

FAR EAST

Box #

6

Minutes - Far Eastern Commission
Meetings - ~~189~~
189 thru 222
Book 5

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COPY NO. _____

FEC--CONFIDENTIALMINUTES--189th FEC Mtg.30 March 1950FAR EASTERN COMMISSION

Provisional Minutes of the 189th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
30 March 1950, 10:30 A. M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman
Mr. D. W. McNicol (Australia)
U Khin Maung Gale (Burma)
Mr. R. E. Collins (Canada)
His Excellency Dr. W. K. Lee (China)
Mr. A. Fequant (France)
Mr. P. Vaidyanathan (India)
Mr. G. J. Jobsis (Netherlands)
Mr. F. H. Corner (New Zealand)
Mr. M. Shafqat (Pakistan)
Mr. F. Lozada (Republic of the Philippines)
No Soviet Representative Present
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--189th FEC Mtg.

30 March 1950

COPY NO. _____

FEC--CONFIDENTIALRECORD OF APPROVAL189th FEC MIN., 30 March 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 189th MEETING OF THE FAR EASTERN COMMISSION

1. The Far Eastern Commission, at its 190th meeting, 6 April 1950, approved the provisional minutes of its 189th meeting with the following correction:

Page 2, paragraph 13, amend first sentence as follows:
"Since the meting out of stern justice to Japanese war criminals is a matter of importance and has been undertaken as a joint responsibility of the Allied Powers, I have a few queries to make on behalf of my Government".

2. Representatives are requested to incorporate the above correction in their file copies of the provisional minutes of the 189th meeting of the Far Eastern Commission, and to attach this formal record of approval to those copies as corrected.

3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of the
189th Meeting of the Far Eastern Commission

SUMMARY--FECC--CONFIDENTIAL.SUMMARY--189th FEC Mtg.30 March 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 189th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 188th MEETING

Corrected and approved (p. 1).

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (FEC-371)

French representative noted that he was awaiting the arrival of detailed governmental instructions, including proposed amendments, on FEC-371. Brief procedural discussion. Postponed (p. 1).

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

No consideration of Items 3 - 10, inclusive.

ITEM 11- OTHER BUSINESSa. U.S. Reply to Philippine Inquiry of 23 March regarding War Criminals

U.S. representative invited attention to FEC-314/18, which was circulated at the table. Chinese representative submitted inquiry on same subject (pp. 1-2).

b. U.K. Reservation on Interim Directive of 21 February 1950 regarding Japanese Participation in Technical Agreements and Conferences (FEC-347/1)

U.K. representative offered statement, noting reservation on behalf of his Government (p. 2).

c. Time of Next Meeting

Agreed that Commission would meet next on 6 April, and would thereafter institute the bi-weekly schedule agreed on at the last meeting (pp. 2-3).

ITEM 12- PRESS RELEASE

None.

Summary--Minutes, 189th FEC Mtg.
30 March 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 188th MEETING

1. THE COMMISSION approved the minutes of its 188th meeting with the following corrections:

Page 2, paragraph 15 - amend as follows: "MR. McNICOL (Aus.) said that he would have no objection to the bi-weekly procedure, provided it was understood that ~~extra-meetings-could-be-called-by any-representative-through-the-Chairman~~ the Commission could be re-assembled at the request of any representative."

Page 3, paragraph 23 - change "11:47 A.M." to "10:47 A.M."

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (FEC-371)

2. MR. FEQUANT (France) said that he had been advised that his Government was forwarding detailed instructions and proposed amendments to FEC-371. His Government desired that the proposed amendments be examined and discussed in the Commission before they were referred to Committee No. 6. He would therefore suggest that Committee No. 6 not meet until after the Commission had had an opportunity to examine the proposed amendments.

3. MR. HAMILTON (Chairman, US) recalled that the meeting of Committee No. 6 which was to have occurred on the previous day had been postponed. It seemed to him that the committee might nevertheless proceed with its consideration of the details of FEC-371 concurrently with whatever general consideration might take place at the Commission level. He could not see that this arrangement would in any way prejudice the consideration of the proposed French amendments.

4. MR. FEQUANT (France) explained that it was the preference of his Government to submit the proposed amendments at the Commission level. He thought that they could probably then be referred to Committee No. 6 for detailed consideration after they had been examined in the Commission.

5. MR. HAMILTON (Chairman, US) said that there was of course no objection to the presentation of the proposed amendments at the Commission level. At the same time it seemed to him appropriate for Committee No. 6 to proceed with its detailed consideration whenever it should agree to hold its meeting.

6. Following a brief procedural discussion, THE COMMISSION agreed that a decision as to whether Committee No. 6 should meet before the next meeting of the Commission might be left to the discretion of its Chairman, Mr. Fequant.

7. Without objection, further consideration of this subject was postponed.

ITEMS 3 - 10 Inclusive

8. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on Items 3 - 10 inclusive on the agenda.

9. There was no discussion of these subjects and without objection further consideration of them was postponed.

ITEM 11- OTHER BUSINESSa. United States Reply to Philippine Inquiry of 23 March regarding War Criminals

10. MR. HAMILTON (Chairman, US) recalled that at the last meeting of the Commission (p. 2, Minutes, 188th FEC Mtg.) the Philippine representative had requested information regarding a press report of a proposal for the Supreme Commander to release certain Japanese war criminals. MR. HAMILTON invited attention to SCAP Circular No. 5 of 7 March 1950 on Clemency for War Criminals. This circular had been received since the last meeting and had just been

FEC--CONFIDENTIALItem 11 a (Cont'd)

prepared by the Secretariat for circulation. (Copies of FEC-314/18 were circulated at the table.) He thought that representatives would undoubtedly desire to study the document before commenting on it.

11. DR. LEE (China) said that he was under instructions to initiate an inquiry similar to that which had been made by the Philippine representative at the last meeting. He had of course not read the circular which was now being distributed and would accordingly submit his inquiry in the form in which he had prepared it as follows:

12. "Mr. Chairman, I have been instructed by my Government to make an inquiry about the action recently reported to have been taken by SCAP to grant parole to Japanese war criminals. According to a United Press news dispatch from Tokyo dated March 7th, SCAP announced on that date the establishment of a 'Three-Man Occupation Parole Board' for the purpose of considering parole to Japanese war criminals. So far I am not aware of any information from official sources to verify that news story.

13. "Since the meting out of stern justice ^{to Japanese war criminals} is a matter of importance and has been undertaken as a joint responsibility of the Allied Powers, I have a few queries to make on behalf of my Government. I wish to know, in the first place, the composition and power of the 'Three-Man Occupation Parole Board'; secondly, its relation to the Allied Council in Japan and the representatives in Japan of the other Powers members of the Far Eastern Commission; thirdly, whether the Japanese war criminals to be considered for parole include those who were tried and convicted by the International Military Tribunal for the Far East; and if so, finally, the legal basis on which SCAP took that action. Your early reply to these questions will be greatly appreciated."

14. MR. HAMILTON (Chairman, US) said that he would take note of the Chinese inquiries in the light of the information contained in the SCAP circular to which he had just invited attention.

b. United Kingdom Reservation on Interim Directive of 21 February 1950 regarding Japanese Participation in Technical Agreements and Conferences (FEC-347/1)

15. MR. GRAVES (UK) submitted the following statement:

16. "Mr. Chairman, I have been instructed to make a reservation on behalf of my Government in connection with the Interim Directive issued to the Supreme Commander on 21st February regarding Japanese participation in technical agreements and conferences. This was contained in paper FEC-347/1.

17. "In the view of my Government Japan's needs for taking part in international conferences were adequately provided for in the existing policy, FEC-300/10.

18. "By the terms of Article III, 3, of the Terms of Reference the directive is of an interim character, 'pending action by the Commission', and my Government therefore reserve the right to raise the matter again at a future date in the Far Eastern Commission or at any technical conference to which the Japanese may have been invited."

c. Time of Next Meeting

19. MR. HAMILTON (Chairman, US) recalled that at the last meeting (p. 3, Minutes, 188th FEC Mtg.) it had been agreed that subsequent to the meeting of 30 March, regular meetings of the Commission would be scheduled every other week on the understanding that special meetings could be called through

FEC--CONFIDENTIALItem 11 c (Cont'd)

the Chairman at the request of any representative. He now understood that the convenience of some representatives would be better served if the bi-weekly schedule were started after 6 April. If there were no objection, therefore, the Commission would meet next on 6 April and would thereafter schedule regular meetings on a bi-weekly basis on the understanding that a special meeting could be called through the Chairman at the request of any representative. There was no objection, and accordingly the procedure outlined by the Chairman was adopted.

20. There was no other business.
21. The meeting adjourned at 10:55 A.M.

COPY NO. _____

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FEC--CONFIDENTIALMINUTES--190th FEC Mtg.6 April 1950FAR EASTERN COMMISSION

Provisional Minutes of the 190th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.,
Washington, D. C.
6 April 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman
Mr. D. McNicol (Australia)
U Khin Maung Gale (Burma)
Mr. R. E. Collins (Canada)
His Excellency Dr. W. K. Lee (China)
Mr. J. Daridan (France)
Mr. P. Vaidyanathan (India)
Mr. G. J. Jobsis (Netherlands)
Mr. F. Corner (New Zealand)
Mr. M. O. A. Baig (Pakistan)
Mr. F. Lozada (Republic of the Philippines)
No Soviet Representative Present
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--190th FEC Mtg.
6 April 1950

COPY NO. 148FEC--CONFIDENTIALRECORD OF APPROVAL190th FEC MIN., 6 April 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 190TH MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 191st meeting, 20 April 1950, approved the provisional minutes of its 190th meeting with no corrections.
2. Representatives are requested to attach this formal record of approval to their file copies of those minutes.
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of
the 190th Mtg. of the Far Eastern
Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--190th FEC Mtg.6 April 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 190th MEETINGITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 189th MEETING

Corrected and approved (p. 1).

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (FEC-371)

French representative was as yet without instructions on forthcoming French amendments to FEC-371. He indicated willingness to submit them in Committee No. 6, where detailed consideration of FEC-371 is pending. U.S. representative submitted information and views which his Government had received from SCAP (subsequently circulated as FEC-371/2)(pp. 1-2).

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

No consideration of items 3 - 10, inclusive.

ITEM 11- OTHER BUSINESSa. U.S. Statement on Secured Fund in Japan

U.S. representative submitted information received from SCAP on the totals of the secured fund from the proceeds of liquidation of unidentified looted property. Brief discussion (p. 3).

ITEM 12- PRESS RELEASE

None.

Summary--Minutes, 190th FEC Mtg.
6 April 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 189th MEETING

1. THE COMMISSION approved the minutes of its 189th meeting with the following correction:

Page 2, paragraph 13, amend first sentence as follows: "Since the meting out of stern justice to Japanese war criminals is a matter of importance and has been undertaken as a joint responsibility of the Allied Powers, I have a few queries to make on behalf of my Government".

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (FEC-371)

2. MR. DARIDAN (France) said that, as the French representative had indicated at the last meeting (p. 1, Minutes, 189th FEC Mtg.), his delegation expected to receive detailed instructions and proposed amendments to FEC-371. These had not arrived as yet but were expected within the next few days. If it were the general wish that Committee No. 6 begin its consideration of the proposal and take up the French amendments when they arrived, he would have no objection to submitting them at that level.

3. MR. HAMILTON (Chairman, US) said that the procedural course outlined by Mr. Daridan was acceptable to him. The subject was of course before Committee No. 6 for detailed consideration and at the same time remained on the Commission's agenda to afford opportunity for comments of a general nature.

4. MR. McNICOL (Aus.) said that in view of the fact that the Commission would not be meeting for a fortnight he considered it desirable that Committee No. 6 undertake its discussions in the meantime and that it hold a meeting within the next week.

5. MR. HAMILTON (Chairman, US) presented the following statement, containing information and views received from the Supreme Commander on the pending proposal (subsequently circulated as FEC-371/2):

6. "The number of United Nations nationals in Japan who would be affected by the new proposal totals approximately 57,259. Principal nationality groupings are: Chinese, including Formosan-Chinese, 38,582; United States, including dual nationals, 14,434; Canadian 737; British 638; French 407; Turkey 360; Russian 313; Filipino 312; Dutch 250; Indonesian 176; Peruvian 170; Brazilian 170; Indian 151. The balance of United Nations nationals is under 100 for each United Nations member.

7. "The number of cases involving United Nations nationals reported tried as of 21 April 1946 to 15 March 1950, totals approximately 5,991. Of this number 1,684 were tried in 1948; 1,661 in 1949 and 279 in the period from 21 December 1949 to 15 March 1950. More accurate figures available from Tokyo area reported for the period 20 December 1948 to 15 March 1950 indicate that 1,132 United Nations nationals were tried as follows: Chinese 1,084; United States 31; Russian 5; French 4; Yugoslavian 2; Mexican 2; Filipino, Norwegian, Dutch and Siamese 1 each.

8. "Generally the types of crimes committed by said United Nations nationals include murder, rape, larceny, burglary, robbery, counterfeiting, narcotic violations, black market and other miscellaneous offenses of various degrees of seriousness from traffic violations up.

9. "The nationality of persons involved in all of Japan is principally Chinese and United States nationals with a sharp decrease in number for other United Nations nationals. BCOF nationals are tried in BCOF courts, which report a total of 23 British and 3 Indian nationals tried from 1947 to date.

FEC--CONFIDENTIAL

Item 2 (Cont'd)

10. "It is the view of SCAP that there is no question but that the present Far Eastern Commission policy decision creates an undue burden on the occupation forces at this time. The present total of 57,259 United Nations nationals imposes added police and judicial duties on the already manifold functions of the occupation forces. If such duties could be assumed by the Japanese Government, it would permit the full utilization of these occupation forces within the sphere of their normal duties.
11. "SCAP has also pointed out that police and occupation courts are concentrated in ten strategic and metropolitan localities and consequently vast areas outside of these locations are without such representation. This fact is well known to the large minority United Nations groups who utilize the present situation to thwart economic and tax laws. Tax enforcement is seriously handicapped by the inability of the Japanese to enforce compliance among these groups who can deny Japanese tax agents access to necessary information with a large degree of impunity.
12. "The enforcement of economic regulations by Japanese authorities in cases involving both Japan and United Nations nationals is also seriously retarded in view of the understandable desire of Japanese police to avoid 'incidents' involving United Nations nationals.
13. "It may be emphasized that such proposal will ultimately inure to the greatest benefit of all foreign nationals in Japan. Eventually Japan will be permitted to exercise full and complete criminal jurisdiction over all United Nations nationals. By permitting the Japanese to exercise criminal jurisdiction over United Nations nationals at this time and subject to complete SCAP control and review, occupation authorities will be able to observe and correct, if necessary, with relative ease, any discriminatory practices which may develop, so that when all controls are finally lifted, satisfactory procedures for dealing with United Nations nationals will have become firmly established and routinized.
14. "It is the view of SCAP that to the Japanese people this proposal, if finalized, will be an expression of Far Eastern Commission faith in the institutions given the Japanese people, and to the world at large it will represent a firm belief in what has been achieved. Furthermore, it will avoid any implications of reversion to extraterritorial jurisdiction which could give rise to apprehension and misunderstanding not only in Japan but also throughout the Far East."
15. MR. HAMILTON said that he believed all representatives would wish to study the data and views contained in the foregoing statement. It would also, of course, be relevant to the work of Committee No. 6.
16. MR. GRAVES (UK) said that he understood from Mr. Hamilton's statement that sentences for the offenses to which FEC-371 referred would be subject to review by the Supreme Commander. He asked whether such review was implied in FEC-371 as presently worded.
17. MR. HAMILTON (Chairman, US) said that he understood that some type of review was contemplated. It was possible that this was not stated with sufficient precision in FEC-371. The query of the United Kingdom representative would be studied and a full reply made by the United States delegation at Committee No. 6.
18. Without objection, further consideration of this subject was postponed.

FEC--CONFIDENTIALITEMS 3 - 10 Inclusive

19. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 3 - 10, inclusive, on the agenda.

20. There was no discussion of these subjects and without objection further consideration of them was postponed.

ITEM 11- OTHER BUSINESSa. United States Statement on Secured Fund in Japan

21. MR. HAMILTON (Chairman, US) said that the Supreme Commander had informed the United States Government that the secured fund, consisting of the proceeds of liquidation of unidentified looted property, contained a total of \$3,399,440.80 and yen 3,389,310.12 as of 1 April 1950, and was now available for distribution in accordance with the provisions of FEC-011/51, FEC-011/58 and FEC-011/59.

22. MR. VAIDYANATHAN (India) asked whether the information just offered by the United States representative meant that all unidentified looted property had been liquidated. The fact that the totals were given "as of 1 April" seemed to indicate that not all of it had been liquidated.

23. MR. HAMILTON (Chairman, US) said that he understood that all property held in custody had been liquidated. This seemed to be implicit in the information he had just submitted.

24. MR. VAIDYANATHAN asked that some further information be given on the point he had raised.

25. MR. JOBSIS (Neth.) asked that a breakdown of the total sums by categories of property be supplied.

26. There was no other business.

27. The meeting adjourned at 10:50 A.M.

COPY NO. 148FEC--CONFIDENTIALMINUTES--191st FEC Mtg.20 April 1950FAR EASTERN COMMISSION

Provisional Minutes of the 191st Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
20 April 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

Mr. M. M. Hamilton (United States) Chairman
Mr. D. McNicol (Australia)
U Tin Maung (Burma)
Mr. B. A. Wallis (Canada)
His Excellency Dr. W. K. Lee (China)
Mr. P. Millet (France)
Mr. P. Vaidyanathan (India)
Mr. G. J. Jobsis (Netherlands)
Mr. G. R. Laking (New Zealand)
K. F. KHALIL
Mr. ~~M. Shafiq~~ (Pakistan)
Mr. F. Lozada (Republic of the Philippines)
No Soviet Representative Present
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--191st FEC Mtg.
20 April 1950

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COPY NO. _____

FEC--CONFIDENTIALRECORD OF APPROVAL191st FEC MIN., 20 April 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 191ST MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 192nd meeting, 4 May 1950, approved the provisional minutes of its 191st meeting with the following correction:

On cover page - change name of representative for Pakistan to "MR. K. F. KHALIL"

2. Representatives are requested to incorporate the above correction in their file copies of the provisional minutes of the 191st meeting of the Far Eastern Commission, and to attach this formal record of approval to those copies as corrected.

3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of the
191st Meeting of the Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--191st FEC Mtg.20 April 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 191st MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 190th MEETING

Approved without correction (p. 1).

ITEM 2 - DEPUTY CHAIRMAN OF COMMITTEE NO. 6: ALIENS IN JAPAN (FEC-206/47)

Commission approved recommendation of Committee No. 6 that Mr. J. F. Ford of the U.K. delegation be elected deputy chairman of that committee (see FEC-206/48) (p. 1).

ITEM 3 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

Statement by U.K. representative (FEC-371/4). Statement by Philippine representative (FEC-371/5) (p 1).

ITEM 4 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)ITEM 5 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)ITEM 6 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)ITEM 7 - REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)ITEM 8 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIPBUILDING AND SHIPPING (FEC-297/10)ITEM 9 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)ITEM 10- REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)ITEM 11- ECONOMIC STABILIZATION IN JAPAN

No consideration of items 4 - 11, inclusive.

ITEM 12- OTHER BUSINESSa. U.S. Reply to Chinese query of 30 March 1950 regarding Parole Board (FEC-314/19) (p. 2).b. U.S. Statement Embodying Information on Secured Fund (FEC-011/62) (pp. 2-3).ITEM 13- PRESS RELEASE

None.

