, and in the minds, as I recollect—my recollection may be faulty—but certainly in the minds of one or two with whom I discussed it it didn't seem to be appropriate to insert in a paper which was going to be passed at any period from one to two years or perhaps more after the surrender a provision authorizing retention of unique developments or whatever they were, because it seemed that whatever value might have accrued from the study of those items in the intervening period of some two years or more would now have been fully achieved and there could be no further reason for retaining them. Those items could quite reasonably be destroyed. In any case, it seemed too that, as one knows very well, it is not necessary to keep an actual object for the purpose of examining it for any very great length of time. Suppose there were some remarkably new discovery in the realm of military science which had been found in Japan, I don't think it has ever been suggested that there ever was anything remarkably new and unique—there were certainly developments that were interesting but that is as far as one could be prepared to go—suppose

that were the case, surely it must be the position now that those particular items have been examined to the extent where the very last drop of knowledge has been sucked from them and it can't be suggested that there is any real reason for keeping them any longer. All their details and all their plans and all the details of their construction and use, et cetera, must be already fully recorded. No doubt, if there is anything like that, there are photographs and all that sort of thing has been obtained of them. Those were the considerations which moved the working committee, as I recollect it, to feel that in a policy relating to disarmament which is expected to last for some considerable time and to be rather broad and general in its nature it was unnecessary to put in what was regarded because of the lapse of time as a comparatively unimportant and trifling exception. And, consequently, if it is your feeling that the situation relating to these words "after examination" should perhaps be re-examined, perhaps that consideration might also be taken into account.

MR. BULLOCK: Mr. Chairman, I should like to associate myself with what Mr. Powles has just said. I think that these words "after examination" really, in conjunction with unique and new-development items, would have had some force two years ago, but there has been such a lapse of time that there has been ample opportunity, I am sure, to examine the items of new development and I don't think that these words have any force any more.

I would also like to address myself to one or two other questions which were raised here in connection with this this morning. This question of war trophies seems to me to be highly irrelevant. Obviously the underlying philosophy of this paragraph is that, it seems to me, Japanese military equipment should be removed, should be destroyed in Japan so that there would not be in Japan some war potential, and this will be sent as a directive to SCAF and can surely only apply to military equipment which is in Japan. And if equipment

has been sent out of Japan for war museums and as war trophies, in fact, it is virtually scrapped, in my opinion, already, and, in any case, if this question of war trophies is important, and I don't think it is, I don't think under the present wording of the paragraph with the inclusion of the words "after examination" the question of war trophies is covered at all. I would not be prepared to support the Soviet amendment at the moment because I too don't think it is desirable in a Far Eastern Commission policy to set any time limit, but I would be prepared to support the deletion of the words "after examination".

MR. COLLINS: Mr. Chairman, from the very complete discussion this morning of this problem, there would appear to be two fundamental purposes served by the phrase "after examination": one, its reference to the separation of the items which are excepted from the majority of the military equipment which is to be destroyed, and the other is to provide for technical examination of unique items of technical interest. Now, in connection with the first point, I think the New Zealand member has pointed out that such examination is implied by the very nature of the paragraph and, therefore, I don't think it is of overriding importance. In connection with the second point, our New Zealand colleague has also pointed out that we have had ample time to complete technical examinations on most items which have been discovered in the past. On the other hand, our Chinese colleague at the last meeting raised the question of new items which might be discovered. In that connection, the phrase "after examination" might have a very definite utility. I wonder whether the United States delegation might be willing to consider a possible compromise on the basis of adding a new exception which would apply to items of unique, technical interest which are newly discovered and in connection with which an opportunity for examination should be provided before destruction takes place? That would seem to pretty well cover the problem as it has been presented this morning.

