

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--182nd FEC Mtg.9 February 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 182nd MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 181st MEETING

Corrected and approved (p. 1).

ITEM 2 - JAPANESE PARTICIPATION IN INTERNATIONAL RELATIONS (FEC-339, /2, /3, /5, /6, /7, /8, /9, /11, /12, /13, /22, /23)a. JAPANESE PARTICIPATION IN TECHNICAL AGREEMENTS AND CONFERENCES (FEC-347)

Commission agreed to postpone taking a vote on FEC-347. Discussion of the ability of the Commission to act in the absence of the Soviet representative (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 discussion of Items 3 - 10 inclusive.

ITEM 11- OTHER BUSINESS

None.

ITEM 12- PRESS RELEASE

None.

Summary--Minutes, 182nd FEC Mtg.
9 February 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 181st MEETING

1. THE COMMISSION approved the minutes of its 181st meeting with the following correction:

Page 1, paragraph 2, fourth line, delete the words "on the proposal" making the sentence in question read: "He did not himself have instructions and would suggest postponement of the vote, if this were agreeable to other representatives".

ITEM 2 - JAPANESE PARTICIPATION IN INTERNATIONAL RELATIONS (FEC-339, FEC-339/2, FEC-339/3, FEC-339/5, FEC-339/6, FEC-339/7, FEC-339/8, FEC-339/9, FEC-339/11, FEC-339/12, FEC-339/13, FEC-339/22, FEC-339/23)a. JAPANESE PARTICIPATION IN TECHNICAL AGREEMENTS AND CONFERENCES (FEC-347)

2. MR. HAMILTON (Chairman, US) recalled that at the last meeting consideration of the present proposal had been postponed, in connection with the general situation arising from the absence of the Soviet delegation, and in accordance with the request of certain delegations for further time in order to obtain instructions. He asked whether it was now the wish of the Commission to consider FEC-347, or to consider the general question of the ability of the Commission to function in the absence of the Soviet representative.
3. MR. GRAVES (UK) said that his position on FEC-347 was the same as it had been at the last meeting. He would favor postponement of a vote on the paper if that were convenient to the Commission.
4. MR. HAMILTON (Chairman, US) said that if it were generally agreeable the proposed policy decision would be retained on the agenda, where, from the point of view of his Government, it had already remained too long.
5. MR. HAMILTON considered it useful to distinguish between the consideration of the proposed policy decision and consideration of the general question presented by the absence of the Soviet representative. On this question of principle he had stated the view of the United States delegation at the last meeting (p. 1, Minutes, 181st FEC Mtg.) to the effect that the absence of a member from a meeting of the Commission in no way diminished the power or the authority of the Commission to act. He had referred to the presentation of the same point of view recently by a representative of the United States in connection with an analogous situation in the Security Council of the United Nations. He had also drawn attention to similar views expressed approximately two years ago by various members of the Security Council in connection with the situation which had then arisen out of the deliberate absence of the Soviet representative.
6. The Far Eastern Commission, MR. HAMILTON continued, had been created for the performance of specified functions and accordingly it had certain definite responsibilities. It was the United States view that if one of the member governments with special powers, or indeed any of the member governments, deliberately refrained from attending Commission meetings, then that government had thereby acted in such a way as to indicate that it did not wish to discharge its responsibilities. This, however, would in no way curtail the ability of the Commission to discharge the responsibilities which it had assumed under the agreement for its establishment.
7. MR. HAMILTON said that the Secretariat had brought to his attention a decision of the Commission on 1 March 1946 (p. 2, Minutes, 2nd FEC Mtg.) approving a recommendation of the Steering Committee which provided, "The Commission will meet regularly on Wednesdays at 10:30 A.M. and at other times at the call of the Chairman or upon the request of a member". On 10 April 1946 (p. 4, Minutes, 8th FEC Mtg.) this agreement had been amended

FEC--CONFIDENTIALItem 2 a (Cont'd)

simply by the change of "Wednesdays" to "Thursdays". Since that time the Commission had operated on the basis of having regular meetings at the scheduled time each week. During a portion of the summer and on other occasions recesses or postponements had occurred, as the result of general agreement and vote. Nevertheless, underlying the agreement for regular meetings had been the fact of continuing existence of the Commission and a continuing readiness to discharge its responsibilities. If a situation arose in which there was no business before the Commission, that was another matter which could be handled in some appropriate manner at the time, but this would not affect the basic principle of the Commission's continued existence and readiness to function as need arose.

8. MR. COLLINS (Canada) said that, in connection with what the Chairman had just said, it should be borne in mind that the Commission's Terms of Reference provided in Article VII that, "The Far Eastern Commission shall cease to function when a decision to that effect is taken by the concurrence of at least a majority of all the representatives including the representatives of the four following Powers...". This provision that the Commission should not cease to function until the decision in question had been taken afforded support for the line of argument which the Chairman had just presented. Because of that provision and because of the established custom in the Commission of regarding an abstention by one of the four principal Powers as not being equivalent to an opposing vote, it was the Canadian view that the Commission was competent in the absence of such a Power to make decisions. However, MR. COLLINS concluded, he agreed with the United Kingdom representative that in the present circumstances it would be advisable to postpone action on the pending paper, FEC-347.

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

ITEMS 3 - 10 Inclusive

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

11. There being no discussion of these items further consideration of them was postponed.

12. There was no other business, and the meeting adjourned at 10:47 A.M. to meet next on Thursday, 16 February 1950.

COPY NO. 148FEC--CONFIDENTIALMINUTES--183rd FEC Mtg.16 February 1950FAR EASTERN COMMISSION

Provisional Minutes of the 183rd Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
16 February 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. A. Fequant (France)
Mr. P. Vaidyanathan (India)
Mr. O. Reuchlin (Netherlands)
Mr. F. 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--183rd FEC Mtg.
16 February 1950

COPY NO. _____

148

FEC--CONFIDENTIALRECORD OF APPROVAL183RD FEC MIN., 16 February 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 183RD MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 184th meeting, 23 February 1950, approved the provisional minutes of its 183rd 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 I. JOHNSON
Secretary General

Record of Approval of the Minutes of the
183rd Meeting of the Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIAL
SUMMARY--183rd FEC Mtg,
16 February 1950FAR EASTERN COMMISSION
SUMMARY OF MINUTES OF 183rd MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 182nd MEETING

Approved without correction (p. 1).