Summary--minutes, 191st FEC Mtg.
20 April 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 190th MEETING

1. THE COMMISSION approved the minutes of its 190th meeting without correction.

ITEM 2 - DEPUTY CHAIRMAN OF COMMITTEE NO. 6: ALIENS IN JAPAN (FEC-206/47)

2. THE COMMISSION approved the recommendation of Committee No. 6 that Mr. J. F. Ford of the United Kingdom delegation be elected deputy chairman of that committee, vice Mr. M. B. Thresher (see FEC-206/48).

ITEM 3 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

3. MR. GRAVES (UK) presented the following statement (subsequently circulated as FEC-371/4):

4. "I should like to give in the Commission a general indication of the views of my Government on the United States proposal contained in FEC-371. We see no good grounds for the introduction of a proposal on these lines at this stage in the occupation of Japan. On the other hand, though we doubt whether a good case has been made for action at this time, we do not intend to oppose a proposal of this character, if it is the view of the majority of the Commission that a modified policy is required.

5. "In the discussions in the working committee we may have a number of suggestions to put forward. One of them, to which we attach importance, relates to the procedure in the case of a capital charge being preferred against a United Nations national. Another point which we think needs careful consideration is the question of the access to the accused of consuls. These, however, are matters which can be more properly dealt with in the working committee, and all that I wish to do here is to suggest that there are aspects of FEC-371 which need careful and expert study."

6. MR. LOZADA (Phil.) presented the following statement (subsequently circulated as FEC-371/5):

7. "The conferring upon Japanese courts jurisdiction over nationals of the members of the United Nations as envisaged in document FEC-371 is considered by the Philippine Government as opening another way leading toward the assumption by Japan of full international juridical status. It has been the view of my Government that Japan should not acquire a semblance of international personality before a treaty is signed ending the last world war.

8. "It is believed that while Japan remains in the status of an occupied enemy territory, nationals of the United Nations members, especially those of the Allied Powers, should not be placed under the jurisdiction of the Japanese Government. Such jurisdiction should be exercised directly by the SCAP and should not be delegated to any branch of the Japanese Government. We share the Chinese view that the present Far Eastern Commission policy decision on the exercise of criminal and civil jurisdiction of nationals of members of the United Nations (FEC-038/1) reasonably meets the needs of the present situation in Japan.

9. "In view of the foregoing, Mr. Chairman, my delegation registers strong opposition to the proposed policy decision."

10. Without objection, further consideration of this subject was postponed.

FEC--CONFIDENTIALITEMS 4 - 11 Inclusive

11. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 4 - 11, inclusive, on the agenda.

12. There was no discussion of these subjects and without objection further consideration of them was postponed.

ITEM 12- OTHER BUSINESS

a. United States Reply to Chinese Query of 30 March 1950 regarding SCAP Parole Board

13. MR. HAMILTON (Chairman, US) referred to the inquiry of the Chinese representative made on 30 March 1950 (p. 2, Minutes, 189th FEC Mtg.). He presented the following statement in reply to that query (subsequently circulated as FEC-314/19):

14. "The composition and the powers of the Board of Parole are set forth in Circular No. 5 issued by the Supreme Commander for the Allied Powers on March 7, 1950, the text of which has been circulated to the Commission. This circular does not provide for any relationship between the Board of Parole and the Allied Council and other Far Eastern Commission country representatives in Japan. The Allied Council for Japan and the representatives in Japan of the other Powers members of the Far Eastern Commission were consulted with regard to the judgment of the International Military Tribunal for the Far East. The Board of Parole is constituted as a recommending agency to the Supreme Commander for the Allied Powers who possesses the final authority for the release on parole or denial thereof. As to the class of Japanese war criminals to be considered for parole, the circular does not distinguish between those tried by the International Military Tribunal for the Far East and those tried by other courts. It is the view of the United States that the Supreme Commander for the Allied Powers as the sole executive authority for the Allied Powers in Japan has the responsibility for the various matters pertaining to the execution of the sentences of the International Military Tribunal for the Far East. It is to be noted that the parole may be revoked on grounds set forth in Circular No. 5, in which event the war criminal shall forfeit all good time earned, shall be ineligible for good time credit or parole, shall serve the remainder of the sentence or sentences originally imposed, and the time he was out on parole shall not be taken into account to diminish the time for which he was sentenced."

b. Information on Secured Fund

15. MR. HAMILTON (Chairman, US) recalled that on 6 April (p. 3, Minutes, 190th FEC Mtg.) he had presented information on the secured fund of the proceeds of liquidation of unidentified looted property. The Indian and Netherlands representatives had then requested additional details. As a response to those requests he presented the following statement containing supplemental information received from SCAP (subsequently circulated as FEC-011/62):

16. "The Supreme Commander has informed the United States Government that the proceeds from individual categories of looted property are as follows:

FEC--CONFIDENTIALItem 2 b (Cont'd)

<u>Category</u>	<u>Dollar Fund</u>	<u>Yen Fund</u>
Tin	1,169,069.56	---
Lead	701,054.42	---
Rubber and tires	228,695.77	374,050.00
Zinc	14,187.97	---
Copper	73,066.54	---
Alloys	23,571.54	42,115.00
Quinine derivatives	6,200.00	---
Gold	902,296.75	---
Silver	186,212.86	---
Machines and industrial equipment	3,552.37	3,104,700.00
Automobiles and equipment	60,077.34	---
Vessels and equipment	2,870.00	---
Typewriters	752.06	---
Miscellaneous	<u>27,833.71</u>	<u>733,665.12</u>
Total	3,399,440.89	4,254,530.12
Less refund	none	864,720.00
Need proceeds	3,399,440.89	3,389,810.12

(The refund of yen 864,720 was made to the Japanese Government to compensate at the official rate of exchange for automobiles sold for dollars and later determined to be not looted.)

17. "These dollar and yen sums are the total amounts in the Secured Fund as of April 1, 1950, from liquidation of unidentified looted property and represent the proceeds of all such property in the custody of the Supreme Commander before that date.

18. "The United States Government has been informed by the Supreme Commander that since the Japanese Government continues to report newly-found looted property from time to time it is anticipated that there may be additional unidentified looted property to be liquidated subsequent to April 1, 1950. The Supreme Commander has recommended that the proceeds of liquidation of such property be distributed quarterly in accordance with the percentage shares to be decided by the seven claimant nations. If no objection is made, the United States Government will advise the Supreme Commander, when agreement is reached on percentage shares for the distribution of the Secured Fund in accordance with relevant Far Eastern Commission policy, that he should distribute all proceeds accrued to the Secured Fund, whether before or after April 1, 1950, and that proceeds accruing after the initial distribution may thereafter be distributed on a quarterly basis, as recommended by the Supreme Commander."

19. DR. LEE (China) thanked the United States representative for the foregoing information. His delegation would study it carefully and, for the time being, he would reserve the Chinese position on the matter.

20. There was no other business.

21. The meeting adjourned at 10:50 A.M.

COPY NO. 148FEC--CONFIDENTIALMINUTES--192nd FEC Mtg.4 May 1950FAR EASTERN COMMISSION

Provisional Minutes of the 192nd Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
4 May 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman
His Excellency Mr. N. J. O. Makin (Australia)
U Tin Maung (Burma)
Mr. B. A. Wallis (Canada)
His Excellency Dr. W. K. Lee (China)
Mr. P. Millet (France)
Mr. P. Vaidyanathan (India)
Mr. G. J. Jobsis (Netherlands)
Mr. D. Dunlop (New Zealand)
Mr. K. F. Khalil (Pakistan)
Mr. F. Lozada (Republic of the Philippines)
No Soviet Representative Present
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--192nd FEC Meeting
4 May 1950

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COPY NO. _____

FEC--CONFIDENTIALRECORD OF APPROVAL192nd FEC MIN., 4 May 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 192nd MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 193rd meeting, 18 May 1950, approved the provisional minutes of its 192nd meeting with the following correction:

Page 1, paragraph 6, amend the first sentence as follows:

"MR. KHALIL (Pakistan) desired to record the view that no decision on percentage shares of the secured fund or the distribution of the secured fund ~~of the proceeds of liquidation of unidentified looted property~~ should be reached by the seven governments participating under FEC-011/51; 58; 59 until the Government of Pakistan had had an opportunity to express an opinion on the subject."

2. Representatives are requested to incorporate the above corrections in their copies of the provisional minutes of the 192nd meeting of the Far Eastern Commission, and to attach this formal record of approval to those copies as corrected.

3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of
192nd Meeting of Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--192nd FEC Mtg.4 May 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 192nd MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 191st MEETING

Corrected and approved.

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)ITEM 3 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)ITEM 4 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)ITEM 5 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)ITEM 6 - REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)ITEM 7 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIPBUILDING AND SHIPPING (FEC-297/10)ITEM 8 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)ITEM 9 - REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)ITEM 10- ECONOMIC STABILIZATION IN JAPAN

No consideration of Items 2 - 10 inclusive.

ITEM 11- OTHER BUSINESSa. Remarks by Representatives of Pakistan and of Burma on Restitution Policy, Secured Fund, and Reparations (p. 1)b. Chinese Statement on Parole of Japanese War Criminals (see FEC-314/20) (pp. 1-2)c. Indian Inquiry regarding Japanese Official Agents Abroad

Response to this inquiry was made by supplying Indian representative a copy of U.S. State Department press release No. 443 of 1 May 1950 (pp. 2-3).

ITEM 12- PRESS RELEASE

None.

Summary--Minutes, 192nd FEC Meeting
4 May 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 191st MEETING

1. THE COMMISSION approved the minutes of its 191st meeting with the following correction:

Cover page - change the name of the representative for Pakistan to "MR. K. F. KHALIL"

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

2. MR. HAMILTON (Chairman, US) noted that this subject was under active consideration in Committee No. 6. He asked whether any representative desired to offer a comment of a general nature at the present time.
3. There was no discussion of this subject and without objection further consideration of it was postponed.

ITEMS 3 - 10 Inclusive

4. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 3 - 10, inclusive, on the agenda.
5. There was no discussion of these subjects and without objection further consideration of them was postponed.

ITEM 11- OTHER BUSINESS

a. Remarks by Pakistan and Burmese Representatives on Restitution Policy, Secured Fund, and Reparations

6. MR. KHALIL (Pakistan) desired to record the view that no decision on the distribution of the secured fund ~~of the proceeds of liquidation of unidentified looted property~~ should be reached by the seven governments participating under FEC-011/51; 58; 59 until the Government of Pakistan had had an opportunity to express an opinion on the subject. He desired also to make a similar reservation with regard to any reparations settlement. He hoped to receive instructions which would enable him to express more definitive views within a short time.

7. U TIN MAUNG (Burma) referred to the United States statement of 20 April 1950 (FEC-011/62) in which it had been said, "If no objection is made, the United States Government will advise the Supreme Commander, when agreement is reached on percentage shares for the distribution of the secured fund in accordance with relevant Far Eastern Commission policy, that he should distribute all proceeds accrued to the secured fund, whether before or after April 1, 1950...". U TIN MAUNG desired to record the wish of his Government that, pending final decision on the percentage shares for the distribution of the secured fund, his Government wished to review the whole question. It was the position of his Government that no final decision should be reached on the matter until there had been opportunity for Burma to study the problem and to express its definitive view.

b. Chinese Statement on Parole of Japanese War Criminals

8. DR. LEE (China) presented the following statement (subsequently circulated as FEC-314/20):

9. "Mr. Chairman, I am grateful for your reply of April 20, 1950, to my inquiry with regard to the release of Japanese war criminals on parole. After careful study and consideration of the reply, my Government finds it difficult to share the view of the United States Government that SCAP, as the executive authority for the Allied Powers in Japan, may effect the release on parole of Japanese war criminals who were tried and convicted by the International Military Tribunal for the Far East.

*percentage shares
of the secured fund as*

FEC--CONFIDENTIALItem 11 b (Cont'd)

10. "It is generally conceded that the major Japanese war criminals constitute a special category by themselves because they, unlike ordinary criminals, were responsible for crimes against peace and humanity. They are, in the words of the Potsdam Declaration, the persons 'who have deceived and misled the people of Japan into embarking on world conquest'. The Allied Powers have been firm in their purpose that stern justice must be meted out to them in order to drive from the world 'irresponsible militarism'. Pursuant to this basic policy the major Japanese war criminals were brought to trial before the International Military Tribunal for the Far East. For nearly two and a half years the Tribunal did its utmost to ensure fairness of trial and the sentences it eventually handed down were fully approved by General MacArthur, in whose opinion 'no mortal agency in the present imperfect evolution of civilized society seems more entitled the to confidence in the integrity of its solemn pronouncements'. It is the belief of my Government that justice can be best served by adhering strictly to the sentences imposed by the Tribunal and approved by SCAP.

11. "Furthermore, it is also well recognized that the International Military Tribunal for the Far East is an international court, acting under international authority. FEC-328/1 states that the various actions taken by SCAP in connection with that Tribunal are 'in accordance with the authority and direction of the Far Eastern Commission'. This very statement, as you may recall, was made by this Commission at the request of the United States Government. In view of the international character and responsibility of the Tribunal, my Government believes that SCAP has no authority regarding the judgments of the Tribunal except that specifically provided for in the policy decision adopted by the Far Eastern Commission on April 3, 1946. In the case of major Japanese war criminals, as stated by Mr. Perlman, Solicitor General of the United States Government, SCAP's 'only right to hold these prisoners comes from a mandate to him from the Far Eastern Commission'. He is, therefore, not in a position to grant parole to those prisoners without authorization and direction from the Commission.

12. "Mr. Chairman, I submit this statement in the hope that the United States Government will reconsider its position on this matter."

13. MR. HAMILTON (Chairman, US) noted that the United States view on this matter had already been expressed (FEC-314/19) to the effect that the action of the Supreme Commander with reference to the matter of parole lay within the scope of his general administrative and executive authority and had been taken pursuant to it. He would, of course, take note of the statement just presented by the Chinese representative and would refer it to his Government.

c. Indian Inquiry regarding Japanese Official Agents Abroad

14. MR. VAIDYANATHAN (India) recalled that on 12 January 1950 (see Minutes, 179th FEC Mtg.) proposed policy decisions on Japanese Official Agents Abroad for Trade Purposes (FEC-345/1) and Japanese Official Agents Abroad for Handling Civil Status and Property Matters (FEC-346/1) had been voted on and rejected. At that time the United States representative had stated his Government's view that in the absence of a Commission policy decision the Supreme Commander had the authority to act at his own discretion on these matters. He now understood that Japanese official agents were expected in the United States for handling civil status and property matters and he wished to know when they would arrive in the United States.

15. MR. HAMILTON (Chairman, US) replied that a copy of a press release recently issued by the United States Department of State on this matter would be made available to Mr. Vaidyanathan. (United States State Department

FEC--CONFIDENTIALItem 11 g (Cont'd)

press release No. 443 of 1 May 1950, containing information responsive to the query, was subsequently supplied to Mr. Vaidyanathan.)

16. There was no other business.
17. The meeting adjourned at 10:47 A.M.

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COPY NO. _____

FEC--CONFIDENTIALMINUTES--193rd FEC Mtg.18 May 1950FAR EASTERN COMMISSION

Provisional Minutes of the 193rd Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
18 May 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman
His Excellency Mr. N. J. O. Makin (Australia)
U Tin Maung (Burma)
Mr. B. A. Wallis (Canada)
His Excellency Dr. W. K. Lee (China)
Mr. P. Millet (France)
Mr. P. Vaidyanathan (India)
Mr. G. J. Jobsis (Netherlands)
Mr. D. Dunlop (New Zealand)
Mr. K. F. Khalil (Pakistan)
Mr. F. Lozada (Republic of the Philippines)
No Soviet Representative Present
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--193rd FEC Meeting
18 May 1950

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COPY NO. _____

FEC--CONFIDENTIALRECORD OF APPROVAL193rd FEC MIN., 18 May 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 193rd MEETING OF THE FAR EASTERN COMMISSION

1. The Far Eastern Commission, at its 194th meeting, 1 June 1950, approved the provisional minutes of its 193rd meeting with no corrections.
2. Representatives are requested to attach this formal record of approval to their file copies of those minutes.
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of the
193rd Meeting of Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--193rd FEC Mtg.18 May 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 193rd MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 192nd MEETING

Corrected and approved (p. 1).

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

Canadian statement, expressing general support for FEC-371 (see FEC-371/8) (p. 1).

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

No consideration of items 3 - 10, inclusive.

ITEM 11- OTHER BUSINESSa. U.S. Statement regarding Parole of War Criminals

U.S. representative submitted a reply to Chinese statement of 4 May 1950 (see FEC-314/21) (pp. 1-2).

b. Chinese Inquiry regarding News Report on Japanese Fishing (p. 2)c. Philippine Inquiry regarding Removal of Certain Companies from the Schedule of Restricted Concerns

Philippine representative requested information regarding the removals listed in SCAPIN 2089 (pp. 2-3).

d. Remarks on the Appointment of General Carlos P. Romulo as Secretary of Foreign Affairs of the Republic of the Philippines (p. 3)ITEM 12- PRESS RELEASE

None.

Summary--Minutes, 193rd FEC Mtg.
18 May 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 192nd MEETING

1. THE COMMISSION approved the minutes of its 192nd meeting with the following correction:

Page 1, paragraph 6, amend the first sentence as follows:

"MR. KHALIL (Pakistan) desired to record the view that no decision on percentage shares of the secured fund or the distribution of the secured fund ~~of the proceeds of liquidation of unidentified looted property~~ should be reached by the seven governments participating under FEC-011/51; 58; 59 until the Government of Pakistan had had an opportunity to express an opinion on the subject."

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

2. MR. HAMILTON (Chairman, US) noted that this subject was under detailed consideration in Committee No. 6. He asked whether any representative desired to offer remarks of a general nature at this time.
3. MR. WALLIS (Canada) presented the following statement (subsequently circulated as FEC-371/3):

4. "I have been authorized to say that the Canadian Government approves in principle the United States proposal to extend the jurisdiction of Japanese courts in cases involving United Nations nationals in Japan. We appreciate the nature of the burden imposed on the occupation authorities by the present requirement to conduct all cases involving United Nations nationals before occupation courts; and we believe that the exercise of increased judicial authority by Japanese courts, subject to the control and review of the Supreme Commander for the Allied Powers, would have a beneficial effect upon the judicial tradition in Japan.

5. "It is the view of my Government, however, that it will be desirable for the working committee to consider carefully the terms of the United States proposal and the various suggestions that have been put forward by other representatives, with a view to ensuring the full protection of the rights and interests of the United Nations and their nationals in Japan, and to safeguarding against possible malpractices or discrimination in cases before Japanese courts involving United Nations nationals."

6. Without objection, further consideration of this subject was postponed.

ITEMS 3 - 10 Inclusive

7. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 3 - 10, inclusive, on the agenda.
8. There was no discussion of these subjects and without objection further consideration of them was postponed.

ITEM 11- OTHER BUSINESSa. United States Statement regarding Parole of War Criminals

9. MR. HAMILTON (Chairman, US) referred to the Chinese statement on the parole of Japanese war criminals (FEC-314/20) which had been submitted by the Chinese representative at the 192nd meeting, 4 May 1950. As a reply to that Chinese statement, MR. HAMILTON submitted the following statement (subsequently circulated as FEC-314/21):

FEC--CONFIDENTIALItem 11 a (Cont'd)

10. "As indicated in my statement of April 20, 1950, to the Commission, it is the view of my Government that the Supreme Commander for the Allied Powers as the sole executive authority for the Allied Powers in Japan has the responsibility for the various matters pertaining to the execution of the sentences of the International Military Tribunal for the Far East, including the granting of parole to war criminals tried by that court.