MR. VESUGAR: Mr. Chairman, I do not want to take up the time of

the Commission unnecessarily, but the way this particular phrase appears to me is this. First, as regards war trophies, I agree with my colleague across the table that anything that has gone out of Japan for museums or display or any other purposes is for all practical purposes destroyed. It cannot be used as war materiel even by the power that owns the particular trophy. Now, coming to the objectives of this particular phrase, it appears that there is one further implication beyond the fact that we do not wish to leave military potential in Japan. It appears from the way this objective has been phrased that it is the intention of the Far Eastern Commission that none of this military materiel should be available to even one of the Powers within the Commission for use by taking it out of Japan. I think I am correct in saying this. It's for that reason that destruction is insisted upon instead of dispersal or taking it away as reparations. Whenever it can be used as reparations or for civilian use in the future there is a provision in paragraph 6 for that purpose. From both these considerations I feel that some express declaration on our part for destruction is necessary. Now I agree that to put in a period in this is some sort of reflection or, if not a reflection, at least abrogating the powers of SCAP or abrogating or taking upon ourselves to decide how long a particular matter should take, and I do not feel that we should put the words after such and such a period. Therefore, it appears that the only other way is to take out the words "after examination". Now, let us look at the consequences of taking out the words "after examination". It may be that some hidden matter arises which has not been discovered up to now which would perhaps require detailed examination which may take even more than six months. Well, it is always possible for the Power that discovers such a matter to bring the question to the Far Eastern Commission again and ask the permission of the Far Eastern Commission in that particular itself to postpone destruction or to take some particular action upon it. We do not by this policy decision tie our own hands in perpetuity, or

at least perpetuity meaning until peace is made with Japan, as to what action we may take on this policy, and it would always be possible for any power sitting around this table to refer a matter again to the Commission as a whole and say, "We would like the indulgence of the Far Eastern Commission on this particular matter".

MR. NAGGIAR: Mr. Chairman, I must apologize to the Commission for being more or less responsible for this very lengthy discussion on paragraph 6, because it was my proposal to add the word "technical" to the word "examination" that started the whole discussion. Anyhow, I think it has been very useful and it has enabled the French delegation to state now our position on paragraph 6. We are not in favor of deciding a delay or a date for the scrapping as a question of principle, Mr. Chairman, as you very well explained. I think that here in this Commission we have to take policy decisions and affirm principles and the implementation of the principles is in the hands of the Supreme Commander according to the Terms of Reference, but I consider that by the words "after examination" put at the beginning of paragraph 6 we weaken in some way our affirmation of principle and the principle is that the arms and ammunition, military equipment seized from the former Japanese armed forces, et cetera, must be destroyed and scrapped. So, if we maintain the words "after examination", in spite of the clear statement that the words apply to the exceptions, we weaken, in my opinion, the affirmation of principle, which is that the military equipment from Japan must be destroyed and scrapped, but it must be destroyed and scrapped except for some exceptions which are very clearly stated in the first draft, paper FEC-017/5, which, in my opinion, is very clear because the first sentence is an affirmation of principle without any reference to examination--and then we have a long list of exceptions. It is quite satisfactory to the French delegation and I am prepared to support a new draft based on the first one that has been examined by the working committee and the Steering Committee. I won't support the phrase "after examination" as it stands now in the present draft.

GEN. MCCOY: The discussion has been very clarifying for me, and with the background that has been given as to the early reasons for the inclusion of the phrase "after examination". Time has caused certain implications that I shall have to take up with my own Government, as we would not be prepared this morning to accept either of the alternatives proposed for changing the original over-all paragraph 6. So that it will remain before us until I am given an opportunity to put your wishes and explanations and clarifications before my Government.

If there is no objection, we will proceed to the next proposed amendment under paragraph 3 with reference to paragraph 9 of the paper, FEC-CL7/17: "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'". That raises the question once more of a deadline which my Government could not accept, but I will be very glad to have comment on it and we will begin by asking the Soviet representative to give his reasons for the amendment proposed.

MR. PANYUSHKIN: Mr. Chairman, we feel strongly about our amendment to paragraph 9 since the present wording of that paragraph tends to give a broad and uncertain interpretation of the provision. Probably this wording as it stands in the document now could have been acceptable as a principle at the time when the document was first put before the Commission for discussion, but I am afraid not less than two years have elapsed since the first introduction of the paper before the Commission. The Soviet delegation considers that the time which has passed should have been sufficient to implement the measures which are provided in paragraph 9. Therefore we would like to insert a definition as to the period of time during which all that documentation should be destroyed. That is the reason, Mr. Chairman, why we proposed this amendment.

GEN. MCCOY: Is there any discussion of this proposal?

MR. GRAVES: Mr. Chairman, we could not support any proposal for imposing a time limit on the Supreme Commander for the implementation

of this policy, so we should be opposed to the Soviet amendment.

MR. NAGGIAR: Mr. Chairman, for the same reason as I explained a few minutes ago, I am not prepared to support a time limit as suggested by the Soviet representative on paragraph 9.

GEN. MCCOY: I assume that those who have spoken before on that particular point of imposing a deadline are of like mind on this amendment also?

(The Australian representative nodded his approval of the foregoing statement of the Chairman.)