ITEM 2 - JAPANESE PARTICIPATION IN TECHNICAL AGREEMENTS AND CONFERENCES (FEC-347; FEC-339/22, /23)

No consideration. However, see Item 11 b for Netherlands comment regarding action on Item 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 discussion of Items 3 - 10, inclusive.

ITEM 11- OTHER BUSINESSa. Discussion of the Ability of the Commission to Function in the Absence of the Soviet Representative

Australian and Netherlands comments to the effect that Commission was not prevented from functioning by Soviet delegation's absence (p. 1).

b. Netherlands Comment relating to Item 2

Netherlands representative expressed hope that Commission would act on FEC-347 at its next meeting (p. 1).

c. Information on Gold and Silver supplemental to that Contained in FEC-342/5

Chairman invited representatives' attention to information which was subsequently circulated in FEC-342/6 (pp. 1-2).

d. Inquiry by Indian Representative concerning Disposition of United States Dollars Received from Sale of Four Unidentified Looted Vessels

Indian representative inquired of United States representative as to disposition of dollar funds referred to in Item 10 of Minutes of the 23rd meeting of the Restitution Advisory Committee (MI-197/23) (p. 2).

ITEM 12- PRESS RELEASE

None.

Summary--Minutes, 183rd FEC Meeting
16 February 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 182nd MEETING

1. THE COMMISSION approved the minutes of its 182nd meeting without correction.

ITEMS 2 - 10 Inclusive

2. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on Items 2 - 10 inclusive of the agenda.
3. There being no discussion of these items further consideration of them was postponed.
4. (Note: A comment regarding action on Item 2 was offered under "Other Business" by the Netherlands representative following discussion of the ability of the Commission to act in the absence of the Soviet representative.)

ITEM 11 - OTHER BUSINESSa. Discussion of the Ability of the Commission to Function in the Absence of the Soviet Representative

5. MR. McNICOL (Aus.) stated that it was the view of the Australian Government that the Commission should not be prevented from functioning because of the absence of the Soviet delegation.

6. MR. REUCHLIN (Neth.) said that on the subject of the effect of the absence of the Soviet delegation he was in full agreement with the point of view which had been expressed by the United States representative (p. 1, Minutes, 181st FEC Mtg.; pp. 1-2, Minutes, 182nd FEC Mtg.). Any doubt which might have remained had been dispelled by the reference of the Canadian representative (p. 2, Minutes, 182nd FEC Mtg.) to Article VII of the Terms of Reference which prescribed the manner in which cessation of the Commission's functions could be brought about. It was the opinion of the Netherlands Government that the Far Eastern Commission, which had specified functions to perform and certain responsibilities to discharge, could not be incapacitated as the result of a decision by one of its members to cease to attend meetings. It was the Netherlands view that one of the reasons for the creation of the Far Eastern Commission had been that of affording its member states the opportunity to safeguard their interests in Japan by formulating policy decisions and by reviewing the directives of the Supreme Commander. MR. REUCHLIN said that his delegation could not accept the contention, either on behalf of the Netherlands Government or on behalf of the Government of the United States of Indonesia, that any one of the member governments could deprive all members of their right to safeguard their interests. For these reasons the Far Eastern Commission could and should continue to function.

b. Netherlands Comment relating to Item 2

7. MR. REUCHLIN (Neth.) expressed the hope that at the next meeting of the Commission a decision could be reached on Item 2, Japanese Participation in Technical Agreements and Conferences. He felt that the matter was of considerable importance. Action on it had been postponed for several meetings because a majority had not been in favor of dealing with it. As he had just made clear (Item 11 a above), the absence of the Soviet representative, who in any event had indicated that his Government favored Japanese participation in technical agreements and conferences, should not stop the Commission from taking a vote on the paper.

c. Information on Gold and Silver supplemental to that Contained in FEC-342/5

8. MR. HAMILTON (Chairman, US) said that information had been received from the Supreme Commander giving details of the changes in the amounts and classification of the gold and silver in his custody between 30 June 1949,

FEC--CONFIDENTIAL

Item 11 c (Cont'd)

as shown in MI-241, and 5 December 1949, as shown in FEC-342/5. This information would be circulated in the usual way (FEC-342/6 subsequently circulated).

d. Inquiry by Indian Representative concerning Disposition of United States Dollars Received from Sale of Four Unidentified Looted Vessels

9. MR. VAIDYANATHAN (India) referred to MI-197/23 of 10 February 1950, containing the minutes of the 23rd meeting of the Restitution Advisory Committee. Item 10, on page 2 of these minutes, read as follows:

"ITEM No. 10 - RECOMMENDATION FOR THE LIQUIDATION FOR YEN OF FOUR UNIDENTIFIED, LOOTED VESSELS (RAC-239)

No action was required under this item, as the four unidentified, looted vessels covered by RAC-239, were sold for U.S. dollars on 25 October 1949."

MR. VAIDYANATHAN inquired as to the disposition of the United States dollars acquired from the sale of these ships.

10. MR. HAMILTON (Chairman, US) said that he would undertake to secure information responsive to Mr. Vaidyanathan's inquiry.

11. There was no other business.

12. The meeting adjourned at 10:47 A.M.

148

COPY NO. _____

FEC---CONFIDENTIALMINUTES, 184th FEC Mtg.23 February 1950FAR EASTERN COMMISSION

Provisional Minutes of the 184th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
23 February 1950, 10:30 a.m.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) (Chairman)

Mr. O. L. Davis (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. H. Corner (New Zealand)

Mr. M. ^{A. O. BAIG} ~~Shafiq~~ (Pakistan)

Mr. F. Lozada (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, 184th FEC Meeting
23 February 1950

148

COPY NO. _____

FEC--CONFIDENTIALRECORD OF APPROVAL184TH FEC MIN., 23 February 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 184TH MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 185th meeting, 2 March 1950, approved the provisional minutes of its 184th meeting with the following correction:

Cover page - substitute "Mr. M. O. A. Baig" for "Mr. M. Shafqat" as representative for Pakistan.

2. Representatives are requested to incorporate the above correction in their file copies of the provisional minutes of the 184th 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
184th Meeting of the Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIAL
SUMMARY--184th FEC Mtg.
23 February 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 184th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 183rd MEETING

Approved without correction (p. 1).

ANNOUNCEMENT OF UNITED STATES INTERIM DIRECTIVE ON JAPANESE PARTICIPATION IN TECHNICAL AGREEMENTS AND CONFERENCES

U. S. representative invited attention to FEC-347/1, a United States interim directive to the Supreme Commander, embodying the substance of FEC-347. Brief discussion (pp. 1-2).