11. "It is the view of my Government that the procedures set up by the Supreme Commander for the Allied Powers are in conformity with the policy decision of the Far Eastern Commission on the apprehension, trial and punishment of war criminals in the Far East which places on him the responsibility for carrying out the judgment of any international courts appointed by him.

12. "It is the view of the Supreme Commander for the Allied Powers that it would appear the Chinese Government is under the impression that the paroling of an eligible war criminal constitutes a modification of the sentence originally imposed and consequently requires consultation. The Supreme Commander for the Allied Powers points out that if such impression is held, it is not in accord with the facts, in as much as there is a distinction between modification of a sentence and execution thereof. The parole system as established by the Supreme Commander for the Allied Powers does not in any way involve a modification; that is, a reduction or alteration of any sentence imposed by a war crimes tribunal. An examination of the Supreme Commander for the Allied Powers' Circular No. 5, 7 March 1950, will reveal that the parole system merely prescribed one aspect of the administrative methods which are employed and constitute the practice in enlightened, democratic countries for the execution of sentences imposed on criminals. My Government concurs in the foregoing view."

13. DR. LEE (China) said that he would refer the foregoing statement by the United States representative to his Government for its consideration.

b. Chinese Inquiry regarding News Report on Japanese Fishing

14. DR. LEE (China) invited attention to the following Kyodo News Agency dispatch of 13 May 1950:

15. "Fishing circles are greatly animated by the prospect of a phenomenal increase in the catch as a result of the latest GHQ announcement on permission to extend the Japanese fishing areas to the equator as this will include the principal prewar tuna fishing grounds. Preparations are already under way for organizing fleets of tuna and bonito fishing vessels. New plans for refueling, mother ship systems and improved refrigeration are expected to bring a striking increase in catches."

16. DR. LEE requested further information on the subject.

17. MR. HAMILTON (Chairman, US) said that he would refer the matter to his Government.

c. Philippine Inquiry regarding Removal of Certain Companies from the Schedule of Restricted Concerns

18. MR. LOZADA (Phil.) referred to a memorandum for the Japanese Government from the Supreme Commander on the above subject, dated 21 March 1950 (SCAPIN 2089). This memorandum designated certain companies for removal from the schedule of restricted concerns, and MR. LOZADA desired the United States representative to supply the reasons for, and all pertinent information regarding the removal of these concerns from the schedule.

FEC--CONFIDENTIAL

Item 11 c (Cont'd)

19. MR. HAMILTON (Chairman, US) said that he would refer the Philippine request for information to his Government.

d. Remarks on the Appointment of General Carlos P. Romulo as Secretary of Foreign Affairs of the Republic of the Philippines

20. MR. HAMILTON (Chairman, US) expressed his gratification at the appointment of General Carlos P. Romulo to the position of Secretary of Foreign Affairs of the Republic of the Philippines. All representatives joined him, he felt sure, in expressing their best wishes to General Romulo in the discharge of his new responsibilities. MR. HAMILTON expressed the hope that these new duties would not preclude General Romulo's attendance at Commission meetings from time to time.

21. MR. MAKIN (Aus.) joined Mr. Hamilton in expressing congratulations and good wishes to General Romulo upon his new appointment. All representatives had learned to appreciate General Romulo, to value his services, and to share the view that his great merit made him worthy of the distinguished office he now occupied.

22. MR. LOZADA (Phil.) expressed his thanks for the remarks just recorded regarding the chief of his delegation; he would transmit these good wishes to General Romulo.

23. There was no other business.

24. The meeting adjourned at 10:55 A.M.

COPY NO. _____

FEC--CONFIDENTIALMINUTES--194th FEC Mtg.1 June 1950FAR EASTERN COMMISSION

Provisional Minutes of the 194th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
1 June 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman

His Excellency Mr. N. J. O. Makin (Australia)

U Tin Maung (Burma)

Mr. R. E. Collins (Canada)

His Excellency Dr. W. K. Lee (China)

Mr. J. Daridan (France)

Mr. P. Vaidyanathan (India)

Mr. O. Reuchlin (Netherlands)

Mr. F. Corner (New Zealand)

Mr. K. F. Khalil (Pakistan)

Mr. ~~F. Lozada~~ ^{Emilio Abello} (Republic of the Philippines)

No Soviet Representative Present

Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--194th FEC Meeting
1 June 1950

COPY NO. 148FEC--CONFIDENTIALRECORD OF APPROVAL194th FEC MIN., 1 June 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 194TH MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 195th meeting, 15 June 1950, approved the provisional minutes of its 194th meeting with the following correction:

Cover page, change the name of Philippine representative from "Mr. F. Lozada" to "Mr. Emilio Abello".

2. Representatives are requested to incorporate the above correction in their file copies of the provisional minutes of the 194th meeting of the Far Eastern Commission, and to attach this formal record of approval to those copies as corrected.

3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of the
194th Meeting of the Far Eastern Commission

SUMMARY--FECCONFIDENTIAL
SUMMARY--194th FEC Mtg.
1 June 1950FAR EASTERN COMMISSION
SUMMARY OF MINUTES OF 194th MEETINGINTRODUCTION OF MR. JOHN FOSTER DULLES (p. 1)REMARKS BY MR. JOHN FOSTER DULLES (p. 1)ITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 193rd MEETING

Approved without correction (p. 1)

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

Oral report by Deputy Chairman of Committee No. 6 on discussion in the working committee (pp. 1-3).

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

No consideration of items 3 - 10, inclusive.

ITEM 11- OTHER BUSINESSa. Australian Inquiry on the Secured Fund of the Proceeds of Liquidation of Unidentified Looted Property

Australian inquiry regarding the yen total of the secured fund (p. 3).

b. Philippine Inquiry concerning Burmese and Pakistan Views on Distribution of Secured Fund

Philippine representative asked whether representatives of Burma and of Pakistan were in a position to state views of their respective governments on distribution of secured fund. Representatives of Burma and of Pakistan still awaiting instructions (p. 3).

c. Discussion of Removal of Items from the Agenda

Netherlands representative moved that items 3 - 10, inclusive, be removed from the agenda, on the understanding that any subject could be placed on the agenda by any delegation desiring its discussion. Brief discussion; action on motion postponed (See FEC- 372). (p. 4).

SUMMARY--FEC (Cont'd)

FEC--CONFIDENTIAL
SUMMARY--194th FEC Mtg.
1 June 1950

ITEM 11- OTHER BUSINESS (Cont'd)d. Netherlands Inquiry regarding Parole of Japanese War Criminals

Discussion of whether parole constitutes reduction or alteration of a sentence. (pp. 4-5).

e. United States Statement on Extension of Japanese Fishing Area

United States representative presented SCAP press release of 12 May 1950 and additional comments, as reply to Chinese inquiry of 18 May. Attention invited to SCAPIN 2097 of 11 May 1950. Netherlands inquiry as to willingness to consult with country asserting direct concern in area of extension (pp. 5-6).

f. United States Statement on Removal of Certain Countries from the Schedule of Restricted Concerns

United States representative submitted reply to Philippine inquiry of 18 May 1950 (see MI-064/24)(pp. 6-7).

ITEM 12- PRESS RELEASE

None.

FEC--CONFIDENTIALINTRODUCTION OF MR. JOHN FOSTER DULLES

1. MR. HAMILTON (Chairman, US) opened the meeting by welcoming Mr. John Foster Dulles as a visitor. He recalled that, at the request of the President of the United States and of the Secretary of State, Mr. Dulles had been serving as consultant to the Secretary of State in the broad field of foreign affairs for the past few months.
2. For many years Mr. Dulles had participated in international affairs, beginning in 1907 when he had accompanied his grandfather, then Secretary of State, to the peace conference at the Hague. All were familiar with his participation in recent years in the work of the United Nations. His most recent assignment of a specific nature had been that of the problem of a Japanese peace settlement.
3. MR. HAMILTON invited Mr. Dulles to address the meeting.

REMARKS BY MR. JOHN FOSTER DULLES

4. "Mr. Chairman, and members of the Commission: It's a great pleasure for me to be here with you and, in a sense, to mark my initiation into a new international organization. I've worked with many international organizations throughout my life, as the Chairman was good enough to recall, and more particularly in recent years with the United Nations and with the Council of Foreign Ministers. I have not heretofore had the pleasure of meeting with the Far Eastern Commission but I know very well of its work and of the very important contribution that it made, more particularly during the difficult early years of the occupation, to the solution of many of the difficult problems that arose out of the Japanese surrender and the operations under the surrender terms. I had something to do with the early discussions in London in 1945 and with the discussions in Moscow which led to the establishment of this Commission in December of that year. Thus I have had some association with the origins of this Commission and I have known a good deal and am now to know more about the work that the Commission has done.

5. "My Government feels, as the Chairman has indicated, that the time may be here when at least it is worthwhile to give closer consideration and more urgent consideration than heretofore to the problem of an eventual Japanese peace treaty. If a study should lead to the conclusion on the part of the interested governments here that it is desirable to move ahead along those lines, then I look forward with anticipation to meeting, I am sure frequently, either around this table or possibly around another table, with the members of this Commission in the consummation of the constructive work to which we have all put our shoulders.

6. "I see, Mr. Chairman, from the documents before me that you probably have a very busy time ahead of you and I won't take up any more of your time interfering with the solution of all these very difficult problems which I just glimpse on the papers before me.

7. "Thank you very much, Mr. Chairman."

ITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 193rd MEETING

8. THE COMMISSION approved the minutes of its 193rd meeting without correction.

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

9. MR. HAMILTON (Chairman, US) recalled that this subject had, on 23 March 1950, been referred to Committee No. 6 for detailed consideration while being retained on the Commission's agenda in order to afford opportunity for

FEC--CONFIDENTIAL

Item 2 (Cont'd)

statements of a general nature. Mr. Ford, the deputy chairman of Committee No. 6, had presided at the committee's most recent meeting, in the absence of the chairman of the committee, Mr. Fequant of the French delegation. MR. HAMILTON requested him to report on the course of discussion in that committee.

10. MR. FORD of the United Kingdom delegation, speaking as acting chairman of Committee No. 6, and at the request of Mr. Fequant, said that the committee had so far held three meetings to consider the original United States proposal (FEC-371) and also a French proposal (C6-371/6) which had been submitted as an alternative to the United States proposal.

11. MR. FORD pointed out that the views of six of the delegations were presented at a meeting of Committee No. 6 on 26 April (pp. 4-5, Minutes, 53rd Mtg.). Since then the views of one additional delegation, the Canadian, had been expressed (FEC-371/8). Other delegations were still awaiting instructions. The Soviet delegation had not been represented at any of the meetings of Committee No. 6.

12. Three main problems had arisen in connection with the discussion in Committee No. 6: criminal jurisdiction, arrests by Japanese police, and civil jurisdiction.

13. With regard to the first of these problems, criminal jurisdiction, the United States proposal provided that Japanese courts should exercise criminal jurisdiction over United Nations nationals with certain exceptions which included members of the occupation forces and attached personnel and representatives of United Nations in Japan on official business. The French proposal provided for similar excepted categories of personnel but added excepted categories of offenses. While the majority of the committee seemed to favor the French proposal as a working basis, some members of the committee were unable to favor either the French or the United States proposal because of the view that there should be no extension of Japanese criminal jurisdiction at this time.

14. The right of Japanese police to arrest nationals of members of the United Nations, with prescribed exceptions, followed as a corollary to the proposal that there be Japanese criminal jurisdiction over such persons. The United States proposal would allow the Japanese police to arrest persons in the excepted categories if there were no Allied police present and if the offense or threatened offense were sufficiently serious. The French proposal would leave to the Supreme Commander the determination of conditions under which Japanese police might arrest excepted persons. Some members of the committee felt that Japanese police should not be allowed to arrest persons in excepted categories under any circumstances, and it seemed likely that the committee would eventually work out a provision carefully prescribing the conditions under which Japanese police should carry out such arrests.

15. On the question of civil jurisdiction, the United States proposal would allow Japanese courts to exercise civil jurisdiction over all nationals of members of the United Nations with the exceptions already mentioned. The French proposal was similar but would also allow Japanese courts to exercise civil jurisdiction over persons in the excepted categories under conditions to be determined by SCAP. Both alternatives were still under consideration in the working committee.

16. A number of additional problems had arisen during the discussions in Committee No. 6. The United Kingdom member had submitted an amendment pertaining to review by SCAP of capital sentences passed on United Nations nationals, and there was to be a further United Kingdom amendment having to do with the right of access by consuls to their accused nationals. There had also been discussion of the feasibility of a provision regarding statutes of limitation. On this point information was being sought as to the working of an analogous provision in Germany.

FEC--CONFIDENTIAL

Item 2 (Cont'd)

17. MR. FORD concluded his summary of the discussions in Committee No. 6 by saying that there seemed a good possibility that a draft proposal would result from these discussions which would be somewhat different from both the United States and French proposals and which would be acceptable to the majority of the delegations, although probably not to all of them.

18. MR. HAMILTON (Chairman, US) thanked Mr. Ford for the foregoing report. He inquired whether any representative desired at this time to offer a comment of a general nature.

19. There being no further discussion of this subject, consideration of it was postponed without objection.

ITEMS 3 - 10 inclusive

20. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 3 - 10, inclusive, on the agenda.

21. There was no discussion of these subjects and without objection further consideration of them was postponed.

ITEM 11- OTHER BUSINESSa. Australian Inquiry on the Secured Fund of the Proceeds of Liquidation of Unidentified Looted Property

22. MR. MAKIN (Aus.) referred to information which had been supplied by the United States representative on this subject at the 190th and 191st meetings of the Commission (p. 3, Minutes, 190th FEC Mtg.; pp. 2-3, Minutes, 191st FEC Mtg.) and pointed out that in the second of these statements (also contained in FEC-011/62) the United States representative had informed the Commission that the total value of the secured fund amounted to \$3,399,440.89 and ¥3,389,810.12. He recalled that representatives of looted countries had been informed near the end of the year 1949 that the Supreme Commander had liquidated looted property to the value of ¥1,032,000 and that it was not anticipated that further unidentified looted property would be liquidated for yen. He therefore desired to inquire of the United States representative the reasons for the substantial increase in the yen fund from approximately 1,000,000 to approximately 3,000,000.

23. MR. HAMILTON (Chairman, US) said that he would refer Mr. Makin's inquiry to his Government.

b. Philippine Inquiry concerning Burmese and Pakistan views on Distribution of Secured Fund

24. MR. ABELLO (Phil.) recalled that at the Commission's meeting of 4 May 1950 (p. 1, 192nd FEC Mtg.) the representatives of Burma and of Pakistan had expressed the view that no decision on the percentage shares of the secured fund or the distribution thereof should be reached by the seven interested countries until their governments had reviewed the whole question. The Philippine Government was vitally interested in the problem and desired that the distribution be made as soon as possible. Although the seven interested countries had not as yet agreed among themselves on the distribution of the fund, they were now less able than before to reach agreement because of the delay occasioned by waiting for the Pakistan and Burmese views. He therefore desired to inquire as to whether the representatives of Burma and of Pakistan were in a position to express their views.

25. MR. KHALIL (Pakistan) and U TIN MAUNG (Burma) indicated that they had requested instructions of their respective Governments and hoped to have them soon.

FEC--CONFIDENTIAL

ITEM 11 (Cont'd)

c. Discussion of Removal of Items from the Agenda

26. MR. REUCHLIN (Neth.) referred to the closing remarks of the Commission's distinguished visitor, Mr. Dulles, and observed that Mr. Dulles had apparently been misled by the length of the agenda and by the formidable quantity of documents which accompanied it. He recalled that on previous occasions he had proposed that the agenda be brought into conformity with reality. The agenda contained numerous items which were never discussed and in his opinion it should only contain subjects which were under active consideration. It had also been contended in effect that the absence of one of the Commission's representatives precluded the taking of a decision on the question of removal of inactive items, but on this point he felt obliged to remind representatives that only a question of procedure was involved and there was therefore no need for the concurrence of any specified representative.

27. MR. REUCHLIN moved that items 3 - 10, inclusive, be removed from the agenda without prejudice to the right of any representative to return any of the items to the agenda for the purpose of discussion.

28. MR. MAKIN (Aus.) said that he would not like to vote on Mr. Reuchlin's motion at the present meeting. There were subjects of great importance included in items 3 - 10 of the agenda, and he would not wish to make a decision on their removal without an opportunity for further consideration.

29. MR. VAIDYANATHAN (India) supported the remark of the Australian representative. He would have to obtain instructions from his Government before doing anything about the removal of items from the agenda.

30. MR. HAMILTON (Chairman, US) observed that Mr. Reuchlin's proposal was to the effect that the items be removed, on the understanding that any of them could be restored for the purpose of discussion at the request of any representative.

31. MR. REUCHLIN (Neth.) said that approximately three months ago, when he had raised the question, the Indian representative had said that he was going to seek instructions from his Government on the point. He hoped that such instructions would be obtained by the next meeting.

32. MR. VAIDYANATHAN (India) said that on the previous occasion there had been no formal proposal by the Netherlands representative. He doubted that his Government would agree to the removal of any items at the present time, but if there were a regular, official proposal on the removal of items he would convey it to his Government and seek instructions. He desired to assure himself as to whether the Netherlands representative was offering an official proposal on the removal of items.

33. MR. REUCHLIN (Neth.) said that his motion was intended to constitute an official proposal.

34. MR. HAMILTON (Chairman, US) said that the Commission now had before it a formal proposal on the removal of items 3 - 10, inclusive. In view of the foregoing discussion, he would act in accordance with the usual procedure and not ask for definitive action on the motion at this time but would postpone it for further consideration.

d. Netherlands Inquiry regarding Parole of Japanese War Criminals

35. MR. REUCHLIN (Neth.) recalled that on 23 March 1950 the question of the parole of Japanese war criminals had first been raised by the Philippine member (p. 2, Minutes, 188th FEC Mtg.). In reply to this Philippine inquiry the United States representative had invited attention to SCAP Circular No. 5 of 7 March 1950 (pp. 1-2, Minutes, 189th FEC Mtg.; see FEC-314/18 for Circular No. 5). MR. REUCHLIN said that his present question had to do with whether the granting of parole was considered to be a reduction or an alter-

FEC--CONFIDENTIAL

Item 11 d (Cont'd)

ation of a sentence. If it were, then he felt obliged to draw attention to the Commission's policy decision (FEC-007/3 of 3 April 1946) which provided in paragraph 5 (b) that the Supreme Commander should have "the power to approve, reduce or otherwise alter any sentence...after consultation with the Allied Council for Japan and the representatives in Japan of the other powers members of the Far Eastern Commission".

36. MR. REUCHLIN pointed out that the judicial practice of releasing prisoners on parole was not followed in the juridical system of his own country and that he would therefore have to be guided by the principles of a country which did follow the practice. He recalled that Mr. Hamilton had held that the granting of parole did not constitute a modification, that is, a reduction or alteration of a sentence. Furthermore, MR. REUCHLIN said, other information which he had obtained supported this view. It was, in addition, the Netherlands view that the Far Eastern Commission had, in its policy decision of 3 April 1946, vested the Supreme Commander with the sole responsibility for the executive authority for the Allied Powers in the various matters pertaining to the execution of the sentences imposed upon war criminals by the International Military Tribunal. It was therefore the Netherlands opinion that the granting of parole by the Supreme Commander without consultation with the Allied Council and representatives of other nations in Japan was not in violation of any policy decision of the Commission and was in accordance with United States juridical practice, and that the authority to grant parole reposed rightfully in the hands of the Supreme Commander. He now desired to request confirmation of this opinion by the United States delegation.