MR. PANTUSHKIN: Mr. Chairman, I have a question to ask you. I don't quite understand why this is not considered acceptable, the Soviet proposal to make the wording of paragraph 9 more clear cut and definite.

GEN. MCCOY: Well it goes back to the general principle that I have held as the United States representative from the beginning that it is not principle and policy but implementation and an express time limit at this distance which could not be accepted as limiting the full responsibility of the Supreme Commander in carrying out the policy, standards and principles laid down by this Commission. It's a general feeling and attitude and position of my Government that the Supreme Commander is responsible for carrying out policy, standards and principles set by this Commission but not by day or date.

MR. POWLES: Mr. Chairman, I did already mention that the New Zealand delegation doesn't support in principle the application of a time limit on Commission policies for the implementation of Far Eastern Commission policies, and this case seems to be not a case where it is necessary to depart from the general principle. I think, if one examines the situation, one should realize that demobilization in Japan is not yet completed. Consequently, there must be some of these records at any rate which require to be retained pending the return to their homes of quite a large number of soldiers concerned. It's obvious that these particular records are the records from which the demobilization organization will obtain the particulars and the home addresses and

next of kin, et cetera, of the Japanese soldiers who are coming back from overseas, and they require these records for the purpose of completing demobilization. Consequently, it seems perfectly right that the Supreme Commander should have discretion and that it should merely be stated that it is the Far Eastern Commission's intention that these records should be subsequently destroyed, which means obviously destroyed when they have been finished with.

GEN. MCCOY: That is the position of my Government. In like manner paragraph 10. The proposed amendment substitutes the following sentence for the penultimate sentence beginning "Such demobilization agency..." This is the proposed amendment: "The demobilization agency should terminate its activities and its functions of demobilization should not be transferred to any other agency, except the functions of repatriation of Japanese prisoners of war, which functions should be assigned to some civilian agency."

In connection with this paragraph, there's quite a good deal of action back of that already and a full report has been made to this Government and has, I believe, been circulated to the Commission, has it not?

DR. BLAKESLEE: Yes.

GEN. MCCOY: I think I will ask Dr. Blakeslee to outline that report and action of the Supreme Commander, which it seems to me is fully covered in the paragraph in the paper FEC-017/17, and much of this in the proposed amendment has already been done and under the responsibility reported to you. Would you please explain just what has been done in the broad lines?

DR. BLAKESLEE: Mr. Chairman, the memorandum of the Supreme Commander regarding demobilization machinery is contained in several papers, especially FEC-017/15, October 31, 1947.

In the early part of October the Supreme Commander directed that the First Demobilization Agency, which was essentially dealing with

army matters, should be terminated on October 15th and that has been accomplished. Secondly, he directed that the Second Demobilization Agency, which was a continuance of the naval organization in Japan, should be brought to an end on January 1st, and we may assume at present that that has already been accomplished. The functions of these two demobilization agencies were transferred to the Welfare Ministry of Japan.

It was further provided that the Japanese Government should draw up a detailed plan some time before January 1st in accordance with which all agencies or bureaus in the Japanese Government dealing with demobilization matters of any kind should have these functions taken over by agencies of the regular Japanese Government, and, Mr. Chairman, one of the functions of the Second Demobilization Bureau is minesweeping, and I assume that nobody would suggest that minesweeping should be at once terminated. That is one of the functions other than the repatriation of prisoners of war which is being taken over by the regular agency of the Japanese Government.

So, Mr. Chairman, as you were saying, most of what is envisaged in either this amendment or the original paragraph has already been accomplished by the demobilization on October 15th of the First Demobilization Agency and we may assume the termination of the Second Demobilization Agency on January 1st.

The Supreme Commander further provided that all former Japanese military officers who were serving in these two agencies should cease to be employed with the exception of particular officers who were particularly exempted and assigned by SCAP for demobilization purposes.

GEN. MCCOY: This amendment would prevent that and would once more put the Supreme Commander in a straight-jacket in meeting the situation which will persist for some time as far as the repatriation of Japanese prisoners of war is concerned. However, the sense of the amendment has largely been accomplished under the present paragraph, ¹⁰ but it is very necessarily so drawn in these very broad terms which the amendment would

limit and restrict to meet the situation as it may arise, but entirely and very properly under the supervision of the Supreme Commander.

Are there any comments on that subject on the part of the delegates?

MR. PANYUSHKIN: Mr. Chairman, I have a comment to make. I have rather a question to ask the United States delegation. Is the United States delegation opposed to the amendment suggested by the Soviet delegation?

GEN. MCCOY: Yes.