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, /28, /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

Netherlands suggestion regarding procedure for handling Items 2 - 9 inclusive. (pp. 2-3).

ITEM 10- OTHER BUSINESSa. United States Proposed Policy Decision on Exercise of Criminal and Civil Jurisdiction over Nationals of Members of the United Nations (FEC-371)

United States representative introduced FEC-371, a proposed policy decision on Exercise of Criminal and Civil Jurisdiction over Nationals of Members of the United Nations which, if adopted, would supersede the existing policy decision, FEC-038/2. Proposal retained on Commission agenda for further consideration (pp. 3-4).

b. Statement by United States Representative on Soviet Statement Contained in FEC-345/3

Comments by United States representative regarding Soviet criticism of United States action in inviting Japanese Government to send agents to American cities to handle trade and other matters connected with civil status and property rights (pp. 4-5).

ITEM 11- PRESS RELEASE

None.

Summary--Minutes, 184th FEC Mtg.
23 February 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 183rd MEETING

1. THE COMMISSION approved the minutes of its 183rd meeting without correction.

ANNOUNCEMENT BY CHAIRMAN OF UNITED STATES INTERIM DIRECTIVE ON JAPANESE PARTICIPATION IN TECHNICAL AGREEMENTS AND CONFERENCES

2. MR. HAMILTON (Chairman, US) said that his Government had issued an interim directive to the Supreme Commander on the subject of Japanese participation in technical agreements and conferences. The interim directive was being filed with the Commission in the usual way and mimeographed copies would be available after the meeting. (FEC-347/1, containing the interim directive, was subsequently circulated.)

3. MR. HAMILTON said that the matter of Japanese participation in technical agreements and conferences was one which constantly arose. For many months the Commission had been carefully considering the matter and a majority of representatives had expressed their approval of the proposed policy decision (FEC-347) which had been awaiting action. However, a situation had developed wherein it appeared that a vote on the merits of the proposal would not take place for a period of indefinite duration, and in view of all the circumstances the United States Government, regarding the matter as one of urgency, had accordingly issued the interim directive.

4. MR. GRAVES (UK) said that he assumed, in connection with the forwarding of the interim directive, that the attention of the Supreme Commander would be drawn to the fact that some delegations had expressed opposition to the proposal contained in FEC-347.

5. MR. HAMILTON (Chairman, US) replied that the Supreme Commander had been informed of the voting on the proposal at the time of its passage from the Steering Committee to the Commission.

6. MR. DARIDAN (France) said that, in view of the difficulty which confronted the Commission, his Government felt that the issuance of an interim directive by the United States Government represented the easiest way and the most practical method of settling the issue. His delegation agreed completely with the decision to issue the interim directive.

7. MR. COLLINS (Canada) associated himself with Mr. Daridan's remarks.

8. MR. BAIG (Pakistan) said that his Government was in agreement with the United States action in this matter.

9. U TIN MAUNG (Burma) said that his Government approved of the United States decision.

10. MR. CORNER (NZ) said that since he had not been informed of the intention to issue an interim directive he would have to seek instructions and would accordingly reserve the position of his Government on the matter. Although his Government would generally approve the issuance of an interim directive in circumstances characterized by a high measure of agreement in the Commission but not culminating in an agreed decision, he could not say what the New Zealand view would be in a case where several representatives had expressed opposition to a proposal.

11. MR. VAIDYANATHAN (India) said that he had not been informed of the United States desire to issue an interim directive and was therefore not in a position to make any comment on the situation at present.

12. MR. DAVIS (Aus.) said that he was not in a position to comment at present.

FEC--CONFIDENTIALAnnouncement by Chairman of United States Interim Directive on Japanese Participation in Technical Agreements and Conferences (Cont'd)

13. MR. REUHLIN (Neth.) said that when he had at the last meeting (p. 1, Minutes, 183rd FEC Mtg.) indicated his desire for a vote on FEC-347 at the present meeting, it had been with the anticipation that the proposal, which his delegation had consistently supported, would be adopted. Now that an interim directive embodying the substance of the proposal had been issued the desired objective had been achieved and to that extent he might associate himself with the French, Canadian, Pakistan, and Burmese representatives. Nevertheless, while he favored the result which had been attained, he could not associate himself with approval for the method by which it had been brought about. As he had indicated at the last meeting, his intention had been to request a vote on FEC-347 at the present meeting, but during the intervening week the interim directive had been issued. He did not know whether this was in future to be the way of disposing of items on the Commission's agenda, but he certainly wished to reserve the position of the Netherlands delegation on the point. It was generally agreed, as representatives' declarations at recent meetings had indicated, that the Commission should function, but he did not see how the Commission was functioning in the present situation. In conclusion, he repeated that while he was in agreement with the results obtained by the issuance of the interim directive he was not in agreement with the method by which the matter had been handled by the United States Government.

14. MR. LOZADA (Phil.) said that in the working committee and in the Steering Committee his delegation had opposed the proposal which had been contained in FEC-347, the substance of which had now been embodied in a United States interim directive. Since he was without instructions on the United States Government's course in issuing the interim directive, he could not at this time comment.

15. MR. REUHLIN (Neth.) inquired as to the disposition of the proposed policy decision (FEC-347) which had been awaiting Commission action. In view of the issuance of the interim directive he saw little purpose in retaining FEC-347 on the agenda.

16. MR. HAMILTON (Chairman, US) replied that FEC-347 had already been removed from the agenda and would not be replaced unless some representative so requested. If representatives desired to make further comments on FEC-347 they might be offered under "Other Business".

17. There was no further consideration of this subject.

ITEMS 2 - 9 Inclusive

18. MR. HAMILTON (Chairman, US) asked whether any representative desired to comment on Items 2 - 9 inclusive of the agenda.

19. MR. REUHLIN (Neth.) recalled that he had on previous occasions proposed that inactive items be removed from the agenda, not because the questions they presented had been dealt with but simply because an agenda should be a program of discussion. He saw little reason to retain items which were not being discussed and to give a false impression of the list of subjects under active consideration. It was of course generally understood that any delegation was free to place any item on the agenda, but he would at this time renew his proposal that the inactive items, in this case embodying Items 2 - 9 inclusive, be dropped from the agenda because they were not under active discussion.