37. MR. HAMILTON (Chairman, US) said that he was in a position to confirm Mr. Reuchlin's understanding of the parole system as it was practiced in the United States. A number of other countries represented on the Commission had similar systems.

e. United States Statement on Extension of Japanese Fishing Area

38. MR. HAMILTON (Chairman, US) referred to the inquiry of the Chinese representative of 18 May 1950 (p. 2, Minutes, 193rd FEC Mtg.) regarding the extension of the Japanese fishing area. In reply to this inquiry he desired to invite representatives' attention to the following SCAP press release of 12 May 1950:

39. "General MacArthur today authorized the Japanese to engage in tuna fishing in the area south of the present authorized area by sending expeditions from Japan similar to the Antarctic whaling expeditions.

40. "The authorization is recognition of Japan's constructive efforts to promote the continued productivity of aquatic resources. It was described as a marked contribution to Japan's economic recovery program. The new SCAPIN grants authority for the operation of mothership-type fishing expeditions in the area south from the authorized fishing area to the equator. This will include waters in the 'trust' area around the Caroline Islands, the Mariannas, and the Marshall Islands, but not the Gilbert Islands.

41. "Geographic limits are bounded by a line extending from 24° north latitude, 180° longitude south to 5° north latitude; thence west to 5° north latitude, 170° east longitude, thence south to the equator; thence west to 140° east longitude; thence northwesterly to 5° north latitude, 130° east longitude; thence north to 20° north latitude; thence west to 123° east longitude; thence north to 24° north latitude, 123° east longitude.

42. "No vessel of the fleets will approach closer than three miles to any land not under the administrative control of the Japanese Government. The ships will be marked distinctively and a representative of SCAP will accompany each fleet."

FEC--CONFIDENTIALItem 11 e (Cont'd)

43. MR. HAMILTON said that the extension described in the press release was consistent with the United States view which had been expressed on numerous occasions in the Commission, to the effect that in the absence of a policy decision by the Commission the Supreme Commander had the authority to extend the fishing area. He wished to point out that the extension in question would help Japan to meet its economic and financial needs, a subject on which the United States was especially interested. For some time the Supreme Commander had considered it desirable that the fishing area be extended. He had pointed out that the Japanese depended largely on fish for the protein element in their diet, that the existing ocean area in which they might fish did not produce an adequate amount of fish, that the area was over-fished, and that an extension was important both for the health of the Japanese people and for their economy. The newly-opened fishing area would in part remedy the situation since the new area contained some of the important pre-war Japanese tuna and bonito fishing grounds and was expected to provide a large amount of additional fish for both Japanese home consumption and for export. Furthermore, MR. HAMILTON said, the extension would be in line with the objectives of the occupation. The statement of Allied war aims as set forth in the Declaration of Potsdam nearly five years previously had provided that Japan be permitted to sustain her economy and to enjoy access to raw materials. In this case the raw material was fish in the open seas of the extended fishing area. The objective of a sustained, stabilized Japanese economy had long been stressed by the United States Government and this objective would be furthered by the extension in question.

44. MR. HAMILTON said that the memorandum for the Japanese Government to which the press release referred was designated SCAPIN 2097 of 11 May 1950. The document had just been prepared for circulation to the Commission and copies were available. (Copies circulated to representatives at the table.)

45. DR. LEE (China) thanked Mr. Hamilton for the information supplied in reply to the Chinese query on the extension of the fishing area. It would be recalled that the Commission had no policy decision on the subject and he wished at this time, therefore, to reserve his Government's position on the matter.

46. MR. REUCHLIN (Neth.) recalled that the proposed policy decision on fishing and aquatic industries in Japan (FEC-271/33), which had failed of adoption on 20 October 1949, had provided, in paragraph 2 b, with regard to contemplated expansion of the fishing area, that, "If such expansion will involve an area in which any member country of the FEC asserts a direct concern in respect to fishing or other commercial aquatic activities, SCAP will consult with such country with a view to reaching an agreement reasonably calculated to protect that country's legitimate interests and to benefit the Japanese economy". He now wished to inquire with regard to the extension of the Japanese fishing area authorized in SCAPIN 2097 whether any country had asserted a direct concern in any area affected thereby, and furthermore, whether, if a country should assert a direct concern, the Supreme Commander would be willing to consult with that country.

47. MR. HAMILTON (Chairman, US) said that his delegation would be glad to take Mr. Reuchlin's question under consideration. As a preliminary comment, he would say that the waters included in the extension lay within the open seas and did not come near to territory under the administration or sovereignty of any country other than the United States. He noted that a map showing the extension had been prepared by the Secretariat and was available for examination by any interested delegations.

f. United States Statement on Removal of Certain Countries from the Schedule of Restricted Concerns

48. MR. HAMILTON (Chairman, US) recalled that at the last meeting (pp. 2-3, Minutes, 193rd FEC Mtg.) the Philippine representative had inquired as to the reasons for removal from the schedule of restricted

FEC--CONFIDENTIALItem 11 f (Cont'd)

concerns of certain companies designated in SCAPIN 2089 of 21 March 1950. In reply to this inquiry MR. HAMILTON presented the following statement (subsequently circulated as MI-064/24):

49. "At the 193rd meeting of the Far Eastern Commission on May 18, 1950, the Philippine representative requested information regarding a memorandum to the Japanese Government from the General Headquarters of the Supreme Commander (SCAPIN 2089 of 21 March 1950) which provided for the removal of certain companies from the schedule of restricted concerns.

50. "By SCAPIN 215 of 31 October 1945 and SCAPIN 403 of 8 December 1945 the Supreme Commander directed that with certain minor exceptions, no sale, trade or other transfer or adjustment of the capital stocks, bonds, debentures, voting trust or other forms of capital securities of a specified list of firms, nor of their subsidiary or affiliated firms, should be made without the prior approval of General Headquarters, nor should their capital securities be used as collateral for loans, bills, notes, or other borrowings or credit without similar authorization. Through issuance of other memoranda to the Japanese Government, including those listed in paragraph 1 of SCAPIN 2089, the Supreme Commander later directed that numerous additional firms be added to the schedule of concerns whose activities were restricted in accordance with the provisions of SCAPIN 215 and SCAPIN 403. These actions constituted a part of the Supreme Commander's program for dissolution of excessive concentrations of economic power. Firms designated as restricted concerns by the directives referred to above were those in which Zaibatsu organizations held 10% or more of the stock and the restrictions were designed to prevent dissipation of assets until new stockholders had been acquired.

51. "The firms so designated were required by the Supreme Commander to sell the former Zaibatsu-owned stocks, reorganize the company structure if called for under established Japanese laws, protect any interests of United Nations nationals in the firm, and separate the firm completely from the former Zaibatsu chain of capital. As individual firms have completed the steps necessary to meet these requirements, the Supreme Commander has from time to time notified the Japanese Government of their removal from the schedule of restricted concerns. In this connection, the Supreme Commander has issued numerous memoranda to the Japanese Government, including for example SCAPIN 1918 of 6 July 1948, SCAPIN 1991 of 9 April 1949, SCAPIN 2045 of 17 September 1949; and SCAPIN 2065 of 17 December 1949, in addition to SCAPIN 2089. Through such removal of restrictions the Supreme Commander has permitted the resumption of the normal sale, trade and transfer of the capital securities of these firms, and the normal use of their capital securities as collateral for borrowing or credit purposes, subject to such regulations of the Supreme Commander and the Japanese Government as are applicable to other Japanese firms not on the schedule of restricted concerns. The remaining restricted firms are still in the process of complying with the Supreme Commander's criteria for removal from the schedule of restricted concerns."

52. There was no other business.

53. The meeting adjourned at 11:15 A.M.

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COPY NO. _____

FEC--CONFIDENTIALMINUTES--195th FEC Mtg.15 June 1950FAR EASTERN COMMISSION

Provisional Minutes of the 195th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
15 June 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

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

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--195th FEC Mtg.
15 June 1950

COPY NO. _____

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FEC--CONFIDENTIALCORRIGENDUM195th FEC MIN., 15 June 1950FAR EASTERN COMMISSIONCORRIGENDUMTOPROVISIONAL MINUTES OF THE 195th MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The attached pages embody changes requested by the Chinese representative in pages 2 and 3 of the provisional minutes of the 195th meeting of the Far Eastern Commission.
2. Representatives are requested to insert the attached revisions of pages 2 and 3 in their copies of the provisional minutes of the 195th meeting of the Far Eastern Commission.
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Corrigendum of Minutes of the 195th
Meeting of Far Eastern Commission

COPY NO. _____

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FEC--CONFIDENTIALRECORD OF APPROVAL195th FEC MIN., 15 June 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 195TH MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 196th meeting, 29 June 1950, approved without correction the provisional minutes of its 195th meeting (embodying the corrigendum previously circulated).
2. Representatives are requested to attach this formal record of approval to their file copies of those minutes.
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of the
195th Meeting of the Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--195th FEC Mtg.15 June 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 195th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF THE 194th MEETING

Corrected and approved (p. 1).

ITEM 2 - SECRETARY GENERAL'S PROPOSAL FOR A SUMMER SCHEDULE FOR 1950
(FEC-006/6)

Approved (see FEC-006/7) (p. 1).

ITEM 3 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

Statement by Pakistan representative (see FEC-371/10) (p. 1).

ITEM 4 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS
(FEC-334, /1, /2, /3, /4, /5, /6, /7)ITEM 5 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)ITEM 6 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)ITEM 7 - REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)ITEM 8 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY
(FEC-242/32; /35, /37, /38, /39, /40, /41, /42)- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIPBUILDING AND SHIPPING (FEC-297/10)ITEM 9 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)ITEM 10- REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)ITEM 11- ECONOMIC STABILIZATION IN JAPAN

No consideration of items 4 - 11, inclusive.

ITEM 12- REMOVAL OF ITEMS FROM THE AGENDA OF THE COMMISSION (FEC-372)

Exchange of views, summarized below. Action postponed at least until next meeting (pp. 1-3).

- | | |
|-----------|---|
| Australia | - Prefer retention of items; would not oppose proposal if supported by majority. Favor postponement of vote until after recess. |
| Burma | - No objection to proposal; favor postponement at least until next meeting. |

SUMMARY--FEC (Cont'd)FEC--CONFIDENTIAL

ITEM 12 (Cont'd)

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|----------------|--|
| Canada | - No objection to proposal; would not press for adoption if other delegations object strongly. |
| China | - Opposed proposal. |
| France | - In favor of proposal; no objection to postponement. |
| India | - Awaiting instructions; favor postponement until after recess. |
| Netherlands | - In favor. |
| New Zealand | - Prefer retention of items; would not oppose if supported by majority. |
| Pakistan | - Awaiting instructions; favor postponement. |
| Philippines | - In favor; no objection to postponement. |
| United Kingdom | - In favor; no objection to postponement. |
| United States | - No objection to proposal, but no strong view. |

ITEM 13- OTHER BUSINESSa. Announcement of SCAP Press Release on Establishment of Non-Japanese Civil Airline Service within Japan

United States representative invited attention to SCAP press release contained in FEC-373 (pp. 3-4).

b. United States Reply to Australian Query of 1 June regarding Amount of Yen in Secured Fund of Liquidation of Unidentified Looted Property

United States representative submitted statement (subsequently circulated as FEC-011/63) (p. 4).

c. Philippine Statement on Japanese Fishing Area

Philippine representative submitted statement (subsequently circulated as FEC-271/36) (pp. 4-6).

ITEM 14- PRESS RELEASE

None.

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 194th MEETING

1. THE COMMISSION approved the minutes of its 194th meeting with the following correction:

Cover page - change the name of Philippine representative from "Mr. F. Lozada" to "Mr. Emilio Abello"

ITEM 2 - SECRETARY GENERAL'S PROPOSAL FOR A SUMMER SCHEDULE FOR 1950 (FEC-006/6)

2. MR. McNICOL (Aus.) noted that it was his understanding that adoption of the Secretary General's proposal for a summer schedule would be on the understanding that a meeting could be called during the summer recess at the request of any delegation.

3. Without objection, the Secretary General's proposal for a summer schedule shown in FEC-006/6 was adopted by the Commission. (This action recorded and circulated in FEC-006/7).

ITEM 3 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

4. MR. KHALIL (Pakistan) submitted the following statement (subsequently circulated as FEC-371/10):

5. "I have been authorized to say that the Government of Pakistan supports the United States proposal (FEC-371) on the exercise of criminal and civil jurisdiction by Japanese courts over nationals of members of the United Nations. My Government would, however, prefer the inclusion of paragraph 6 of the French proposal, as contained in C6-371/6 of the 25th April 1950, suitably amended to cover instances where the interests of the United Nations national concerned are being protected by the mission of a country other than that to which he belongs."

6. Without objection, further consideration of this subject was postponed.

ITEMS 4 - 11 Inclusive

7. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 4 - 11, inclusive, on the agenda.

8. There was no discussion of these subjects, and without objection further consideration of them was postponed.

ITEM 12- REMOVAL OF ITEMS FROM THE AGENDA OF THE COMMISSION (FEC-372)

9. MR. VAIDYANATHAN (India) recalled that at the last meeting (p. 4, Minutes, 194th FEC Mtg.) he had supported postponement of action on the Netherlands motion contained in FEC-372. He had, meanwhile, requested instructions from his Government but had not as yet received them. He pointed out that there would be only three more meetings of the Commission before the summer recess which had just been agreed upon (see Item 2 above), and he suggested that action on the Netherlands motion be postponed until after the recess. This would afford ample time for all representatives to obtain instructions on the matter.

10. MR. McNICOL (Aus.) supported Mr. Vaidyanathan's suggestion.

11. MR. GRAVES (UK) said that his delegation supported the Netherlands proposal in principle, since it was without prejudice to the right of any representative to return items to the agenda for the purpose of discussion. As long as any representative could restore an item for discussion there

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Item 12 (Cont'd)

seemed little point in retaining all the present subjects on the agenda. However, if it were desired to retain them until after the recess, he would offer no objection.

12. MR. KHALIL (Pakistan) said that he had requested instructions of his Government on the Netherlands proposal. The instructions had not yet arrived and he would therefore suggest that action on the proposal be postponed until the next meeting of the Commission or the one immediately thereafter.

13. MR. HAMILTON (Chairman, US) thought that it might be useful to obtain some expression, however informal, from each representative. Accordingly, representatives offered the following additional comments:

14. MR. MILLET (France) said that his Government supported the Netherlands proposal but that he would not object to postponing action until after the recess.

15. MR. McNICOL (Aus.) said that he had referred the matter to his Government and that his Government saw no need for taking the proposed action. He recalled that the proposal had been made twice in the past and that there had not been substantial support for it. His delegation would prefer that items not yet acted on be retained on the agenda. However, if the majority of representatives favored the Netherlands proposal, he would not oppose it. He reiterated his support for Mr. Vaidyanathan's suggestion that action be postponed until after the summer recess.

16. MR. LOZADA (Phil.) said that the position of his Government was the same as that expressed by Mr. Graves.

17. MR. COLLINS (Canada) said that while he had no strong views on the matter, he felt that, as Mr. Graves had pointed out, there was no conceivable objection to the proposal, since any item could be returned to the agenda for purposes of discussion. He would, therefore, be inclined to favor the proposal, but if any representatives objected strongly he would not press for its adoption.

18. U TIN MAUNG (Burma) said that he had no serious objection to the proposal but that in the light of discussions which had taken place he would prefer that action on it be postponed at least until the next meeting and possibly until after the recess.

19. MR. HAMILTON (Chairman, US), speaking as United States representative, said that the views of his delegation were similar to those expressed by Mr. Collins. While his delegation had no strong feeling in the matter it was sympathetically disposed toward the Netherlands proposal.

20. MR. DUNLOP (NZ) said that his Government's view was similar to that expressed by Mr. McNicol. He would prefer that the agenda not be altered by the removal of subjects on which no decision had been taken, but did not feel strongly enough to offer opposition if the majority should support the proposal.

21. DR. LEE (China) said that it was regrettable that the Commission had not been able to solve the problems represented by items outstanding on its agenda. The motive for proposing that the items be removed was possibly simply that of removing them from view, but this would hardly remove the problems which they represented. It was the existence of these problems and the failure of the Commission to deal with them which was crucial. By removing the items from the agenda the Commission would seem to be admitting that it lacked the courage to concede what so far had been its failure to solve these important problems. He recalled that in the past when the

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Item 12 (Cont'd)

proposal had been raised the Chairman of the Commission had, after taking notice of objections from one or two delegations, acted in deference to those objections and had dropped the matter. He had been greatly surprised to find that the Netherlands proposal had been included on the present agenda as an item of business, and he remarked that this had the effect of lengthening what the Netherlands representative felt to be an already unduly long agenda.

22. DR. LEE said that it was the Chinese position that so long as the Commission had not adopted or rejected a policy proposal, that proposal was pending, and should therefore be kept on the agenda.

23. With regard to the contention that the items which it was proposed to drop had been inactive for a long period of time. DR. LEE pointed out that to the representatives of Burma and of Pakistan, who had joined the Commission relatively recently, the items were still subjects with which they needed to familiarize themselves and on which they had not yet found themselves in a position to express the points of view of their respective Governments. He felt, therefore, that the items should be retained on the agenda, not only as a reminder to the whole Commission of its duty to deal with outstanding problems but also to afford the two new delegations the opportunity for expressing their views on them. He felt that the matter was one which lay entirely within the competence of the Chairman and he would certainly be in support of the Chairman if he should decide that, in view of the objections raised, the matter should be postponed, if not dropped.

24. MR. HAMILTON (Chairman, US) said that two representatives had indicated that they were without instructions and that he would therefore suggest that action be postponed until the next meeting, at which time it could be decided whether or not to proceed to a vote.

25. MR. REUCHLIN (Neth.) said that with regard to Dr. Lee's comment that the Netherlands proposal constituted still another item on the agenda, he would suggest that that item could best be disposed of by voting on it. However, he would leave a decision as to the vote to the Commission; he would not press for it at the present meeting.

26. MR. VAIDYANATHAN (India) asked whether, if the Netherlands proposal should be adopted, it would mean that a vote would be needed in order to restore to the agenda one of the items which, under the Netherlands proposal, would be removed.

27. MR. HAMILTON (Chairman, US) replied that according to the Netherlands proposal as formulated, if any member requested that one of the items listed therein be restored to the agenda for purposes of discussion it would be automatically restored.

28. Without objection, further consideration of this subject was postponed.

ITEM 13- OTHER BUSINESSa. Announcement of SCAP Press Release on Establishment of Non-Japanese Civil Airline Service within Japan

29. MR. HAMILTON (Chairman, US) invited attention to a SCAP press release which was being issued in Tokyo under the date of 15 June 1950 regarding plans for the establishment in Japan by international airlines of an internal air transport service to be operated under the supervision of the Supreme Commander by non-Japanese airlines. Authorization for such an internal service was a natural extension of the earlier authorization given by the Supreme Commander to certain foreign airlines to operate planes into and out of Japan. The plans of the Supreme Commander appeared to the United

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Item 12 (Cont'd)

seemed little point in retaining all the present subjects on the agenda. However, if it were desired to retain them until after the recess, he would offer no objection.