MR. PANYUSHKIN: Then I will have to say a word or two, Mr. Chairman. The explanation which was just given by Dr. Blakeslee, when he said that for minesweeping it is necessary to have this demobilization agency, is not convincing. As far as I can gather from the same document to which Dr. Blakeslee referred and mainly paragraph 3 of that document, the minesweeping operations are handled not by a demobilization agency but are assigned to the authority of the Supreme Commander. It is known that the demobilization of the Japanese armed forces has been completed. Therefore, the Soviet delegation considers it unnecessary to retain any longer a demobilization agency. However, some function pertaining to the repatriation of the Japanese prisoners of war still remain. The Soviet delegation, in this connection, proposes that the functions related to the repatriation of the Japanese prisoners of war be transferred to some civilian agency.

I would like to reiterate, Mr. Chairman, that, since the demobilization has been completed, it is necessary that the demobilization agency be discontinued its functions and its functions, since they have been completed, should not be transferred to any other agency. The retention of that agency as it was or the transfer of its functions of demobilization to some other agency would imply the presence of some former military officers in that agency, which would naturally be in contradiction to our policy. Thank you, Mr. Chairman.

MR. FOWLES: Mr. Chairman, this is another one of the cases, I think, where the lapse of time has placed a different emphasis upon the construction which one would normally be entitled to give to the particular phrase in the paper as it now stands. There has been, of course, as we are all aware, a very great deal of discussion about this particular situation in the working committees and in the Steering Committee, but the situation at this time being that the Supreme Commander acted to dissolve the demobilization bureaus, possibly owing to the fact that there had been a feeling of disquiet, which, I think, was shared by the Supreme Commander and also by others concerned in controlling the occupation in Japan, that the operations of these demobilization bureaus were not entirely safe and secure from the point of view of the demilitarization of Japan. It had become a well-known fact that these agencies were employing high-ranking military officers, and at one time there was a suggestion that these high-ranking military officers were engaged in functions not entirely connected with demobilization in particular. One of the demobilization bureaus launched into a research department or something of that nature which gave color to the suggestion that possibly these high-ranking officers were indulging in a research into the tactical and strategical reasons as to why they lost the war. All those considerations are matters of history now because the Supreme Commander has actually acted. He has, as Dr. Blakeslee points out, acted by directing the transfer of the First Agency, which was the army agency, to the Japanese Welfare Department and directing the complete dissolution of the Second Agency, which was the navy agency, by January of this year.

As far as minesweeping is concerned, it is clear that the Supreme Commander has taken complete coverage as far as that is concerned because he has directed the Second Agency to carry out its minesweeping functions until the 1st of January under the direction of the United States Naval authorities as they had in the past, but he has further directed that after the 1st of January the Welfare Department

or such other civilian organ as may be nominated will continue to carry out these functions--still under the direction of the United States Naval authorities, as is proper. So that there can be no suggestion that minesweeping is a reason for any continued existence of any demobilisation agency at all.

Now, with that small summary of the background--there is very much more to it than that--it seemed to me that the phraseology in the document as it is at present is inadequate to present the situation. After all, the document prescribes agencies of a civilian character and it was quite stoutly maintained for some time that those two agencies were of a civilian character--that they were of a civilian character because, although they were stocked mainly with ex-military and ex-naval personnel, yet those persons were being employed in a civilian capacity, so that the agencies were of a civilian character. That didn't seem to me to be adequate to express the point of view which the New Zealand delegation wished to see. Consequently, we felt it necessary to endeavour to induce the United States delegation to accept the phrase which, instead of stating the agencies were to be of a civilian character, stated that they were to be civilian agencies, but, unfortunately, we were unable to get the United States delegation to see our point of view in that respect. And then, at a later stage, after this argument that had taken place in the Steering Committee, and when the United States delegation very strongly maintained its position on the necessity for the continuance of these two demobilization bureaus, we discovered that the Supreme Commander had already abolished them, and he did abolish them, as a matter of fact, by this directive of the 4th of October--three days before the date of the debate in the Steering Committee upon which we found we were unable to convince the United States delegation that it was necessary to abolish them.

GEN. MCCOY: Well, of course the United States delegation was just as lacking in information as you.

MR. POWLES: I know that, Sir, and I am not saying that in any criticism at all, but I am just intimating that there is a little background to this situation. And then, at a later date, the Soviet delegation introduced a new wording of the amendment which had been under discussion.