20. MR. VAIDYANATHAN (India) pointed out that Item 3, Participation of Japanese Trade Unions in International Trade Union Conferences, and also Item 4, Labor Policy in Japan, had been placed on the agenda by the Soviet representative, who had submitted papers on the two subjects and had urged discussion of them. It was his personal feeling that it would not be proper

FEC--CONFIDENTIALItems 2 - 9 Inclusive (Cont'd)

to remove those items from the agenda without Soviet approval. It might be that the Secretary General could, by writing, ascertain the views of the Soviet representative with regard to the removal of the two items in question. With regard to the other items on the agenda, MR. VAIDYANATHAN was not prepared to comment at present and would have to seek instructions as to their removal.

21. MR. HAMILTON (Chairman, US) thought that the Commission might bear in mind Mr. Reuchlin's suggestion with a view to commenting on it further at the next meeting.

ITEM 10- OTHER BUSINESS

a. United States Proposed Policy Decision on Exercise of Criminal and Civil Jurisdiction over Nationals of Members of the United Nations (FEC-371)

22. MR. HAMILTON (Chairman, US) said that his Government desired to introduce a proposed policy decision on the exercise of criminal and civil jurisdiction over nationals of members of the United Nations. The proposal would, if approved, supersede FEC-038/2, a policy decision on the same subject which had been approved by the Commission on 15 August 1946.

23. MR. HAMILTON said that among the reasons underlying the introduction of the proposal was the fact that the administration of criminal jurisdiction in Japan under FEC-038/2 imposed a considerable burden on the occupation forces. The United Nations nationals, with the exception of certain categories of persons set forth in paragraph 1 of the proposed policy decision, who under the new policy would be subject to the criminal jurisdiction of the Japanese courts, had been afforded adequate opportunity for repatriation, and the United States considered it unnecessary to impose on occupation courts the responsibility of exercising criminal jurisdiction over such United Nations nationals as voluntarily elected to remain in Japan when the present Japanese judicial facilities available to them were entirely adequate.

24. The present rule of divesting Japanese courts of criminal jurisdiction over United Nations nationals, MR. HAMILTON continued, was founded on the premise that Japanese criminal courts were ruled by discriminatory laws administered by undesirable officials. Undesirable officials had been removed, and discriminatory laws had been abolished. Japanese laws now provided basic safeguards for the protection of civil liberties and for the prevention of abuses and discriminatory action in criminal judicial processes. At the present time all non-occupation inhabitants of Japan were subject to Japanese criminal law whether they were nationals of members of the United Nations or not. It was only in prosecutions for violations of these laws that the Japanese had been divested of authority to act with respect to such United Nations nationals. The Japanese courts had never been divested of jurisdiction in civil cases involving any nationals, including those of members of the United Nations, so long as they were not members of the occupation forces.

25. MR. HAMILTON pointed out that by giving the Supreme Commander the authority progressively to permit the Japanese to exercise criminal jurisdiction over all United Nations nationals in Japan with the exceptions specified in the proposal, the Supreme Commander would be provided the opportunity to observe and to correct, if necessary, any discriminatory or abusive practices that might develop.

26. (Copies of the proposed policy decision, FEC-371, were distributed at the table.)

27. MR. HAMILTON (Chairman, US) suggested that FEC-371 be placed on the agenda of the Commission for preliminary consideration at the next meeting, with a view to referring it to the appropriate working committee for detailed consideration.

FEC--CONFIDENTIALItem 10 a (Cont'd)

28. MR. GRAVES (UK) said that he would be grateful if the proposal contained in FEC-371 could be retained on the agenda of the Commission until there had been opportunity for careful consideration of it. On a first reading of the proposal, it appeared to suggest that certain elements of sovereignty were affected. It was well known that the United Kingdom delegation entertained rather strong opinions about the rendition of elements of sovereignty to the Japanese Government before a peace treaty. He would therefore hope that the proposal could be retained on the Commission's agenda until governmental views could be obtained.

29. MR. HAMILTON (Chairman, US) observed, with reference to Mr. Graves' remarks, that the existing policy decision on the subject gave to Japanese courts jurisdiction in civil matters. The present proposal would extend this jurisdiction to criminal cases with respect to the categories of persons described. He did not know whether any distinction relating to sovereignty could be drawn in connection with jurisdiction in civil matters as contrasted with jurisdiction in criminal matters, but it would seem to him to be questionable. He agreed that the proposal should remain on the Commission agenda for consideration at the next meeting so that representatives might have an opportunity to examine it and to analyze its effect on the existing policy decision.

30. MR. DARIDAN (France) said that he would be unable to comment on the United States proposal until he had obtained governmental instructions. However, from a first reading, he wondered whether such a proposal, which seemed to involve partial sovereignty rights, could at present be discussed in the Commission. He wished it to be understood that he was for the moment merely reserving his position on the proposal.

31. MR. REUHLIN (Neth.) noted that the United States proposal made use of the term "nationals of members of the United Nations". He wondered whether that phrase had been interpreted to mean members of the United Nations which had signed the United Nations Declaration of 1942, or members of the United Nations organization at any given subsequent time.

32. MR. HAMILTON (Chairman, US) said that he would undertake to find out whether there was some generally-acceptable interpretation of the phrase in question.

33. Without objection, further consideration of this subject was postponed on the understanding that it would be placed on the Commission's agenda for consideration at the next meeting.

b. Statement by United States Representative on Soviet Statement Contained in FEC-345/3

34. MR. HAMILTON (Chairman, US) submitted the following statement with regard to the Soviet statement (FEC-345/3) of 21 February regarding the United States announcement on the establishment of Japanese trade agencies in the United States:

35. "The members of the Commission have doubtless all received copies of the statement which the Soviet representative on February 20th sent to the Secretary General for distribution. The statement criticizes the United States for its action in inviting the Japanese Government, subject to the approval of the Supreme Commander, to send agents to certain American cities for the purpose of facilitating Japanese trade and assisting Japanese nationals in matters relating to their civil status and property rights. The action of the United States, it is contended, is 'unlawful' since it is in violation of the provision of the Terms of Reference which states that the United States may issue an interim directive to the Supreme Commander dealing with changes in the regime of control 'only following consultation and following the attainment of agreement in the Far Eastern Commission'.

FEC--CONFIDENTIALItem 10 b (Cont'd)

36. "In the view of my Government the Article in the Terms of Reference to which the Soviet representative refers has no bearing on the action taken by the United States. This Article deals solely with the right of the United States to issue interim directives. The United States, however, although it might have issued an interim directive on this subject, has not done so. It is the Supreme Commander who has authorized the Japanese Government to accept the invitation of the United States. At the Commission meeting of January 12, I stated that I wished to emphasize that United States approval and support of the two papers dealing with Japanese agents did not in any way prejudice the view of my Government 'that, in the absence of a Commission policy decision to the contrary, the Supreme Commander had the authority to permit Japanese to participate in international relations'.