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15. MR. McNICOL (Aus.) said that he had referred the matter to his Government and that his Government saw no need for taking the proposed action. He recalled that the proposal had been made twice in the past and that there had not been substantial support for it. His delegation would prefer that items not yet acted on be retained on the agenda. However, if the majority of representatives favored the Netherlands proposal, he would not oppose it. He reiterated his support for Mr. Vaidyanathan's suggestion that action be postponed until after the summer recess.

16. MR. LOZADA (Phil.) said that the position of his Government was the same as that expressed by Mr. Graves.

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19. MR. HAMILTON (Chairman, US), speaking as United States representative, said that the views of his delegation were similar to those expressed by Mr. Collins. While his delegation had no strong feeling in the matter it was sympathetically disposed toward the Netherlands proposal.

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Item 12 (Cont'd)

the past when the proposal had been raised the Chairman of the Commission had, after having taken notice of objections from one or more delegations, acted in deference to those objections and had dropped the matter. He was somewhat surprised to find that the Netherlands proposal had been included on the present agenda as an item of business, and he remarked that this had the effect of lengthening what the Netherlands representative felt to be an already unduly long agenda.

22. DR. LEE said that it was the Chinese position that so long as the Commission had not adopted or rejected a policy proposal, that proposal was pending, and should therefore be kept on the agenda.

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27. MR. HAMILTON (Chairman, US) replied that according to the Netherlands proposal as formulated, if any member requested that one of the items listed therein be restored to the agenda for purposes of discussion it would be automatically restored.

28. Without objection, further consideration of this subject was postponed.

ITEM 13- OTHER BUSINESSa. Announcement of SCAP Press Release on Establishment of Non-Japanese Civil Airline Service within Japan

29. MR. HAMILTON (Chairman, US) invited attention to a SCAP press release which was being issued in Tokyo under the date of 15 June 1950 regarding plans for the establishment in Japan by international airlines of an internal air transport service to be operated under the supervision of the Supreme Commander by non-Japanese airlines. Authorization for such an internal service was a natural extension of the earlier authorization given by the Supreme Commander to certain foreign airlines to operate planes into and out of Japan. The plans of the Supreme Commander appeared to the United

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States Government to be within his designated authority and consistent with policy decisions of the Commission. (The press release had just been prepared for circulation to the Commission (see FEC-373) and copies were circulated to representatives at the table).

b. United States Reply to Australian Query of 1 June regarding Amount of Yen in Secured Fund of Liquidation of Unidentified Looted Property

30. MR. HAMILTON (Chairman, US) presented the following statement (subsequently circulated as FEC-011/63):

31. "At the 194th meeting of the Far Eastern Commission on June 1, 1950, the Australian representative asked the reasons for the increase in the amount of yen in the secured fund, consisting of the proceeds of liquidation of unidentified looted property, from 1,032,000 yen late in 1949 to 3,389,810 yen as of April 1, 1950.

32. "The Australian representative recalled that the representatives of looted countries had been informed toward the end of last year that it was not anticipated that further unidentified looted property would be liquidated for yen. This opinion, which was expressed informally to the ad hoc committee by a member of the United States delegation to the Far Eastern Commission, was based on the assumption that all remaining unidentified looted property could be liquidated for dollars. In fact, however, dollar bids were not received for certain remaining items of unidentified looted property. For example, when bids were opened on January 17, 1950, for 357 items of unidentified looted machinery which had been widely offered for sale, it was found that only one bid for one machine had been received. The Supreme Commander informed the Restitution Advisory Committee of this circumstance and stated that it was anticipated that among the unidentified property still to be offered for sale, including 116 machines, radios and radio equipment, one automobile engine, 69 rubber tires and tubes, 4 bedsteads, skins and approximately 75 miscellaneous items of small intrinsic value, there would be other items for which no bids in dollars would be received (MI-210/49). At its meeting on January 20, 1950, the Committee unanimously voted to recommend to the Supreme Commander that whenever efforts to sell unidentified looted property for dollars were unsuccessful that, with the exception of precious metals and precious stones, a yen sale be arranged and that if such property could not be sold for either dollars or yen, it be released to the Japanese Government for distribution as directed by the Supreme Commander for the Allied Powers (MI-197/26).

33. "In accordance with the procedure recommended by the Committee, the Supreme Commander liquidated some additional unidentified looted property for yen, the total net receipts of yen as of April 1, 1950, being equivalent to approximately \$9,400 at the official rate of exchange. Since the secured fund on that date contained \$3,399,440.89 it is apparent that the yen component represents the proceeds from the sale of less than one-third of one per cent of the unidentified looted property liquidated up to that time."

34. MR. McNICOL (Aus.) thanked Mr. Hamilton for the information contained in the foregoing statement.

c. Philippine Statement on Japanese Fishing Area

35. MR. LOZADA (Phil.) presented the following statement (subsequently circulated as FEC-271/36):

36. "I should like to make some comments on the information supplied by the United States delegate on the Chinese inquiry on

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Item 13 c (Cont'd)

18 May 1950 regarding the news dispatch on Japanese fishing. The information which is embodied in SCAPIN 2097 permits the Japanese fishermen to operate mothership-type tuna fishing expeditions in the area extending south from the authorized fishing area to the equator.

37. "The Philippine delegation observes that the area in which Japanese nationals are permitted to fish by the Supreme Commander extends south to the equator much beyond the area specified in paragraph 2 (a) of the proposed policy paper, FEC-271/33, which was not accepted by all member governments represented in this Commission on 20 October 1949. I might recall that the Philippines voted against the policy proposal on the ground that it did not contain provisions which would insure adherence to conservation measures and safeguard the national security of countries near Japan. It is relevant to point out in this connection that in the past, Japanese vessels under the guise of engaging in fishing operations had come very close to the neighboring coasts and gathered valuable military data which, history tells, became inimical to the security of the countries concerned.

38. "This latest authorization by SCAP of permitting the former enemy nationals to fish very near the coasts of Allied countries located south and west of Japan and north of the equator, we believe, is not consistent with the United States policy with respect to fishing and aquatic industries in Japan which was dispatched some time in November 1945 to the Supreme Commander for the Allied Powers for his guidance. Paragraph (b) of document FEC-035 which embodies the United States policy reads:

'The coastal fisheries and fish culture should be utilized as the primary sources for domestic consumption. To the extent that fish culture and coastal fisheries are unable to meet the minimum domestic requirements, deep sea fisheries and other fisheries in water open to Japanese operation may be utilized where security and political considerations permit. Deep sea fishing in areas near United States territory or near United States island responsibilities should not be authorized. Japanese fishing should not be permitted near areas under Allied jurisdiction without prior permission from the country concerned. These prohibitions should continue until international agreements are negotiated permitting Japanese fishing in these areas.'

39. "The first part of paragraph (b) of the United States policy specifies that fish culture and coastal fisheries are to be utilized mainly for domestic consumption and that only should these be unable to meet the minimum domestic requirements can the Japanese be permitted to fish in the open sea. The last part of the paragraph as we understand, specifically states that prior permission from the country concerned is needed before Japanese fishing should be permitted near areas of direct concern under Allied jurisdiction.

40. "In view of the great concern of the Philippine Government and some governments represented in this Commission on the extended area authorized by SCAP to Japanese fishermen, the Philippine delegation will appreciate getting information on the following questions:

1. Is there any change in the policy of the United States Government regarding Japanese fishing since the basic statement contained in FEC-035 was dispatched to the Supreme Commander for his guidance?

2. What is the total catch obtained say from January to May 1950 from the coastal fisheries and fish culture? Of this amount, how much is consumed for domestic purposes?

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41. "Mr. Chairman, the Philippine delegation would like to express the hope that the position of the United States Government on this matter be reconsidered."
42. MR. HAMILTON (Chairman, US) said that the foregoing statement by the Philippine representative would be referred to the United States Government for consideration.
43. MR. McNICOL (Aus.) said that the matter of the Japanese fishing area was at present being considered by the Australian Government and that he therefore wished formally to reserve his Government's position on the whole question.
44. There was no other business.
45. The meeting adjourned at 11:00 A.M.

COPY NO. 148FEC--CONFIDENTIALMINUTES--196th FEC Mtg.29 June 1950FAR EASTERN COMMISSION

Provisional Minutes of the 196th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
29 June 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman
Mr. D. McNicol (Australia)
U Tin Maung (Burma)
Mr. R. E. Collins (Canada)
His Excellency Dr. W. K. Lee (China)
Mr. P. Millet (France)
Mr. P. Vaidyanathan (India)
Mr. G. J. Jobsis (Netherlands)
Mr. D. Dunlop (New Zealand)
Mr. K. F. Khalil (Pakistan)
Mr. F. Lozada (Republic of the Philippines)
No Soviet Representative Present
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--196th FEC Mtg.
29 June 1950

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COPY NO. _____

FEC--CONFIDENTIALRECORD OF APPROVAL196th FEC MIN., 29 June 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 196TH MEETING OF THE FAR EASTERN COMMISSION

1. The Far Eastern Commission, at its 197th meeting, 13 July 1950, approved the provisional minutes of its 196th meeting without correction.
2. Representatives are requested to attach this formal record of approval to their file copies of those minutes.
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of
196th Meeting of Far Eastern Commission

SUMMARY--FECFEC-CONFIDENTIAL
SUMMARY--196th FEC Mtg.
29 June 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 196th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 195th MEETING

Approved without correction (p. 1).

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)ITEM 3 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)ITEM 4 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)ITEM 5 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)ITEM 6 - REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)ITEM 7 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIPBUILDING AND SHIPPING (FEC-297/10)ITEM 8 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)ITEM 9 - REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)ITEM 10- ECONOMIC STABILIZATION IN JAPAN

No consideration of items 2 - 10, inclusive.

ITEM 11- REMOVAL OF ITEMS FROM THE AGENDA OF THE COMMISSION (FEC-372)

Burmese and Indian representatives awaiting instructions. Postponed (p. 1)

ITEM 12- OTHER BUSINESSa. Extension of Japanese Fishing Area

Statement by Australian representative (FEC-271/38). Statement by U.S. representative in reply to previous Netherlands and Philippine inquiries (FEC-271/37). Discussion. (pp. 1-5)

b. Third Report by the Secretary General on the Activities of the Far Eastern Commission (FEC-374)

Chairman invited attention to proposed third report. (p. 6)

c. Departure of Mr. G. J. Jobsis (p. 6)ITEM 13- PRESS RELEASE

None.

Summary--Minutes, 196th FEC Mtg.
29 June 1950

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ITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 195th MEETING

1. THE COMMISSION approved without correction the minutes of its 195th meeting (embodying the corrigendum previously circulated).

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

2. MR. HAMILTON (Chairman, US) noted that this subject was under active consideration in Committee No. 6 and asked whether any representative desired at this time to offer a comment of a general nature.

3. There was no discussion, and without objection further consideration of this subject was postponed.

ITEMS 3 - 10, Inclusive

4. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 3 - 10, inclusive, on the agenda.

5. There was no discussion of these subjects, and without objection further consideration of them was postponed.

ITEM 11- REMOVAL OF ITEMS FROM THE AGENDA OF THE COMMISSION (FEC-372)

6. MR. HAMILTON (Chairman, US) recalled that at the last meeting (pp. 1-3, Minutes, 195th FEC Mtg.) there had been a general discussion of this proposal with an informal indication of views by most representatives. He asked whether any representative who had then been without instructions was now prepared to comment.

7. MR. VAIDYANATHAN (India) said that he had unfortunately not yet received instructions. However, if the majority of representatives felt that a decision on the proposal should be taken at this time he would not object.

8. U TIN MAUNG (Burma) said that he was not yet in a position to express the official views of his Government on the proposal.

9. MR. HAMILTON (Chairman, US) suggested that under these circumstances further consideration of this subject should be postponed.

10. Without objection, further consideration of this subject was postponed.

ITEM 12- OTHER BUSINESSa. Discussion of Extension of Japanese Fishing Area

11. MR. McNICOL (Aus.) presented the following statement (subsequently circulated as FEC-271/38):

12. "At the last meeting of the Far Eastern Commission I formally reserved the position of the Australian Government with regard to the Supreme Commander's recent extension of the Japanese fishing area. This matter has now been considered by the Australian Government and I have been instructed to raise the following points in the Commission. Before doing so I wish to record the Australian Government's support for the position taken by the Government of the Philippines on this matter at the last meeting of the Commission.

13. "Representatives will recall at the 169th meeting of the Far Eastern Commission the paper on Fishing and Aquatic Industries in Japan, FEC-271/33, was voted on and lost by the non-concurrence of the Chinese and Soviet representatives. Had this paper been passed the Japanese fishing area could have been extended as far south as 16°

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north and no further extension of the area would have occurred without prior consultation between the Supreme Commander and interested governments. The principle which the majority of representatives were eager to see incorporated in this paper was that of no further extension without consultation. Although this policy was not approved, there was nevertheless a substantial majority in favour of it and the Australian Government would have hoped that the Supreme Commander for the Allied Powers would have consulted with other governments or at least would have informed the Commission in advance of the action which he contemplated. This, however, was not done and we were presented with an accomplished fact.

14. "In this connection I would like to refer to two other proposed policies which were not approved by the Commission but nevertheless have been implemented by the Supreme Commander and by the United States Government. These proposed policies concern the appointment of Japanese trade agents abroad and Japanese participation in international technical agreements. The first paper was lost through the non-concurrence of the U.S.S.R. and the second paper was not voted on. As representatives are aware the Australian Government does not approve in general of the issuance of interim directives. However, we feel that if this procedure is to be adopted in some cases there should be some consistency with regard to putting into effect policies which have not been adopted by the Commission. If SCAP or the United States Government had implemented the proposed policy on fishing and aquatic industries the Australian Government and other governments would then have been able to express direct concern in the area where the Japanese are now permitted to fish. There are some further points which I would place before the Commission. I understand that the area in the vicinity of the Western Caroline Islands is the spawning ground for tuna. In view of the pre-war Japanese record with regard to the observation of conservation measures, one cannot view with equanimity Japanese fishing in this area.

15. "We wish to point out that the economies of Allied Governments as well as that of Japan deserve some consideration, and we do not think that Japan should be given advantages at the expense of other Allied Governments. I understand that before the war the Netherlands Government were interested in tuna fishing in the area now available to the Japanese. Moreover, my own Government has recently established a tuna fishing industry in the area and feels that its economic interests and the economic interests of its territories in Papua and New Guinea might well be prejudiced by the presence of Japanese fishing craft in the area. In connection with the above I understand that Japan's share of pre-war world fisheries production was 22% of the world's catch. Before the extension of the fishing area approved by the Supreme Commander in September last year Japan had already reached the level of 18% of the world's catch. It can therefore be assumed that before the recent extension Japan had reached at least its pre-war level of fisheries production.

16. "There is a further point namely that the new extension is not for the purposes of meeting Japanese food requirements but for trade on export markets particularly to the hard currency area. Here again other governments are concerned with their exports to hard currency areas and will suffer from Japanese fishing in this area.

17. "My Government wishes formally to record its objection both to the new extension of the Japanese fishing area south to the equator and to the manner in which this extension was carried out."

18. MR. JOBSIS (Neth.) referred to the mention in the Australian representative's statement of the Netherlands Government's pre-war interest in

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Item 12 a (Cont'd)

tuna fishing in the area which had now been made available to the Japanese. While he was without instructions from Indonesia and was therefore speaking in a personal capacity, he wished to confirm the fact that before the war the Government of the Netherlands East Indies had contemplated fishing, especially for tuna, in the area under discussion. The Japanese aggression had made this impossible, and during the war the Indonesian fishing fleet had been partly destroyed and the fishing nets demolished. This situation still persisted and the Indonesian Government had not yet found it possible to carry out fishing operations. It was quite well known that tuna was not consumed on a large scale in Japan and that, therefore, the Japanese tuna-fishing operation would serve mainly to procure dollar exchange. The people of Indonesia were already disappointed that, because of the regrettably backward economic condition of the country, they had been unable to undertake the fishing operations which had been planned. Indonesia's unfortunate economic condition would, MR. JOBSIS felt, be perpetuated by the authorization of Japanese fishing in the extended area.

19. MR. JOBSIS inquired whether, in connection with the extension of the Japanese fishing area, the Japanese fishing fleet would be enlarged.

20. MR. HAMILTON (Chairman, US) said that he was now in a position to offer a reply to inquiries which had been made by the Netherlands and Philippine representatives at previous meetings. Accordingly, he presented the following statement (subsequently circulated as FEC-271/37):

21. "Reference is made to the Netherlands query of June 1 (p. 6, Minutes, 194th FEC Mtg.) and the Philippines query of June 15 (FEC-271/36) in the Far Eastern Commission regarding the extension of the Japanese fishing area. With a view to increasing Japanese fish production SCAP, in SCAPIN 2097 of May 11, 1950, authorized the operation of limited mothership-type tuna fishing expeditions into the area defined in the SCAPIN. As will be noted from that SCAPIN, these expeditions will take place under such conditions that SCAP will be able to retain careful control over Japanese fishing operations in this area and will be able to correct immediately any deviation from stipulated standards. Previous to this authorization, the Supreme Commander consulted the United States Government which obviously has a direct concern in this ocean area since the area surrounds islands which belong to the United States and island groups which constitute the trust territory of which the United States is administrator. The United States Government replied to the Supreme Commander that it had no objection to the extension of the Japanese fishing area to the limits subsequently defined in SCAPIN 2097. My Government considers the authorization for mothership-type tuna fishing expeditions in this area justified for the reasons set forth in my statement on June 1 to the Commission.

22. "On June 21, 1949, in reply to a SCAP proposal for a general extension of the Japanese fishing area, the Philippine Government raised objections based principally on grounds that such an extension would increase the danger of illegal landing by Japanese fishermen on Philippine territory. SCAPIN 2097, which authorizes tuna fishing expeditions, provides adequate safeguards against such possibility.

23. "It is the understanding of my Government that when an extension of the normal Japanese fishing limits is contemplated if any member country of the Far Eastern Commission asserts a direct concern in respect to fishing or other commercial aquatic activities, SCAP will consult with such country with a view to reaching an agreement reasonably calculated to protect that country's legitimate interests and to benefit the Japanese economy. In supporting this procedure in the Commission at the time FEC-271/33 was under discussion, this Government made clear its expectation that each member country would base its position on a reasonable interest in any area in question.

FEC--CONFIDENTIALItem 12 a (Cont'd)

24. "In the early months after Japan's surrender the United States Government sent to the Supreme Commander for his guidance a 'Statement of United States Policy with Respect to Fishing and Aquatic Industries in Japan'. A copy was later filed with the Far Eastern Commission as FEC-035.

25. "This policy begins with the statement: 'During the period of occupation, the Supreme Commander should be guided, subject to military considerations, by the following general principles:'.

26. "Among these general principles are two which state basic objectives of the United States: Japan should be permitted to engage in deep sea fishing in designated areas and under adequate safeguards (1) to provide fish products to meet domestic needs in Japan, and (2) as is stated in paragraph e of the statement of the policy, 'to secure foreign exchange for essential imports'. In the period immediately following the surrender the need of providing fish for Japan's direct domestic consumption was emphasized, since the shortage of food in Japan was acute. Later it became possible to give increasing attention to the problem of securing foreign exchange for essential imports, thus decreasing the heavy burden borne by my Government in supplying food and other essential imports to Japan.

27. "Exports of fish products are one of the important means, which cannot be overlooked by the SCAP, by which Japan can obtain foreign exchange for essential imports including other foods. It may also be noted that, to the extent the fishing resources in the area in which the Japanese are permitted to fish would not otherwise be utilized, the net supply to the world of this important source of food is increased.