Now the wording of the amendment that had been under discussion at the date I am referring to is, in the opinion of the New Zealand delegation, much more satisfactory statement of the principle which we would like to see incorporated in the document. Consequently, my position on this is that, while I support in general the principle of the stand taken by the Soviet Ambassador, nevertheless, I would translate that principle into the words that were used by the Soviet delegation at a much earlier stage. Those words are to be found in document FEC-017/8, and they say this: "The demobilization agencies should be immediately dissolved and their functions of completing the demobilization should be transferred to a civilian agency." That, to my mind, avoids the necessity of any argument as to whether the present wording of the Soviet amendment is too restrictive, in that it refers only to the functions of repatriation which are to be transferred. That's the attitude I prefer to take on this amendment, Mr. Chairman.

GEN. MCCOY: Are there any other comments or clarifications?

DR. KOO: Mr. Chairman, I would like to ask, if the Soviet Ambassador would be good enough to answer, whether they are still prepared to accept the amendment in paragraph 6 of the document FEC-017/8, to which our New Zealand colleague has just ~~referred~~ referred or do they prefer their present amendment to their original amendment?

MR. PANYUSHKIN: Mr. Chairman, I would like to reply to the Chinese representative. The question is in paragraph 6 of FEC-017/8. The wording reads: "...their functions of completing the demobilization should be transferred to a civilian agency". I understand that the demobilization in Japan has already been completed, as one could see from the appropriate statement by the Supreme Commander. Therefore,

if we retain the wording which I just read, it would mean that we doubt the statement of the Supreme Commander. I don't think we have any grounds for that. Therefore, Mr. Chairman, the insertion of the wording which the New Zealand representatives insists on would not be reasonable. On the other hand, the Soviet wording suggested in FEC-017/19 clearly outlines the existing situation and provides for the measures to be incorporated in paragraph 10 and to be taken and completed in the future.

GEN. MCCOY: Is that a reply to you also?

DR. KOO: Yes, I appreciate the clarification. I would like to ask just for the information of my delegation whether, in the opinion of the United States delegation or the Supreme Commander, demobilization has been completed or still there is a part to be completed?

GEN. MCCOY: Well, I would sense that there are certain loose ends. In the main it has been completed sufficiently so that the demobilization bureau can be done away with and transferred to civilian agencies under the supervision of the Supreme Commander. I'm quite sure that this is very close to his responsibility and his personal interest. This has been a very great problem for two years and some 8,000,000 men of the army and navy have been demobilized and returned to their homes. And I think the American people have been very proud of the way that it has been done—so quietly and effectively. So that we feel that every confidence should be continued to be placed in him to what might be called tie up the loose ends by a continuing effort through civilian agencies of demobilization of that type. It has been completed in the main, but there's still quite a number of problems coming up that have to be dealt with not only by civilian agencies but also by the advice of men who are familiar with the records and can be helpful. It's a term—complete—that has to be modified. You couldn't absolutely complete a great demobilization just on a certain date. It's for that very reason that he accepted this criticism of the military agencies that he was using for efficiency and speed, et cetera, but I'm quite

sure that if we queried him the word "complete" would be modified as to a number of odds and ends of things that have to still be under his supervision but can be done by civilian agencies rather than through the demobilization bureau that he was heretofore using. I think that the criticism that was made was taken cognizance of by him and this very action of transfer has been his effort to meet it practically rather than theoretically. That would be my general feeling in a statement of his intention, as I get it from his report.

DR. KOO: Thank you, Mr. Chairman. We appreciate the action taken by the Supreme Commander in expediting demobilization and also particularly his transferring the remaining demobilization agency to the Welfare Ministry thereby converting it into an agency of a civilian character. The reason why I raised that question for my own information was this. If demobilization still has some loose ends to be attended to to be terminated, completed, then the paragraph as it stands now, the wording of that particular sentence which is under consideration now in paragraph 10 would seem to us to be the more appropriate one and answers the actual situation better. On the other hand, if demobilization has been completed, then, of course, the Soviet amendment as it is worded would seem to be preferable. That was the reason why I asked that question.

GEN. MCCOY: I don't question a certain amount of criticism. I think that's always for the good of all of us, but if you have looked back over the problem with which he was faced in the past two years I'm quite sure that it couldn't satisfy everybody at any given moment. But the results, I think, are generally accepted as a most--well, I hardly know what word to use--as a most thorough rather than complete--it's just a play upon words then that I don't think the honor or the responsibility of the Supreme Commander is in question. It's just a difference of opinion on the part of the representative powers in Japan.

MR. COLLINS: Mr. Chairman, I don't wish to refer to any specific