37. "In authorizing the Japanese Government, at the invitation of the United States, to send commercial agents to certain cities in the United States, the Supreme Commander for the Allied Powers has exercised this authority to which I referred."

38. In conclusion, MR. HAMILTON pointed out that the statement of the Soviet representative, in referring to the "New York Times" dispatch, had made use only of the sentence, "Japanese sources said today the trade missions to the United States each would consist of one Government representative, probably with the domestic rank of counsellor of embassy and two assistants". The next sentence of the dispatch, however, MR. HAMILTON pointed out, read as follows: "No diplomatic rank for Japanese will be recognized by the United States, which has denied them consular privileges, limited their activities to trade, tourist and certain census and property functions".

39. There was no other business.

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

COPY NO. 148FEC--CONFIDENTIALMINUTES--185th FEC Mtg.2 March 1950FAR EASTERN COMMISSION

Provisional Minutes of the 185th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
2 March 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. A. Fequant (France)
Mr. P. Vaidyanathan (India)
Mr. G. J. Jobsis (Netherlands)
Mr. F. 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--185th FEC Mtg.
2 March 1950

COPY NO. ~~148~~FEC--CONFIDENTIALRECORD OF APPROVAL185TH FEC MIN., 2 March 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 185TH MEETING OF THE FAR EASTERN COMMISSION

1. The Far Eastern Commission, at its 186th meeting, 9 March 1950, approved the provisional minutes of its 185th 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
185th Meeting of the Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--185th FEC Mtg.2 March 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 185th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 184th MEETING

Corrected and approved (P. 1).

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

U.S. representative offered remarks clarifying position of his Government in initiating proposal contained in FEC-371. Australian representative indicated opposition of his Government to the proposal. Brief discussion of procedure; retained on FEC agenda to afford further opportunity for statements of a general nature (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 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. Australian Statement on United States Interim Directive regarding Japanese Participation in Technical Agreements and Conferences

Australian representative submitted statement on FEC-347, the U.S. interim directive (statement subsequently circulated as FEC-347/2) (pp. 3-4).

b. United States Reply to Indian Query of 16 February 1950 regarding Disposition of Dollar Proceeds from Sale of Four Unidentified Looted Vessels

U.S. representative submitted reply (p. 4).

ITEM 12- PRESS RELEASE

None.

Summary--Minutes, 185th FEC Mtg.
2 March 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 184th MEETING

1. THE COMMISSION approved the minutes of its 184th meeting with the following correction:

Cover page - substitute "MR. M. O. A. BAIG" for "MR. M. SHAFQAT" as representative for Pakistan.

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

2. MR. HAMILTON (Chairman, US) recalled that at the last meeting (p. 4, Minutes, 184th FEC Mtg.) the Netherlands representative had inquired as to whether the use of the term "nationals of members of the United Nations" referred to members of the United Nations who had signed the United Nations Declaration of 1942 or to members of the United Nations organization at any given subsequent time. In this connection he desired to refer the Netherlands representative to SC-029, 23 July 1946, which contained a ruling by the Office of the Legal Adviser of the Department of State on the legal significance of the term "United Nations nationals".
3. In further reply to the Netherlands query, MR. HAMILTON pointed out that in SCAPIN 1912 of 21 June 1948 entitled "Definition of United, Neutral, Enemy, Special Status and Undetermined Status Nations" that term, in the absence of any indication to the contrary, should be taken as meaning or including nations which were signatories to the United Nations Declaration of 1 January 1942 or later adherents to the United Nations Charter. Since both SCAPIN 1912 and SC-029 were somewhat technical in character, MR. HAMILTON suggested that the Netherlands representative as well as other interested representatives examine both documents in detail before undertaking further comment.
4. MR. JOBSIS (Neth.) recalled that in existing policy decisions of the Commission members of the United Nations were sometimes mentioned in juxtaposition to neutrals. An example of this occurred in FEC-034/1, the Commission's policy decision on aliens in Japan of 5 June 1946, which clearly distinguished in paragraph 2 between nationals of neutral nations and nationals of the United Nations. This being the case, it would seem clear that Swedish nationals, for example, should be regarded as neutrals, since their country had been neutral throughout the war even though it had subsequently adhered to the United Nations organization.
5. MR. HAMILTON (Chairman, US) said that SCAPIN 1912 enumerated four categories of nations and that some states fell within more than one category.
6. MR. JOBSIS (Neth.) said that he would reserve any further comment on the point in question until he had had an opportunity to study the documents to which Mr. Hamilton had referred.
7. MR. HAMILTON (Chairman, US) then invited general comments on FEC-371. In the absence of any immediate remark by another representative, he said that he would himself undertake to clarify the position of his own Government on the proposal.
8. First of all, MR. HAMILTON said, if the Commission should undertake to discuss the question of the location of sovereignty in Japan or in any country not in a normal status it seemed to him that the Commission was likely to be led into a discussion of the intricacies of political metaphysics. The basic facts in regard to the present political situation in Japan, however, appeared to his Government to be clear. The Instrument of Surrender provided that the Government of Japan should continue to function but that it should function subject to the control of the Supreme Commander. It was specifically provided that "from the moment of surrender the authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander of the Allied Powers, who will take such steps as he deems proper to effectuate the surrender terms".

FEC--CONFIDENTIAL

Item 2 (Cont'd)

9. Subsequently, MR. HAMILTON continued, the Allied Powers had established the Far Eastern Commission, the function of which was "to formulate the policies, principles and standards in conformity with which the fulfillment by Japan of the obligations under the Terms of Surrender may be accomplished". The Commission's policy decision, "Basic Post-Surrender Policy for Japan" (FEC-045/5) provided: "The authority of the Emperor and the Japanese Government will be subject to the Supreme Commander...The Supreme Commander will exercise his authority through Japanese governmental machinery and agencies, including the Emperor, but only to the extent that this satisfactorily furthers the objectives and policies stated herein...The policy is to use the existing form of government in Japan..."