28. "In view of these general principles, it would not, in the view of my Government be pertinent to a discussion of the extension of Japanese fishing, to attempt to differentiate between the amount of the Japanese fish catch used for domestic use and that used for export."

29. MR. LOZADA (Phil.) thanked Mr. Hamilton for the reply to the Philippine queries which was embodied in the foregoing statement. These replies would of course be referred to the Philippine Government, but for the time being he wished to reserve the Philippine position on the matter.

30. MR. DUNLOP (NZ) said that it was the view of his Government that at various stages of discussion of the extension of the Japanese fishing area a number of countries had expressed a reasonable interest in the area. It was the New Zealand view that several countries had a legitimate concern in the area and could properly expect that SCAP would consult them before authorizing an extension.

31. MR. McNICOL (Aus.) referred to the third paragraph of Mr. Hamilton's statement (FEC-271/37) and asked whether it meant that countries should now indicate to SCAP what they regarded as areas of direct concern to themselves or whether they should do so when SCAP should contemplate some further extension of the Japanese fishing area.

32. MR. HAMILTON (Chairman, US) said that the statement in FEC-271/37 was based on previous expressions of the United States point of view at the committee and Commission levels in connection with the proposed policy decision (FEC-271/33). He was not now in a position to make any further comments beyond those which had been made at that time and which were reflected in FEC-271/37.

33. MR. McNICOL asked whether Mr. Hamilton could indicate whether countries should at this time indicate to SCAP the areas which they regarded as being of direct concern to them.

FEC--CONFIDENTIALItem 12 a (Cont'd)

34. MR. HAMILTON replied that the question raised by Mr. McNicol had in the earlier discussions been addressed at the committee level to the United States member a number of times. The reply given at that time was still appropriate and was in fact similar to the statement in FEC-271/37.

35. MR. McNICOL referred to the wording in the third paragraph of FEC-271/37, "...when an extension of the normal Japanese fishing limits is contemplated if any member country of the Far Eastern Commission asserts a direct concern in respect to fishing or other commercial aquatic activities, SCAP will consult with such country...". He asked whether this meant that a country should assert its direct concern while the extension was still contemplated or should assert it after the contemplated extension had been authorized.

36. MR. GRAVES (UK) referred to the last paragraph of FEC-271/37, where it was stated that, "It would not in the view of my [the United States] Government be pertinent to a discussion of the extension of Japanese fishing, to attempt to differentiate between the amount of the Japanese fish catch used for domestic use and that used for export". While this might not be pertinent to a discussion of extension of the fishing area it might well be pertinent, he thought, to an understanding of the economic position in Japan. He thought that it might be helpful if there could be a differentiation between the amount of fish caught for domestic use and the amount of the catch used to obtain dollars. He asked whether a broad estimate of the catch for the next season could be obtained which would indicate the amount necessary for domestic use and the amount used for increasing dollar resources. From this it could be learned whether the intention was chiefly that of increasing domestic consumption or of increasing dollar resources.

37. MR. HAMILTON (Chairman, US) said that he would undertake to find out whether information of the kind desired by Mr. Graves could be obtained. He noted that general statistics on Japanese trade were available to the Commission.

38. MR. JOBSIS (Neth.) referred to the first paragraph of FEC-271/37 which contained the clause "Previous to this authorization the Supreme Commander consulted the United States Government which obviously has a direct concern in this ocean area..." and to the statement in the third paragraph that, "It is the understanding of my Government that when an extension of the normal Japanese fishing limits is contemplated if any member country of the Far Eastern Commission asserts a direct concern in respect to fishing... SCAP will consult with such country...". He wondered whether these two statements taken together meant that in the opinion of the United States Government the only country having such a direct concern in the area of extension was the United States. He recalled that in previous discussions on the subject of the Japanese fishing area the question of the meaning of the word "near" had arisen, and he wondered whether the United States Government was now taking the position that only islands belonging to the United States or trust territory of which the United States was administrator were "near" enough to the area of extension to represent an area of direct concern.

39. MR. HAMILTON (Chairman, US) said that FEC-271/37 was not concerned solely with United States interests in the matter. The second paragraph, for instance, referred to safeguards which would meet the cause of Philippine objections to the extension of the Japanese fishing area.

40. MR. HAMILTON said that his delegation would take note of all the questions and comments which had been made at the present meeting and would later offer some further comment if it felt that such comment would be helpful.

FEC--CONFIDENTIAL

b. Third Report by the Secretary General on the Activities of the Far Eastern Commission (FEC-374)

41. MR. HAMILTON (Chairman, US) invited attention to FEC-374, a proposed third report by the Secretary General on the activities of the Far Eastern Commission covering the period 24 December 1948 to 30 June 1950. He suggested that representatives examine the proposed third report with a view to offering comments on it at the next meeting.

c. Departure of Mr. G. J. Jobsis

42. MR. HAMILTON (Chairman, US) noted with regret that the present meeting of the Commission was the last one which Mr. Jobsis (Netherlands) would attend. He recalled that Mr. Jobsis had been an active member of the Netherlands delegation for about three years, participating in the work of various working committees, of the Steering Committee, and of the Commission. His work had been characterized by an extremely friendly, cooperative, and effective spirit and his contribution to the Commission's successful work had been great. On behalf of all representatives and delegations MR. HAMILTON extended best wishes to Mr. Jobsis in his new undertakings in private life in the Netherlands.

43. MR. JOBSIS (Neth.) thanked Mr. Hamilton for his remarks. He had taken much pleasure in his work with the Commission and he regretted that his departure was breaking many personal ties. He desired to record his appreciation of the direction of the Commission under Mr. Hamilton and under his predecessor, General McCoy, and also to express appreciation of the friendly atmosphere in which discussions had taken place within the Commission and its committees.

44. There was no other business.

45. The meeting adjourned at 11:05 A.M.

COPY NO. 148FEC--CONFIDENTIALMINUTES--197th FEC Mtg.13 July 1950FAR EASTERN COMMISSION

Provisional Minutes of the 197th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
13 July 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

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

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--197th FEC Mtg.
13 July 1950

COPY NO. _____

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FEC--CONFIDENTIALRECORD OF APPROVAL197th FEC MIN., 13 July 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 197TH MEETING OF THE FAR EASTERN COMMISSION

1. The Far Eastern Commission, at its 198th meeting, 27 July 1950, approved the provisional minutes of its 197th meeting without correction.
2. Representatives are requested to attach this formal record of approval to their file copies of those minutes.
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of
197th Meeting of Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--197th FEC Mtg.13 July 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 197th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 196th MEETING

Approved without correction (p. 1).

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

No consideration.

ITEM 3 - THIRD REPORT BY THE SECRETARY GENERAL ON THE ACTIVITIES OF THE FAR EASTERN COMMISSION (FEC-374)

U.S. representative noted desirable editorial changes. Secretary General to circulate revised draft of proposal before next meeting (p. 1).

ITEM 4 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)ITEM 5 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)ITEM 6 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)ITEM 7 - REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)ITEM 8 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIPBUILDING AND SHIPPING (FEC-297/10)ITEM 9 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)ITEM 10- REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)ITEM 11- ECONOMIC STABILIZATION IN JAPAN

No consideration of items 4 - 11, inclusive.

ITEM 12- REMOVAL OF ITEMS FROM THE AGENDA OF THE COMMISSION (FEC-372)

Netherlands representative accepted suggestion by Chairman that FEC-372 be withdrawn and that the agenda for the next meeting designate items 4 - 11 of the present agenda as "Inactive" (pp. 1-2).

ITEM 13- OTHER BUSINESSa. Extension of Japanese Fishing Area

U.S. statement (FEC-271/39) on Japanese tuna-fishing operations, submitted in reply to previous inquiries from other delegations (pp. 2-5).

ITEM 14- PRESS RELEASE

None.

Summary--Minutes, 197th FEC Meeting
13 July 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF THE 196th MEETING

1. THE COMMISSION approved the minutes of its 196th meeting without correction.

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

2. MR. HAMILTON (Chairman, US) noted that this subject was under active consideration in Committee No. 6: Aliens in Japan.
3. There being no discussion, without objection further consideration of this subject was postponed.

ITEM 3 - THIRD REPORT BY THE SECRETARY GENERAL ON THE ACTIVITIES OF THE FAR EASTERN COMMISSION (FEC-374)

4. MR. HAMILTON (Chairman, US) said that he understood that the Secretary General was prepared to consider any comments which delegations might wish to make concerning the present draft of a proposed Third Report. He asked whether any representative wished to comment at this time.
5. There being no comment on the part of any other representative, MR. HAMILTON presented a number of changes of an editorial character to the proposed Third Report which his delegation was submitting to the Secretary General for his consideration.
6. MR. HAMILTON said that it was the intention of the Secretary General to circulate a redraft of FEC-374 at least one week before the next meeting of the Commission. He expressed the hope that the Commission might be in a position at its next meeting to authorize the publication of the proposed Third Report.

7. Without objection, further consideration of this subject was postponed.

ITEMS 4 - 11, Inclusive

8. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 4 - 11, inclusive, on the agenda.
9. There was no discussion of these subjects, and without objection further consideration of them was postponed.

ITEM 12- REMOVAL OF ITEMS FROM THE AGENDA OF THE COMMISSION (FEC-372)

10. MR. REUHLIN (Neth.) said that in proposing the deletion of inactive items from the agenda he had considered that he was raising a purely procedural question. However, one or two representatives had indicated that they would require instructions on the question of removing items from the agenda and, in conformity with the usual practice, the Commission had out of courtesy postponed action on the proposal and placed it on the agenda. The resultant situation, in which a procedural matter had been formally placed on the agenda, involved, he felt, a confusion between substance and procedure. If the Commission were habitually to act with the same formality on matters of procedure as was appropriate to matters of substance, it would obstruct its own operations and, to cite an absurd example, might find itself unable even to act on a simple motion that a meeting be adjourned, because of some representative's lack of instructions.
11. MR. REUHLIN said that a dangerous precedent had been set by the decision to await instructions on what he regarded as a purely procedural item. He felt that the delay should not be lengthened, and he requested that the Chairman call for a vote on the proposal contained in FEC-372.

12. U TIN MAUNG (Burma) said that since the last meeting of the Commission

FEC--CONFIDENTIAL

Item 12 (Cont'd)

he had received instructions from his Government on the proposal to remove items from the agenda. He had been authorized to say that the Government of Burma saw no need for taking the action proposed by the Netherlands representative. As far as Burma was concerned the items were entirely new subjects, and the Government of Burma felt that a reasonable length of time should be afforded to enable it to study the items in detail, and to express its considered views on them.

13. The Government of Burma, therefore, felt that the items should be retained on the agenda so that any delegation desirous of expressing the views of its government on these subjects at any time would have a reasonable degree of certainty that they could be discussed at any meeting of the Commission. If the items were once removed from the agenda, U TIN MAUNG was not sure that they could be revived without considerable difficulty.

14. The Government of Burma wished formally to record its strong objection to the Netherlands proposal to remove items 4 to 11, inclusive, from the agenda.

15. DR. LEE (China) agreed with the Netherlands representative that the matter involved could be considered as a procedural one. He said that in the past it had not been the custom of the Commission to vote on such questions. He felt that it was in the competence of the Chairman to rule on this matter and he would propose that it be left in the hands of the Chairman.

16. MR. KHALIL (Pakistan) said that he had received instructions from his Government on the proposed removal of items from the agenda. His Government was opposed to the proposal inasmuch as there seemed to be no compelling reason for removal from the agenda of the items concerned.

17. Following a brief recess for purposes of consultation, MR. HAMILTON (Chairman, US) said that the chief reason for the proposed removal of items from the agenda was the misleading picture of the Commission's work which resulted from the perpetuation of a long list of subjects and documents on most of which there had been no recent active consideration. He would suggest, therefore, that the Secretariat, in preparing the agenda for the next meeting of the Commission, list items 4 to 11, inclusive, of the present agenda under some such heading as "Inactive Items" and that Mr. Reuchlin withdraw his proposal, FEC-372. Representatives could, if they wished, comment at the next meeting on the form of the agenda which he was now suggesting.

18. MR. REUCHLIN (Neth.) said that the Chairman's suggestion was acceptable to him. He would accordingly at this time withdraw his proposal contained in FEC-372.

ITEM 13- OTHER BUSINESSa. United States Statement on Japanese Mothership-Type Tuna Fishing Operations

19. MR. HAMILTON (Chairman, US) presented the following statement (subsequently circulated as FEC-271/39):

20. "At the last meeting of the Commission, in response to questions of the Netherlands and the Philippine representatives, I stated the position of the United States in regard to the Supreme Commander's authorization of Japanese mothership-type tuna fishing in delimited ocean areas. I will make a further statement this morning in reply to the queries and comments presented by representatives at the last meeting.

21. "In the view of my Government the question whether the tuna fish caught by the Japanese in the newly defined area for mothership operations is to be used for food in Japan or is to be exported 'to secure foreign exchange for essential imports' is not pertinent to

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Item 13 a (Cont'd)

our discussion. The tuna catch in any case will assist Japan to reach the goal of self-support, which is earnestly desired by Japan and the United States, and, we trust, by all other states represented on the Commission. My Government, however, is pleased to furnish to the Commission additional information in regard to Japan's fishing industry, and especially as to the tuna fishing area and the tuna fishing expeditions.

22. "As to Japan's proportion of the world's total catch of all fish before the war and at present, the Food and Agriculture Organization has compiled the following figures: Before the war Japanese caught approximately 19 percent of the world's total fish catch, which amounted to about 22,000,000 metric tons; in 1949, Japanese caught approximately 13 percent of a world total of 24,000,000 metric tons. Even including the fish estimated to be caught by the Japanese in the new ocean areas Japan's present percentage of the total world fish catch is considerably lower than it was before the war. Further, if the large increase in the population of Japan since the war is considered, the amount of fish available on the average for each person in Japan is much less than it was in pre-war years.

23. "As for tuna fish, the following estimates were prepared, as of March 30, of the catch of tuna by Japanese during the year 1950:

Total estimated catch of tuna.....	112,500,000 lbs.
Total estimated use for canning.....	25,000,000 lbs.
Total estimated for export as frozen fish.....	6,500,000 lbs.

24. "Since almost all of the canned pack will be exported, it is assumed that of the total catch a maximum of about 30 million pounds will be exported and about 32 million pounds will be consumed in Japan. These estimates were prepared before SCAP had issued his permission to the Japanese to catch tuna in the new area.

25. "The additional catch of tuna fish from the new mothership operations authorized by the Supreme Commander, according to estimates available to my Government, will probably amount to approximately 16½ million pounds. Of this amount about 50 percent or more will be used domestically in Japan and 50 percent or less will be exported.

26. "I am informed that there are several species of tuna and that the Japanese use most of them for food including that caught in the newly-defined area. There is, however, one species, the albacore, which the Japanese generally do not eat. This species is usually caught in the open seas to the east of Japan, that is, north of the area under consideration, and is generally exported to the United States. These exports of albacore are included in the figures which I have just given for the export of all species of tuna, both canned and frozen.

27. "The query has been raised as to SCAP's consultation with states which may assert a direct concern in some ocean area to which SCAP contemplates the extension of fishing privileges. As I stated at the last meeting of the Commission, it is the understanding of my Government that if SCAP should contemplate an extension of fishing areas he will consult with any state or states which may assert a direct concern in the area. A state which considers that it has a direct concern in any area, may assert this concern at any time. Even if no state asserts a direct concern, it has been SCAP's practice to consult with the state or states which in his judgment have a direct concern in the area. As I have pointed out, SCAP consulted the United States Government, when he was considering the possibility of extending the Japanese fishing area south to the

FEC--CONFIDENTIALItem 13 a (Cont'd)

equator, and a year ago he consulted the Philippine Government in regard to extending the Japanese fishing area. The recent SCAFIN 2097, however, only permitted the Japanese to carry on mothership-type tuna fishing expeditions in the new area. The Japanese are thus narrowly limited in this area to one type of fishing which is carried on under the direct guidance and control of SCAP observers.

28. "My Government is in complete agreement with the other governments represented on the Commission in holding that adequate provisions should be adopted for the conservation of fish resources in any area in the open seas in which the Japanese are permitted to fish. Such safeguards are being required by the Supreme Commander. Under his supervision scientific studies are being carried on to determine needed conservation measures in areas where Japanese fishermen operate. On May 1, 1950, the Diet passed a law 'Prevention of Exhaustion of Marine Resources' which gives the Minister of Agriculture and Forestry the power to regulate the number of boats to prevent overfishing. The Japanese Government has begun action to implement the provisions of this law by reducing one of the trawl fleets to a level recommended as a result of preliminary research. The establishment of a Japanese high seas fishery patrol was authorized by the Supreme Commander on October 10, 1949. These and other measures indicate that the Japanese Government under the guidance of the Supreme Commander has made considerable progress in directing its fishermen toward satisfactory conduct on the high seas.

29. "The query has been raised as to whether the strength of the Japanese fishing fleet is to be enlarged as a result of the permission to carry on tuna fishing operations. I have no definite information on this subject, but I might point out that the tuna fishing in the new area is presently limited to operations from motherships, and that there are very few ships of this special type in Japan.

30. "Some of the comments in regard to Japanese oceanic fishing call to mind certain basic principles of commercial policy--basic principles to which, I believe, all states represented on the Far Eastern Commission subscribe. These principles were stated in the following terms in the Atlantic Charter, August 14, 1941, which was later incorporated in the Declaration by United Nations, January 1, 1942:

'Fourth, they will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity.'

31. "These principles were re-stated in the Potsdam Declaration which was included in Japan's Terms of Surrender. They appear in the opening chapter of the Havana Charter for an International Trade Organization, and have also been stated in many other documents and on many other occasions.

32. "These general principles, it seems to me, are important to all our countries in moving forward toward attainment of the high aims which we all share."

33. MR. HAMILTON said that the foregoing statement had just been prepared for circulation. Copies were distributed to representatives at the table.

34. MR. LOZADA (Phil.) thanked Mr. Hamilton for the information in FEC-271/39 which was intended, in part, as a response to Philippine inquiries. The information would be referred to the Philippine Government for study, and in the meantime he wished to reserve his Government's position on the subject.

FEC--CONFIDENTIALItem 13 a (Cont'd)

35. MR. HAMILTON (Chairman, US) said that he had the following additional statistical information to submit: On the basis of SCAP figures it was estimated that the total catch of tuna fish by the Japanese in all areas during 1950, including tuna caught in the newly-defined area, would be less than 129,000,000 pounds. Of this total less than 30 percent would be exported.

36. There was no further business.

37. The meeting adjourned at 11:07 A.M.

COPY NO. 148FEC--CONFIDENTIALMINUTES--198th FEC Mtg.27 July 1950FAR EASTERN COMMISSION

Provisional Minutes of the 198th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
27 July 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman
Mr. D. McNicol (Australia)
U Khin Maung Gale (Burma)
Mr. G. Ignatieff (Canada)
His Excellency Dr. W. K. Lee (China)
Mr. P. Millet (France)
Mr. P. Vaidyanathan (India)
Mr. L. Quarles van Ufford (Netherlands)
Mr. D. Dunlop (New Zealand)
Mr. K. F. Khalil (Pakistan)
Mr. F. Lozada (Republic of the Philippines)
No Soviet Representative Present
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--198th FEC Mtg.
27 July 1950

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COPY NO. _____FEC--CONFIDENTIALRECORD OF APPROVAL198th FEC MIN., 27 July 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 198TH MEETING OF THE FAR EASTERN COMMISSION

1. The Far Eastern Commission, at its 199th meeting, 7 September 1950, approved the provisional minutes of its 198th meeting without correction.
2. Representatives are requested to attach this formal record of approval to their file copies of those minutes.
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of Minutes of 198th
Meeting of Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--198th FEC Mtg.27 July 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 198th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 197th MEETING

Approved without correction (p. 1).