10. MR. HAMILTON pointed out that policy decisions passed by the Far Eastern Commission were implemented by the Supreme Commander in his capacity as "sole executive authority for the Allied Powers in Japan". The Government of Japan in all respects was continuously under the supervisory control of the Supreme Commander. If FEC-371 were adopted, he observed, it would not render the Japanese Government, or its courts, or any government institution, independent of Allied supervisory control exercised through the Supreme Commander. So long as the occupation continued in Japan the situation would continue to be one in which under the Terms of Surrender and the Commission's policy decision "the authority of the Emperor and the Japanese Government will be subject to the Supreme Commander for the Allied Powers".

11. MR. HAMILTON referred next to the procedural aspect regarding FEC-371. It seemed to his delegation that after representatives on the Commission who desired to do so had made whatever comments of a general nature seemed appropriate to them it would be desirable to refer the proposal to the appropriate working committee for detailed study. It had always been the normal procedure of the Commission to proceed in this way. The proposed policy decision was within the jurisdiction of the Commission and related to its existing policy decisions, and it was the view of the United States delegation that as the occupation continued it was quite natural and wise for the Commission to examine a previous policy decision and to consider its revision in the light of the way it had worked. If, after such consideration, conditions should seem to warrant, then additional authority should be entrusted to the agencies of the Japanese Government under the supervisory authority of the Supreme Commander. The degree of increased authority to be granted at any particular time would seem to be a matter for the kind of detailed study which could best be undertaken in a working committee. FEC-371 contained various technical aspects which could best be studied in a committee at the technical level. At such a level the views of all delegations could receive extended consideration and delegations would have the benefit of the assistance of their technical experts.

12. MR. GRAVES (UK) agreed that the normal practice had been to refer new proposals on policy to working committees. The proposal contained in FEC-371, however, was somewhat different in that it envisaged the alteration of an existing policy decision. Nevertheless, after representatives had offered their general statements on the proposal at the Commission level, it might be desirable to refer the paper to a working committee. If the Commission were agreeable, he desired that opportunity be afforded for stating general views at the Commission level before the paper was referred to a working committee.

13. MR. McNICOL (Aus.) said that he would have no objection to referring FEC-371 to the appropriate working committee after representatives had had an opportunity to offer general statements in the Commission.

14. With regard to the substance of the proposal, MR. McNICOL continued, the Australian Government could not agree to handing over to the Japanese the added authority of exercising criminal jurisdiction over nationals of members of the United Nations before the conclusion of a peace treaty.

15. MR. FEQUANT (France) said that he had not yet received governmental

FEC--CONFIDENTIAL

Item 2 (Cont'd)

instructions on FEC-371. He would therefore favor retention of the subject on the agenda of the Commission for the present. He had no view at this time as to the reference of the proposal to a working committee.

16. MR. VAIDYANATHAN (India) and U TIN MAUNG (Burma) associated themselves with Mr. Fequant's remarks.

17. MR. JOBSIS (Neth.) said that the views of his Government were similar to those expressed by Mr. Graves. An important matter of principle was involved, and general statements on FEC-371 should be heard in the Commission before the matter of referring the paper to a working committee was decided on.

18. MR. LOZADA (Phil.) reserved the position of his Government on FEC-371 pending the receipt of governmental instructions. He desired that the item be retained on the agenda of the Commission.

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

ITEMS 3 - 10 Inclusive

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

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

ITEM 11- OTHER BUSINESS

a. Australian Statement on United States Interim Directive regarding Japanese Participation in Technical Agreements and Conferences

22. MR. McNICOL (Aus.) submitted the following statement on the United States interim directive (FEC-347/1) regarding Japanese participation in technical agreements and conferences (Australian statement subsequently circulated as FEC-347/2):

23. "At the last meeting of the Far Eastern Commission the United States representative informed the Commission that his Government had issued an interim directive to the Supreme Commander for the Allied Powers authorizing him to implement the policy proposed in FEC-347, Japanese Participation in Technical Agreements and Conferences. When this policy was under discussion in Committee No. 4 the Australian Government's objections to the proposed policy were stated, and the Australian representative voted against the proposed policy when it was forwarded from the Steering Committee to the Commission.

24. "I wish at this time to say that it remains the firm opinion of the Australian Government that Japan cannot appropriately be restored to an equal footing with other nations at international conferences or in international agreements as long as a technical state of war obtains, and that it is for the Peace Conference to decide whether Japan should be permitted once again to take her place along with other nations at international conferences. I should also like to point out that adequate provision already exists for such limited Japanese participation in international conferences as is necessary and correct so long as the Allied Powers remain technically at war with Japan. We already have a policy, FEC-300/10, Attendance at Inter-Governmental Conferences, which provides for Japan's association in international conferences and, in the present circumstances, we consider that this policy adequately meets Japan's needs.

25. "In Commission discussions various arguments have been advanced in favor of increased Japanese participation in international

FEC--CONFIDENTIALItem 11 a (Cont'd)

conferences. For instance reference has been made to the fact that Japan has been functioning under a democratic constitution for over two years and that since the surrender she has enjoyed the benefits of a democratic government. In our opinion these facts demonstrate that the time is ripe for a Peace Treaty with Japan and we feel that the arguments which have been put forward in support of increased Japanese participation in the sphere of international conferences are in fact arguments in favor of an early Peace Treaty.

26. "In view of the Australian Government's stated objections to the policy proposed in FEC-347 I wish to inform the Commission that the Australian Government reserves the right to raise this matter at a future date in the Far Eastern Commission or at any technical conference which Japanese may attend in a representative capacity."

b. United States Reply to Indian Query of 16 February 1950 regarding Disposition of Dollar Proceeds from Sale of Four Unidentified Looted Vessels

27. MR. HAMILTON (Chairman, US) submitted the following statement as a reply to the Indian query of 16 February 1950:

28. "At the 183rd meeting of the Far Eastern Commission on February 16, 1950, the Indian member requested information regarding the disposition of the dollar proceeds from the sale of the four unidentified looted vessels referred to in RAC-239 (MI-197/23). The Indian member is informed that, in accordance with paragraph 8 of the Far Eastern Commission policy decision on restitution of looted property (FEC-011/51), all proceeds of the liquidation of unidentified looted property are being placed in a secured fund which is being held in the custody of the Supreme Commander pending determination, in accordance with relevant Far Eastern Commission policy decisions (FEC-011/51, /58, and /59) as to its distribution."

29. There was no other business.

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

COPY NO. 148FEC--CONFIDENTIALMINUTES--186th FEC Mtg.9 March 1950FAR EASTERN COMMISSION

Provisional Minutes of the 186th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2215 Massachusetts Avenue, N. W.
Washington, D. C.
9 March 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. A. Fequant (France)
Mr. P. Vaidyanathan (India)
Mr. G. J. Jobsis (Netherlands)
Mr. F. H. 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--186th FEC Mtg.

9 March 1950

148

COPY NO. _____

FEC--CONFIDENTIALRECORD OF APPROVAL186TH FEC MIN. 9 March 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 186TH MEETING OF THE FAR EASTERN COMMISSION

1. The Far Eastern Commission, at its 187th meeting, 16 March 1950, approved the provisional minutes of its 186th 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
186th Meeting of the Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIAL
SUMMARY--186th FEC Mtg.
9 March 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 186th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL
MINUTES OF 185TH MEETING

Approved without correction.

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

Chinese representative reserved his position, in the absence of governmental instructions. Item retained on agenda to afford further opportunity for comments of a general nature.

ITEM 3 - JAPANESE MEMBERSHIP IN INTERNATIONAL CONVENTION OF TELE-
COMMUNICATIONS (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 SHIP-
BUILDING 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 BUSINESS

None.

ITEM 12 - PRESS RELEASE

None.

Summary--Minutes, 186th FEC Mtg.

9 March 1950

FEC--CONFIDENTIAL

ITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL
MINUTES OF THE 185TH MEETING

1. THE COMMISSION approved the minutes of its 185th meeting without correction.

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

2. DR. LEE (China) said that he was without governmental instructions on FEC-371. He would accordingly reserve the Chinese position on the proposal.

3. MR. HAMILTON (Chairman, US) recalled that at the last meeting (p. 2, minutes 185th FEC mtg.) he had referred to the procedural aspect of FEC-371 and had explained why, in the opinion of his Government, it would be desirable to refer the proposal to the appropriate working committee. However, in the absence of further comment at this time, he would suggest that the paper be retained on the Commission agenda in order to afford further opportunity for remarks of a general nature.

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

ITEMS 3 - 10 Inclusive

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

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

7. There was no other business.

8. The meeting adjourned at 10:40 A.M.

148

COPY NO. _____

FEC--CONFIDENTIALMINUTES--187th FEC Mtg.16 March 1950FAR EASTERN COMMISSION

Provisional Minutes of the 187th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
16 March 1950, 10:30 A. M.

REPRESENTATIVES PRESENT

Mr. Maxwell M. Hamilton (United States) Chairman
Mr. D. W. McNicol (Australia)
U Tin Maung (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--187th FEC Mtg.

16 March 1950

COPY NO. _____

148

FEC--CONFIDENTIALRECORD OF APPROVAL187th FEC MIN., 16 March 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 187TH MEETING OF THE FAR EASTERN COMMISSION

1. The Far Eastern Commission, at its 188th meeting, 23 March 1950, approved the provisional minutes of its 187th 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
187th Meeting of the Far Eastern Commissio

SUMMARY--FEC

FEC--CONFIDENTIAL
SUMMARY--187th FEC Mtg.
16 March 1950

FAR EASTERN COMMISSION

SUMMARY OF MINUTES OF 187TH MEETING

ITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 186TH MEETING

Approved without correction.

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

Chinese representative offered brief comments of a preliminary nature, unfavorable to FEC-371. US representative suggested that the proposal be retained on the Commission agenda until the next meeting, and then referred to a working committee. Further consideration 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

- 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, /10)

ITEM 10 - ECONOMIC STABILIZATION IN JAPAN

No consideration of items 3 - 10 inclusive.

ITEM 11 - OTHER BUSINESS

ITEM 12 - PRESS RELEASE

None.

Summary--Minutes, 187th FEC Mtg.

16 March 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL
MINUTES OF THE 186TH MEETING

1. THE COMMISSION approved the minutes of its 186th meeting without correction.

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

2. DR. LEE (China) said that although he was still without instructions from his Government on FEC-371, he desired to make a few preliminary observations on the proposal. He believed that it would serve a useful purpose if he were to state at this stage the broad conclusions reached by his delegation as a result of a preliminary study of the paper.

3. DR. LEE said that he regretted to observe that the proposed policy decision had given rise to no small misgivings on the part of his delegation. The proposal, in the Chinese view, sought to restore to Japan an undue measure of sovereignty, which seemed to be incompatible with the status of that country pending the conclusion of a peace treaty, and might, if adopted, constitute a departure from the principles which underlay the occupation. Moreover, the proposal, if adopted, would supersede an existing Commission policy decision on the exercise of criminal and civil jurisdiction of nationals of members of the United Nations (FEC-038/1, 15 August 1946), a policy decision which in the Chinese view reasonably met the needs of the present situation in Japan.

4. An additional reason for concern on the part of the Chinese delegation consisted of the possible effects which the proposed transfer of jurisdiction might have on the large number of Chinese nationals in Japan.

5. For the foregoing reasons, DR. LEE concluded, his delegation felt that the Commission should have a general discussion on the proposal contained in FEC-371 before referring it to an appropriate working committee.

6. MR. HAMILTON (Chairman, US) said that the purpose of the suggestion which he had previously offered that FEC-371 be referred to a working committee was not that of obtaining urgent consideration; it was, rather, to insure that the differing views on the various aspects of the proposal would be carefully examined in detail and clarified, with the object of reconciling those differences if possible. He suggested that, if there were no further discussion at this time, the Commission retain the proposal on its agenda until its next meeting. He hoped that at the next meeting it would be agreeable to refer the proposal to the appropriate working committee for detailed consideration. This would not in any way preclude delegations from offering comments of a general character either in the working committee or in the Commission.

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.

10. There was no other business.

11. The meeting adjourned at 10:46 a.m.

Minutes--137th FEC Meeting

16 March 1950

COPY NO. 137FEC--CONFIDENTIALMINUTES--188th FEC Mtg.23 March 1950FAR EASTERN COMMISSION

Provisional Minutes of the 188th Meeting of the Far Eastern Commission
Held in the Main Conference Room, 2516 Massachusetts Avenue, N. W.
Washington, D. C.
23 March 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. D. Dunlop (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--188th FEC Meeting
23 March 1950

COPY NO. 13FEC--CONFIDENTIALRECORD OF APPROVAL188th FEC MIN., 23 March 1950FAR EASTERN COMMISSIONRECORD OF APPROVALMINUTES OF THE 188TH MEETING OF THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The Far Eastern Commission, at its 189th meeting, 30 March 1950, approved the provisional 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."