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

U.S. representative expressed the hope of his delegation that consideration by Committee No. 6 would be completed at a reasonably early date. Postponed. (p. 1).

ITEM 3 - THIRD REPORT BY THE SECRETARY GENERAL ON THE ACTIVITIES OF THE FAR EASTERN COMMISSION (FEC-374)

Commission authorized publication of the Third Report (pp. 1-3).

ITEM 4 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS (FEC-334, /1, /2, /3, /4, /5, /6, /7)ITEM 5 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE UNION CONFERENCES (FEC-344, /1)ITEM 6 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /28, /29, /30)ITEM 7 - REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)ITEM 8 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIPBUILDING AND SHIPPING (FEC-297/10)ITEM 9 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4, /5, /6, /7, /8)ITEM 10- REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL DATA (FEC-299/5; /6, /7, /8, /9, /10)ITEM 11- ECONOMIC STABILIZATION IN JAPAN

No consideration of items 4 - 11, inclusive.

ITEM 12- OTHER BUSINESSa. Chinese Inquiry regarding Increase of Japanese Police Force

Chinese representative requested the U.S. delegation to supply information on increase of the Japanese police force, including Coastal Patrol (p. 4).

b. Philippine Statement on Parole of War Criminals

Philippine representative presented statement (subsequently circulated as FEC-314/22) (p. 4).

SUMMARY--FEC (Cont'd)FEC--CONFIDENTIALSUMMARY--198th FEC Mtg.27 July 1950ITEM 12 - OTHER BUSINESS (Cont'd)

- c. Departure of Messrs. Lozada and Ford, and Captain Warder (pp. 4-5).
- d. Time of Next Meeting

Commission adjourned for summer recess, to meet next on 7 September, subject to the call of the Chairman (p. 5).

ITEM 13- PRESS RELEASE

None.

FEC--CONFIDENTIAL

ITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 197th MEETING

1. THE COMMISSION approved the minutes of its 197th meeting without correction.

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

2. MR. HAMILTON (Chairman, US) recalled that the proposed policy decision on exercise of criminal and civil jurisdiction over nationals of members of the United Nations had been submitted by his Government on 23 February 1950. On 23 March the proposal had been referred to Committee No. 6 for detailed consideration, and discussions were proceeding in that committee. The subject had thus been before the Commission for over five months, and it seemed to the United States delegation, therefore, that there had been opportunity for mature consideration. MR. HAMILTON understood that a meeting of Committee No. 6 was scheduled for the next day at which time the United States representative would be prepared to supply additional information, in response to a number of queries which had been raised in the committee. It was the hope of the United States delegation that, with this additional information, the committee would be in a position to proceed rapidly with its discussion and to report the result of its work to the Steering Committee at a reasonably early date.

3. There was no further discussion of this subject, and without objection further consideration of it was postponed.

ITEM 3 - THIRD REPORT BY THE SECRETARY GENERAL ON THE ACTIVITIES OF THE FAR EASTERN COMMISSION (FEC-374)

4. MR. KHALIL (Pakistan) suggested that in the ninth line of the fourth paragraph on page 1 of FEC-374/1 the word "Government" be corrected to read "Governments". This correction was accepted without objection.

5. MR. GRAVES (UK) suggested that in the interests of accuracy the word "extended" in the second line of the fourth paragraph on page 9 be changed to "removed". This change was accepted without objection.

6. MR. GRAVES noted that the proposed Third Report contained no reference to the interim directives which had been issued by the United States Government during the period covered by the report. While he realized that interim directives were technically no concern of the Commission since they were issued unilaterally by the United States Government, nevertheless the authority for issuing them was contained in the Commission's Terms of Reference, and it would perhaps be desirable for the Third Report to mention the subjects covered by such directives and the dates on which the United States Government had issued them. However, the United Kingdom delegation did not hold pronounced views on the matter.

7. MR. JOHNSON (Sec. Gen.) said that the Secretariat had under consideration the publication of all directives issued through the United States Government to the Supreme Commander. Arrangements had not yet been completed for the publication of these directives and they had therefore been omitted from the proposed Third Report. As soon as arrangements could be completed the directives would appear as a separate publication. He hoped that this would serve the purpose of meeting the point raised by Mr. Graves.

8. MR. GRAVES (UK) agreed that the intended publication of directives as outlined by the Secretary General would cover the point he had raised.

9. MR. VAIDYANATHAN (India) said that in one case the absence of mention of an interim directive in the proposed Third Report represented an omission which should be rectified. He referred to the fact that while the policy decision on patents, utility models and designs in Japan (p. 5, FEC-374/1)

FEC--CONFIDENTIAL

Item 3 (Cont'd)

was described, this description was hardly adequate unless there was some mention of the interim directive on priority for patent applications, since this directive represented a closely-related portion of the subject.

10. MR. HAMILTON (Chairman, US) said that he understood that in the previous reports by the Secretary General interim directives had not been included. For the sake of uniformity he felt that they should not be included in the present proposed report and that it would be better to follow the course outlined by the Secretary General and plan to publish all directives separately.

11. MR. VAIDYANATHAN (India) said that he agreed that it would be desirable to publish all of the interim directives in a separate document. However, his present point was simply that the value of the proposed Third Public Report would be greatly enhanced by including, in the descriptive matter on the trade-marks policy decision a reference to the interim directive on priority for patent applications.

12. MR. JOHNSON (Sec. Gen.) said that he felt Mr. Vaidyanathan had raised a point of some importance and he would be glad to consider the suggestion with a view to incorporating some reference to the interim directive in the final version of the proposed public report.

13. MR. McNICOL (Aus.) suggested that in the third paragraph from the bottom of page 2 of FEC-374/1 the second word be changed from "a" to "the". He also suggested that in the second paragraph from the bottom of the page the last two words "as usual" be deleted. The suggestions were accepted without objection.

14. MR. McNICOL referred to page 8 of the original draft, FEC-374. The first paragraph on that page had been omitted in FEC-374/1 and he desired to suggest that the first two sentences of that paragraph be restored. These sentences read as follows:

"Before the war serious commercial difficulties were created by the Japanese practice of copying foreign designs and mismarking goods. This also included infringement of trade-mark rights of foreigners in Japan and in areas in which Japanese goods competed."

15. MR. GRAVES (UK) supported Mr. McNicol's suggestion.

16. MR. HAMILTON (Chairman, US) said that in the opinion of his delegation the general purport of the sentences in question was covered by the paragraph which now stood at the top of page 8 of FEC-374/1. This paragraph made it clear that the Japanese Government had been directed on several occasions by SCAP authorities to halt infringement of Allied trade-marks, that the Commission's policy decision required the Japanese Government to prevent future registration of marks confusingly similar to well-known foreign marks, and made reference to application for cancellation of infringing marks. It did not seem to his delegation that at this stage in the occupation it was advisable to place unnecessary emphasis on certain aspects of Japanese practice prior to the war which had since been corrected and with regard to which the Supreme Commander continued to exercise supervision. It seemed to the United States delegation that in a report such as the one now before the Commission the publication of the actual text of the policy decision with a brief comment on its general nature would be quite sufficient, and that the objective of getting the Japanese to conform to generally-accepted practices was better served by not placing undue emphasis on previous unacceptable practices.

17. MR. McNICOL (Aus.) said that his Government would really have preferred retention of the entire paragraph which had been deleted. He wished to urge, however, that at least the two sentences in question, which were simply statements of fact, be restored to the proposed report.

FEC--CONFIDENTIAL

Item 3 (Cont'd)

18. MR. HAMILTON (Chairman, US) said that while he did not feel that the matter was one of major importance, he did believe that it was sufficiently covered by the paragraph to which he had referred. He desired to hear comments from other representatives on the point.

19. MR. MILLET (France) expressed support for the Australian representative's suggestion.

20. MR. GRAVES (UK) said that if, as the Chairman had indicated, the Supreme Commander had found it necessary to keep on correcting the Japanese, it would seem that the practices described in the sentences in question had not been altogether eliminated. Since these practices had in the past led to some bitter experiences he personally saw no harm in drawing attention to a state of affairs which the Commission had found it necessary to prevent by adopting its policy decision. He therefore favored Mr. McNicol's suggestion.

21. MR. HAMILTON (Chairman, US) said that he would not press his point of view further, and without objection Mr. McNicol's suggestion that the sentences quoted above be restored to the paper was accepted.

22. MR. HAMILTON said that in the absence of further comments on FEC-374/1 he desired to invite attention to paragraph 2 of the cover page of the document which contained the recommendation that the Commission, after having verified the accuracy of the text, authorize the Secretary General to proceed with the issuance of the Third Public Report on the same basis as the two previous reports. Such authorization would of course be given with cognizance taken of the changes which had been presented at the present meeting.

23. DR. LEE (China) said that he wished to express his approval of the Secretary General's report and to commend the Secretary General and his staff for their work in preparing the report. As the Secretary General had indicated to him in conversation, the purpose of the report was to inform the public of the Commission's achievement during a certain period; the official minutes quite properly remained the source of detailed and complete information.

24. MR. HAMILTON (Chairman, US) said that in the absence of any objection and in view of the general assent which representatives were indicating, he would record his understanding that the Commission was authorizing the Secretary General to proceed in accordance with the recommendation on the cover page of FEC-374/1.

25. MR. JOHNSON (Sec. Gen.) said that for the information of representatives the Secretariat planned to issue a mimeographed version of the Third Report including both the text of the report and the various appendices. This mimeographed document would be the official version of the report and would be issued to the press and to member governments at an early date to be determined by the Secretary General. Delegations would be informed in advance of this date. Arrangements had been made with the Publications Division of the Department of State to reprint the report as had been done with the two previous reports.

26. The purpose in circulating the document first in mimeographed form was to provide copies not only to the press but to delegations on the Commission so that their governments would be free immediately to undertake whatever steps they might wish for distribution of the report in their own countries.

ITEMS 4 - 11, Inclusive

27. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 4 - 11, inclusive, on the agenda.

28. There was no discussion of these subjects, and without objection further consideration of them was postponed.

FEC--CONFIDENTIALITEM 12- OTHER BUSINESSa. Chinese Inquiry regarding Increase in Japanese Police Force

29. DR. LEE (China) said that on the basis of rather incomplete information he understood that the Japanese police force was being increased. He requested the United States delegation to supply further information on this increase, including the increase of the Coastal Patrol. He wished particularly to have information on the increase in personnel which had been authorized by the Supreme Commander, on the arms which they were authorized to use, and on their new duties. With regard to the Coastal Patrol he wished to know whether there was authorized an increase in the number of ships proportionate to that in personnel.

30. MR. HAMILTON (Chairman, US) said that he would refer the request of the Chinese representative to his Government.

b. Philippine Statement on Parole of Japanese War Criminals

31. MR. LOZADA (Phil.) presented the following statement (subsequently circulated as FEC-314/22):

32. "At the 188th meeting of the Commission on March 23, 1950, the Philippine representative requested information concerning the release of Japanese war criminals. Circular No. 5 (FEC-314/18), which was issued by the Supreme Commander for the Allied Powers and submitted by the United States representative as a reply to the inquiry, was given careful consideration by the Department of Justice of the Philippine Government.

33. "The circular, which was issued on March 7, 1950, provides for the treatment of war criminals in confinement and establishes a Board of Parole to pass upon the release on parole of 'persons who are now or hereafter will be serving sentences in Japan as war criminals', under the rules and regulations therein provided. It is the view of my Government that the establishment of the parole system for the Japanese war criminals as provided for in said circular affords them an opportunity to serve well and orderly their sentences in prison and rehabilitate themselves physically, morally, economically and socially, thus enabling them to return to, and become again worthy members of human society. This is in full accord with the principles of modern penology and, therefore, we believe that it should deserve the wholehearted support and cooperation of all the Allied Powers represented in this Commission.

34. "My Government, therefore, concurs with the provisions set forth in the said circular."

c. Departure of Messrs. Lozada and Ford, and Captain Warder

35. MR. HAMILTON (Chairman, US) said that it was with regret that he noted that Mr. Lozada of the Philippine delegation, Mr. Ford of the United Kingdom delegation, and Captain Warder of the United States delegation were leaving the Commission within the near future. MR. HAMILTON recalled that Mr. Lozada had been with the Commission for over eighteen months. He had served on various working committees and on the Steering Committee and had frequently represented his delegation on the Commission. He was returning to Manila to resume his connection with the National Power Corporation, which was managed by his predecessor on the Commission, Mr. F. C. Rodriguez. It had been a pleasure to be associated with Mr. Lozada and everyone appreciated his courtesy and his spirit of cooperation. On behalf of the entire Commission MR. HAMILTON extended to him all good wishes in his resumption of his former work.

36. Mr. Ford of the United Kingdom delegation had served as chairman of the Committee for Economic and Financial Affairs and had represented his delegation frequently on various other working committees and on the

FEC--CONFIDENTIAL

Item 12 c (Cont'd)

Steering Committee. All appreciated his ability to reconcile opposing points of view and to suggest constructive solutions. Since Mr. Ford was not present MR. HAMILTON requested Mr. Graves to convey to him the sincere good wishes of the entire Commission.

37. MR. HAMILTON expressed his appreciation for the contribution which Captain Warder, of the United States delegation, had made to the harmonious and effective functioning of the Commission. Captain Warder, as an officer of the United States Navy, was now moving to a new post and new duties and MR. HAMILTON extended to him the Commission's good wishes.

38. MR. LOZADA expressed his appreciation of the remarks just made by Mr. Hamilton. He desired to express his own appreciation for the friendly atmosphere which had prevailed in the Commission in all phases of its work, even throughout deliberations on the most controversial issues. He desired particularly to express his appreciation of the able leadership of the Chairman of the Commission and of his predecessor, and also to express his appreciation of the work done by the Secretariat under the leadership of the Secretary General.

39. MR. GRAVES (UK) thanked Mr. Hamilton for the tribute to Mr. Ford and assured him that he would take great pleasure in conveying the Chairman's remarks to Mr. Ford.

40. CAPTAIN WARDER of the United States delegation expressed his appreciation of the Chairman's remarks and expressed his regret at leaving his work on the United States delegation.

d. Time of Next Meeting

41. MR. HAMILTON (Chairman, US) noted that the present meeting was the last one scheduled before the Commission's summer recess. The next scheduled meeting would fall on 7 September.

42. There was no further business.

43. The meeting adjourned at 11:15 A.M., with the understanding that, subject to the call of the Chairman, the Commission would meet next on 7 September 1950.

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COPY NO. _____

FEC--CONFIDENTIALMINUTES--199th FEC Mtg.7 September 1950FAR EASTERN COMMISSION

Provisional Minutes of the 199th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
7 September 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman
Mr. D. McNicol (Australia)
U Tin Maung (Burma)
Mr. R. E. Collins (Canada)
His Excellency Dr. W. K. Lee (China)
Mr. J. Daridan (France)
The Honorable M. K. Kirpalani (India)
Mr. O. Reuchlin (Netherlands)
Mr. F. Corner (New Zealand)
Mr. K. F. Khalil (Pakistan)
No Philippine Representative Present
No Soviet Representative Present
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--199th FEC Mtg.
7 September 1950

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COPY NO. _____

FEC--CONFIDENTIALRECORD OF APPROVAL199th FEC MIN., 7 September 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 199TH MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 200th meeting, 21 September 1950, approved the provisional minutes of its 199th meeting without correction.
2. Representatives are requested to attach this formal record of approval to their file copies of those minutes.
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of the 199th
Meeting of the Far Eastern Commission

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COPY NO. _____

FEC-CONFIDENTIAL12 September 1950FAR EASTERN COMMISSIONCORRIGENDUMTOMINUTES OF 199TH FEC MEETINGNote by the Secretary General

1. The attached page embodies corrections of page 1 of the minutes of the 199th meeting of the Far Eastern Commission, 7 September 1950.
2. Representatives are requested to substitute the attached page for page 1 in their copies of the minutes of the 199th FEC meeting.
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of the information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--199th FEC Mtg.7 September 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 199th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 198th MEETING

Approved without correction (p. 1).

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

Indian statement presented (subsequently circulated as FEC-371/15) (pp. 1-2).

* * * * *

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

No consideration of items 3 - 10, inclusive.

* * * * *

ITEM 11- OTHER BUSINESSa. Election of Deputy Chairman of Committee No. 6

Commission approved recommendation of Secretary General that Mr. G. F. delM. Burgess be elected Deputy Chairman of Committee No. 6, vice Mr. J. F. Ford (see FEC-206/50)(p. 2).

ITEM 12- PRESS RELEASES

None.

Summary--Minutes, 199th FEC Mtg.
7 September 1950

FEC--CONFIDENTIAL

1. MR. HAMILTON (Chairman, US), in opening the meeting, expressed his regret at the absence of a Philippine representative. Unfortunately, a combination of circumstances involving illnesses of certain members of the Philippine delegation had made it impossible for a representative to attend the meeting.

2. MR. HAMILTON welcomed Mr. M. K. Kirpalani, newly appointed Indian Minister, who was for the first time attending a meeting of the Commission as Indian representative.

ITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 198th MEETING

3. THE COMMISSION approved the minutes of its 198th meeting without correction.

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

4. MR. HAMILTON (Chairman, US) said that an ad hoc subcommittee of Committee No. 6 had worked intensively on this subject during the Commission's recess. It had prepared a draft proposal which was now being considered by Committee No. 6. He asked whether any representative desired at this time to offer a statement of a general nature on the subject.

5. MR. KIRPALANI (India) presented the following statement (subsequently circulated as FEC-371/15):

6. "Mr. Chairman, my delegation refrained so far from making any general statement in the Commission because two proposals (United States and French) were being discussed fully in the committee and in the subcommittee. Now that a single paper on the subject is being drafted by Committee No. 6, we feel we should provisionally express our general view on the subject, reserving, however, the right to make further statements if necessary.

7. "The policy of our Government has been to help Japan to enter the comity of nations as early as possible. Japan has been under occupation for five years now and we feel that the progress towards democratization has reached a level where we could safely transfer to Japanese courts civil and criminal jurisdiction over United Nations nationals on non-official business in Japan. In the process of transfer of such judicial powers from the occupation courts to the Japanese courts, we feel that the conditions of transfer should be as liberal as possible in order to give an opportunity to members of this Commission to watch the extent to which Japan is able to discharge the responsibilities entrusted to her. Moreover, the Government of India is opposed to any form of extraterritorial rights and is anxious that the final proposed policy on the subject, which will come before the Commission, should not bear any reference, even indirectly, to the existence of extraterritorial rights.

8. "For these reasons we are unable to accept part of the French proposal contained in C6-371/6. We are generally in agreement with the United States proposal, FEC-371. Certain minor modifications, however, are necessary and at this stage we can say that we are satisfied with the discussion and the revised drafting of the proposal which is taking place in Committee No. 6.

9. "We are also in favor of the suggestions by the United Kingdom regarding the need for review by SCAP of any capital sentence that may be imposed by a Japanese court on a United Nations national, and the facility to the accused of access to his representative in Japan."

FEC--CONFIDENTIAL

1. MR. HAMILTON (Chairman, US), in opening the meeting, expressed his regret at the absence of a Philippine representative. Unfortunately, a combination of circumstances involving illnesses of certain members of the Philippine delegation had made it impossible for a representative to attend the meeting.

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ITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 198th MEETING

3. THE COMMISSION approved the minutes of its 198th meeting without correction.

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

4. MR. HAMILTON (Chairman, US) said that an ad hoc subcommittee of Committee No. 6 had worked intensively on this subject during the Commission's recess. It had prepared a draft proposal which was now being considered by Committee No. 6. He asked whether any representative desired at this time to offer a statement of a general nature on the subject.

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7. "The policy of our Government has been to help Japan to enter the comity of nations as early as possible. Japan has been under occupation for five years now and we feel that the progress towards democratization has reached a level where we could safely transfer to Japanese courts civil and criminal jurisdiction over United Nations nationals on non-official business in Japan. In the process of transfer of such judicial powers from the occupation courts to the Japanese courts, we feel that the conditions of transfer should be as liberal as possible in order to give an opportunity to members of this Commission to watch the extent to which Japan is able to discharge the responsibilities entrusted to her. Moreover, the Government of India is opposed to any form of extraterritorial rights and is anxious that the final proposed policy on the subject, which will come before the Commission, should not bear any reference, even indirectly, to the existence of extraterritorial rights.

8. "For these reasons we were unable to accept part of the original French proposal contained in C6-371/6. We are generally in agreement with the United States proposal, FEC-371. Certain minor modifications, however, are necessary and at this stage we can say that we are satisfied with the discussion and the revised drafting of the proposal which is taking place in Committee No. 6.

9. "We are also in favor of the suggestions by the United Kingdom regarding the need for review by SCAP of any capital sentence that may be imposed by a Japanese court on a United Nations national, and the facility to the accused of access to his representative in Japan."

FEC--CONFIDENTIAL

Item 2 (Cont'd)

10. MR. HAMILTON (Chairman, US) said that, speaking as United States representative, he wished to express his gratification at the Indian position as set forth in the foregoing statement by Mr. Kirpalani. Detailed consideration of the subject would of course continue in Committee No. 6.

11. There was no further discussion of this subject and without objection further consideration of it was postponed.

ITEMS 3 - 10, inclusive

12. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 3 - 10, inclusive, on the agenda.

13. There was no discussion of these subjects, and without objection further consideration of them was postponed.

ITEM 11- OTHER BUSINESSa. Election of Deputy Chairman of Committee No. 6

14. MR. JOHNSON (Sec. Gen.) invited attention to FEC-206/49, a proposal that Mr. G. F. deM. Burgess of the United Kingdom delegation be elected deputy chairman of Committee No. 6, vice Mr. J. F. Ford who had left the city. He pointed out that the proposal was being submitted direct to the Commission because of the wishes of Committee No. 6 that the vacancy be filled by its next meeting and because the Steering Committee was not holding regular meetings. The action was of a routine nature, since the deputy chairmanship of Committee No. 6 had regularly been held by a member of the United Kingdom delegation.

15. THE COMMISSION approved without objection FEC-206/49, the Secretary General's proposal that Mr. G. F. deM. Burgess be elected deputy chairman of Committee No. 6, vice Mr. J. F. Ford.

16. There was no other business.

17. The meeting adjourned at 10:45 A.M.

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COPY NO. _____

FEC--CONFIDENTIALMINUTES--200th FEC Mtg.21 September 1950FAR EASTERN COMMISSION

Provisional Minutes of the 200th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
21 September 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman
Mr. D. McNicol (Australia)
U Tin Maung (Burma)
Mr. R. E. Collins (Canada)
His Excellency Dr. W. K. Lee (China)
Mr. P. Millet (France)
Mr. M. K. Kirpalani (India)
Mr. O. Reuchlin (Netherlands)
Mr. D. Dunlop (New Zealand)
Mr. K. F. Khalil (Pakistan)
Mr. Emilio Abello (Republic of the Philippines)
No Soviet Representative Present
Mr. H. A. Graves (United Kingdom)

SECRETARY GENERAL

Mr. Nelson T. Johnson

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

Minutes--200th FEC Mtg.
21 September 1950

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COPY NO. _____

FEC--CONFIDENTIALRECORD OF APPROVAL200th FEC MIN., 21 September 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 200TH MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 201st meeting, 5 October 1950, approved the provisional minutes of its 200th meeting with the following correction:

Page 2, paragraph 13, fourth and fifth lines - change phrase as follows: "...and that on the whole it ~~adequately~~ safeguarded the rights...".

2. Representatives are requested to incorporate the above correction in their file copies of the provisional minutes of the 200th meeting of the Far Eastern Commission, and to attach this formal record of approval to those copies as corrected.

3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of the
200th Meeting of the Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--200th FEC Mtg.21 September 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 200th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 199th MEETING

Approved without correction (p. 1)

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

Approved as FEC policy decision (pp. 1-3).

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

No consideration of items 3 - 10, inclusive.

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ITEM 11- OTHER BUSINESSa. Information on secured fund submitted by United States representative (subsequently circulated as FEC-011/64) (p. 4).b. Departure of Mr. R. E. Collins (p. 4).ITEM 12- PRESS RELEASE

FEC approved without objection press release in the normal manner on policy decision adopted under item above (p. 4).

Summary--Minutes, 200th FEC Mtg.
21 September 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 199th MEETING

1. THE COMMISSION approved the minutes of its 199th meeting without correction.

ITEM 2 - EXERCISE OF CRIMINAL AND CIVIL JURISDICTION OVER NATIONALS OF MEMBERS OF THE UNITED NATIONS (371 series)

2. MR. HAMILTON (Chairman, US) invited attention to FEC-371/18, a proposed policy decision on this subject which had been approved and forwarded by the Steering Committee on 19 September. He congratulated members of delegations who had participated in the preparation of the proposal at the ad hoc subcommittee and working committee level.
3. MR. HAMILTON said that he was prepared to vote in favor of FEC-371/18, and he hoped that the Commission would be in a position to act on the paper at the present meeting. As he had previously indicated, there was a certain element of urgency attached to the proposal.
4. MR. HAMILTON invited comments of representatives on FEC-371/18.
5. MR. McNICOL (Aus.) recalled that when the original proposal (FEC-371) had been submitted by the United States delegation in February 1950, the Australian delegation had expressed objections in principle to the paper. It had been the Australian view that matters of this nature should not be dealt with before the signing of a peace treaty with Japan and that such added authority as was contemplated under the proposal should not be transferred to the Japanese before a treaty. Although this objection in principle was still maintained, there had been, in the Australian opinion, substantial improvements made in the original proposal. These improvements consisted chiefly of provisions which safeguarded the rights of United Nations nationals in Japan. Therefore, although Australia was still not convinced of the necessity for the adoption of such a policy decision as FEC-371/18, the Australian delegation would not oppose it.
6. U TIN MAUNG (Burma) said that his delegation supported in principle the extension of the jurisdiction of Japanese courts over United Nations nationals. The Burmese Government appreciated the heavy burden which had been imposed upon the occupation authorities by the requirement that they handle juridical matters and it agreed that increased jurisdiction for Japanese courts would strengthen and preserve the judicial tradition in Japan. The Burmese delegation had been anxious that certain safeguards for the rights of United Nations nationals be incorporated in the proposal and it was satisfied that the safeguards contained in FEC-371/18 were adequate. Accordingly, he was in a position to vote in favor of the proposal.
7. MR. COLLINS (Canada) said that his delegation supported the proposal in principle and that he would be able to vote in favor of FEC-371/18.
8. DR. LEE (China) presented the following statement:
9. "Mr. Chairman, when the proposal for a new policy decision on the exercise of criminal and civil jurisdiction over United Nations nationals in Japan first came before the Commission, my delegation was not entirely convinced of the need to supersede the original policy decision dated August 15, 1946, which we regarded as still adequate to meet the present situation in Japan. However, we indicated that we would be willing to keep an open mind on this matter and go along with the Commission if a majority of the delegations felt that a new policy decision was called for. At the same time we appreciated the United States view on the need of lightening the administrative burdens on SCAP. Moreover, we were sympathetically disposed toward any measure that constitutes a reasonable and gradual relaxation of control over Japan in preparation of her eventual return to the family of nations. Above all, the provisions of the proposed

FEC--CONFIDENTIAL

Item 2 (Cont'd)

policy decision are such as in our opinion to give adequate safeguards of the rights and interests of United Nations nationals in Japan.

10. "I am therefore ready to vote for the adoption of the paper.

11. "I wish also to avail myself of this opportunity to recall the fact that at the meeting of the Steering Committee held on Tuesday last, the Chinese representative called attention to the number of cases that may still be pending before the occupation courts on the date of the coming into force of this policy decision. The point was raised as to whether these cases should be handed over to the Japanese courts. Opinion was expressed by two or three members of the Committee--and there was no dissension from it--that it would be both unwise and impracticable to effect such a transfer. Now my delegation would like to record the understanding that substantive cases of such a category should continue to be handled by the occupation courts until they are disposed of."

12. MR. HAMILTON (Chairman, US) observed that the first paragraph of FEC-371/18 provided that the transfer of jurisdiction would take place in the discretion of the Supreme Commander and subject to the progressive relaxation of control. Recalling his personal experience as an assessor on a Chinese court in the International Settlement at Shanghai, he pointed out that there might well be particular circumstances which would make it impossible for any but the administering authority to determine whether a particular case would properly remain under the jurisdiction of occupation courts or be transferred to Japanese courts. He hoped, therefore, that the matter would be left to the discretion of the Supreme Commander as provided in paragraph 1 of the proposal. Dr. Lee's statement of understanding, however, would be made a matter of record and would be forwarded to the Supreme Commander.

13. MR. MILLET (France) said that while there were certain points in FEC-371/18 with which his Government was not in complete agreement, his delegation felt that in the present circumstances the proposal was the best ^{with whole} formulation upon which general agreement could be reached and that ~~it adequately~~ ^{it ade-} safeguarded the rights of United Nations nationals in civil and criminal cases in Japan. He would therefore be prepared to support the paper.

14. MR. KIRPALANI (India) said that the Government of India was prepared to support FEC-371/18 with the understandings which he submitted as follows:

"a. The understanding is that the excepted categories in paragraph 1 should not be broader than similar excepted categories in Law No. 13 for Germany.

"b. The understanding is that the term 'rights' in paragraph 7 will mean only the rights of United Nations nationals contained in the paper and not extraterritorial rights."

15. MR. HAMILTON (Chairman, US) said that the original Indian statement made at the committee level had been to the effect that the categories were generally the same. It had been pointed out that the political systems in force in Japan and in Germany were not completely parallel and that categories of excepted persons could therefore not be identical.

16. MR. KIRPALANI (India) replied that if it could be taken that the categories in paragraph 1 were generally and in spirit not broader than those in Law No. 13 the requirement which he had in mind would be satisfied.

17. MR. REUHLIN (Neth.) said that the proposal contained in FEC-371/18 had the full approval of both the Netherlands and the Indonesian Governments.

FEC--CONFIDENTIAL

Item 2 (Cont'd)

18. MR. DUNLOP (NZ) said that his Government had not been convinced of the necessity for a new policy decision on the jurisdiction of courts in Japan. His Government was opposed in principle to an extension of Japanese sovereignty before the peace treaty. However, his Government did not feel sufficiently strongly on the point to offer opposition to the present proposal.

19. MR. KHALIL (Pakistan) said that his Government fully approved of FEC-371/18 and considered that it marked an important step toward the objective of bringing the Japanese people into the society of democratic nations.

20. MR. ABELLO (Phil.) recalled that on 20 April 1950 (p. 1, Minutes, 191st FEC Mtg; also circulated as FEC-371/5) his Government had made known its position in connection with the proposed policy decision on criminal and civil jurisdiction over United Nations nationals. It had been stated that the existing policy (FEC-038/1) was adequate and that it was not desirable to confer further sovereign powers on Japan prior to the conclusion of a peace treaty. His Government found no reason for departing from this viewpoint and he would therefore be unable to support FEC-371/18.

21. MR. GRAVES (UK) recalled that when the original policy proposal (FEC-371) had been introduced his delegation had indicated that the United Kingdom saw no necessity for superseding the policy decision of 15 August 1946 (FEC-038/1). The United Kingdom had considered that FEC-038/1 constituted an adequate policy decision on the subject up to the time of the peace treaty, but that if it was the majority view in the Commission that a new policy decision should be devised the United Kingdom delegation would do its best to ensure that provisions safeguarding the rights of United Nations nationals were embodied in the paper. The United Kingdom delegation had therefore assisted in the preparation of the present policy proposal, and he was prepared to support FEC-371/18 when it came to a vote subject to the following understanding with regard to paragraph 6:

22. MR. GRAVES recalled that an earlier draft of the proposed policy decision (C6-371/14) had contained the following provision:

"SCAP should ensure that the prison regime applicable to United Nations nationals conforms to humanitarian principles and that, from the point of view of religion, hygiene and nutrition, the regime is adapted to the customs and needs of the person detained."

This provision was not contained in FEC-371/18. It was the desire, however, of the United Kingdom delegation that the Supreme Commander's attention be invited to the broad provisions which he had just read and that those provisions should be regarded as part of the necessary implementation of subparagraphs 6 a, b and c. He desired therefore that a record of his remarks on this point be forwarded with the policy decision for the attention of the Supreme Commander. He hoped that other delegations would indorse his comments.

23. MR. MILLET (France), MR. REUCHLIN (Neth.), MR. McNICOL (Aus.), and MR. DUNLOP (NZ) associated themselves with the remarks just made by the United Kingdom representative.

24. MR. HAMILTON (Chairman, US) said that the statements of understanding which had been recorded during the preceding expressions of representatives' views would be made a matter of record and would be forwarded with the policy decision in the normal manner following the adoption of FEC-371/18.

25. MR. HAMILTON called for a vote on the adoption of FEC-371/18 as a policy decision. The vote was 9 in favor (Burma, Canada, China, France, India, Netherlands, Pakistan, United Kingdom, United States) to 1 opposed (Philippines) with 2 abstentions (Australia, New Zealand). MR. HAMILTON declared FEC-371/18 adopted as a policy decision.

FEC--CONFIDENTIALITEMS 3 - 10, Inclusive

26. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on items 3 - 10, inclusive, on the agenda.

27. There was no discussion of these subjects, and without objection further consideration of them was postponed.

ITEM 11- OTHER BUSINESSa. Information regarding the Secured Fund

28. MR. HAMILTON (Chairman, US) submitted the following statement (subsequently circulated as FEC-011/64):

29. "The Supreme Commander for the Allied Powers has informed the United States Government that the Secured Fund, consisting of the proceeds of liquidation of unidentified looted property, contained a total of \$3,399,896.64 and yen 3,389,810.12 as of June 30 1950. The increase of \$455.75 since the statement submitted at the 190th meeting of the Commission on April 6, 1950 (p. 3, Minutes, 190th FEC Mtg.) represents net proceeds from the sale of additional unidentified looted property between April 1 and June 30, 1950. There has been no change in the yen component since the earlier report."

b. Departure of Mr. R. E. Collins

30. MR. HAMILTON (Chairman, US) said that he had learned with deep regret that Mr. Collins of the Canadian delegation was being transferred to Ottawa and that he was attending the present Commission meeting for the last time as Canadian representative. Mr. Collins had long been associated with the Commission and had always been extremely helpful and constructive in its work. MR. HAMILTON desired to express on behalf of the entire Commission his sincere good wishes to Mr. Collins.

31. MR. COLLINS (Canada) thanked Mr. Hamilton for his comments. He expressed his regret at leaving the Commission and recalled that he had been associated with the work of the Commission ever since the days of the Far Eastern Advisory Commission. He would look back with a great deal of pleasure on the period of his association with the Commission.

ITEM 12- PRESS RELEASE

32. THE COMMISSION agreed without objection that the text of its policy decision on the Exercise of Criminal and Civil Jurisdiction over Nationals of Members of the United Nations (Item 2 above) would be released to the press in the normal manner.

33. There was no other business.

34. The meeting adjourned at 11:05 A.M.

FEC--CONFIDENTIALITEMS 3 - 10, Inclusive

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COPY NO. _____

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FEC--CONFIDENTIALMINUTES--201st FEC Mtg.5 October 1950FAR EASTERN COMMISSION

Provisional Minutes of the 201st Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
5 October 1950, 10:30 A.M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman
His Excellency Mr. N. J. O. Makin (Australia)
U Khin Maung Gale (Burma)
Mr. B. A. Wallis (Canada)
His Excellency Dr. W. K. Lee (China)
Mr. P. Millet (France)
Mr. M. K. Kirpalani (India)
Mr. L. Quarles van Ufford (Netherlands)
Mr. D. Dunlop (New Zealand)
Mr. K. F. Khalil (Pakistan)
Mr. Emilio Abello (Republic of the Philippines)
No Soviet Representative Present
Mr. H. A. Graves (United Kingdom)

DEPUTY SECRETARY GENERAL

Mr. C. H. Pfuntner

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

Minutes--201st FEC Mtg.
5 October 1950

COPY NO. 148FEC--CONFIDENTIALRECORD OF APPROVAL201ST FEC MIN., 5 October 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 201ST MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 202nd meeting, 19 October 1950, approved the provisional minutes of its 201st meeting without correction.
2. Representatives are requested to attach this formal record of approval to their file copies of those minutes.
3. The attention of all concerned is invited to the classification of this document which prohibits the dissemination of any information contained therein to unauthorized persons or to the press.

NELSON T. JOHNSON
Secretary General

Record of Approval of the Minutes of the
201st Meeting of the Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--201st FEC Mtg.5 October 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 201st MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 200th MEETING

Corrected and approved (p. 1).

INACTIVE ITEMS (2 TO 9, INCLUSIVE)ITEM 2 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELECOMMUNICATIONS
(FEC-334, /1, /2, /3, /4, /5, /6, /7)ITEM 3 - PARTICIPATION OF JAPANESE TRADE UNIONS IN INTERNATIONAL TRADE
UNION CONFERENCES (FEC-344, /1)ITEM 4 - LABOR POLICY IN JAPAN (FEC-318/20, /22, /24, /25, /26, /27, /23,
/29, /30)ITEM 5 - REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING
DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)ITEM 6 - a LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS JAPANESE
INDUSTRY (FEC-242/32; /35, /37, /38, /39, /40, /41, /42)- b LEVEL OF ECONOMIC LIFE IN JAPAN: POLICY TOWARDS SHIPBUILDING
AND SHIPPING (FEC-297/10)ITEM 7 - JAPANESE REPARATIONS AND LEVEL OF INDUSTRY (FEC-340, /1, /2, /3, /4,
/5, /6, /7, /8)ITEM 8 - REPARATIONS REMOVALS: ACCESSORY FACILITIES, BUILDINGS, TECHNICAL
DATA (FEC-299/5; /6, /7, /8, /9, /10)ITEM 9 - ECONOMIC STABILIZATION IN JAPAN

No consideration of items 2 - 9, inclusive.

ITEM 10- OTHER BUSINESSa. Philippine Statement on Japanese Mothership-type Tuna Fishing
OperationsPhilippine representative presented statement (FEC-271/40) pro-
posing a review of the authorization in SCAPIN 2097, dealing with mother-
ship-type tuna fishing operations (pp. 1-3).b. Netherlands Inquiry concerning Extension of Japanese Fishing Area
(p. 3)c. Information regarding the Second United States Education Mission to
Japan (p. 3)ITEM 11- PRESS RELEASE

None.

Summary--Minutes, 201st FEC Mtg.