2. Representatives are requested to incorporate the above corrections in their file copies of the provisional minutes of the 188th 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
188th Meeting of the Far Eastern Commission

SUMMARY--FECFEC--CONFIDENTIALSUMMARY--188th FEC Mtg.23 March 1950FAR EASTERN COMMISSIONSUMMARY OF MINUTES OF 183th MEETINGITEM 1 - CORRECTION AND APPROVAL OF PROVISIONAL MINUTES OF 187th MEETING

Approved without correction (p. 1).

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

Referred to Committee No. 6 for detailed consideration (see C6-371/1). Retained on FEC agenda to afford further opportunity for statements of a general nature (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. Statement by Chairman on the Departure of Mr. Thresherb. Philippine Request for Information concerning Release of Japanese War Criminalsc. Discussion of Bi-weekly Scheduling of Commission Meetings

Commission agreed that following its meeting of 30 March regular meetings would be scheduled bi-weekly, on the understanding that in case of special business any representative could, through the Chairman, call a special meeting (pp. 2-3).

ITEM 12- PRESS RELEASE

None.

Summary--Minutes, 188th FEC Mtg.
23 March 1950

FEC--CONFIDENTIALITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 187th MEETING

1. THE COMMISSION approved the minutes of its 187th meeting without correction.

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

2. MR. HAMILTON (Chairman, US) recalled that FEC-371 had been retained on the agenda of the Commission for four weeks since its introduction by the United States on 23 February 1950 in order to afford an opportunity for representatives to submit comments of a general nature. He asked whether any representative desired to make such a comment at present. There being none, MR. HAMILTON suggested that the proposal be referred to Committee No. 6 for detailed consideration, without prejudice to the continuing right of any representative to submit a future comment of a general nature at the Commission level.

3. MR. VAIDYANATHAN (India) said that he had informed his Government of the proposal contained in FEC-371 and was still awaiting instructions. He presumed that this was true of other representatives as well and he suggested that if the paper were referred to Committee No. 6 it be also retained on the agenda of the Commission in order that representatives might present general statements on it.

4. Without objection, FEC-371 was referred to Committee No. 6: Aliens in Japan, for detailed consideration, and was retained on the agenda of the Commission in order to afford continuing opportunity for statements of a general nature on its substance.

ITEMS 3 - 10 Inclusive

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

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

ITEM 11- OTHER BUSINESSa. Statement by Chairman on the Departure of Mr. Thresher

7. MR. HAMILTON (Chairman, US) observed that the present day marked the conclusion of Mr. M. B. Thresher's membership on the United Kingdom delegation to the Far Eastern Commission. Mr. Thresher had been a member of that delegation since the beginning of the functioning of the Commission. He had served as Deputy Chairman of the Committee on Aliens in Japan and had also served on the Reparations Committee, the Committee on Strengthening of Democratic Tendencies in Japan, the Economic Committee, the War Criminals Committee, and the Inter-Allied Trade Board.

8. MR. HAMILTON felt sure that he spoke for all the members of the various delegations in expressing regret that Mr. Thresher was leaving to take up duties in a new assignment. He had contributed very substantially to the effective functioning of the Commission through his energy, his initiative and fair-mindedness, and he would be missed in the future negotiations of the various bodies of the Commission. On behalf of all representatives MR. HAMILTON extended to Mr. Thresher the good wishes of the Commission and its appreciation for his efforts toward international cooperation along constructive lines. MR. HAMILTON desired that the United Kingdom representative convey his remarks to Mr. Thresher.

9. MR. GRAVES (UK) expressed thanks on behalf of Mr. Thresher and said that he would take great pleasure in conveying the Chairman's remarks to him.

FEC--CONFIDENTIAL

Item 11 (Cont'd)

b. Philippine Request for Information concerning Release of Japanese War Criminals

10. MR. LOZADA (Phil.) said that he had read recently in a periodical of a proposal for the Supreme Commander to release certain Japanese war criminals. The Philippine delegation desired to have more information on this report.

11. MR. HAMILTON (Chairman, US) indicated that he would undertake to secure the desired information.

c. Discussion of Bi-weekly Scheduling of Commission Meetings

12. MR. GRAVES (UK) asked whether it was considered necessary at this stage of the Commission's work for the Commission to meet regularly every week, or whether it would be sufficient for the Commission to meet every other Thursday, subject, of course, to the call of the Chairman, should any special business arise. He was not offering a proposal, but wondered whether it would not be well to obtain the sense of the meeting on this point.

13. MR. HAMILTON (Chairman, US) said that he felt a certain reluctance in seeing the Commission convene regularly, only to adjourn after a very few minutes. He felt personally that the point raised by Mr. Graves was very appropriate for consideration. The Commission stood ready to function and to conduct any business that might arise, but in view of the present small volume of business to transact, he too would be interested in obtaining representatives' preferences on continuing to assemble regularly each week or undertaking to convene regularly only every other week, subject to call of a special meeting whenever an urgent matter arose.

14. MESSRS. COLLINS (Canada) and DARIDAN (France) said that they would have no objection to the adoption of a procedure whereby meetings would be scheduled regularly on a bi-weekly basis.

15. 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}

^{recommended at the request of}
16. MR. VAIDYANATHAN (India) said that he had no objection to the institution of a bi-weekly schedule.

17. DR. LEE (China) said that he had no objection to the suggested change in the schedule of regular meetings. However, he wished to express regret that the Commission had not continued the active interest which had formerly been manifested in the items on the agenda. Although under the circumstances he agreed that the Commission might schedule regular meetings on a bi-weekly basis, he still hoped that active interest would be revived and regular weekly meetings resumed in order that the agenda would be cleared in accordance with the established procedure of the Commission and under the Terms of Reference of the Commission.

18. DR. LEE said that if it were generally agreed to schedule regular meetings on a bi-weekly basis he would suggest that this new system commence in April; in other words, he advocated holding the regular meeting which under the present procedure would fall on 30 March, in view of the possibility that his own delegation as well as others might within the next week receive governmental instructions on FEC-371.

19. MESSRS. DUNLOP (NZ), BAIG (Pakistan), and LOZADA (Phil.) indicated that they favored the suggestion that regular meetings be scheduled bi-weekly.

20. MR. JOBSIS (Neth.) said that although there was something to be said in favor of continuing to schedule regular meetings each week, he would have

FEC--CONFIDENTIALItem 11 c (Cont'd)

no objection to the bi-weekly schedule if that were the preference of the majority.

21. In view of the foregoing canvass, it was agreed that, subsequent to the meeting of 30 March 1950, regular meetings of the Commission would be scheduled every other week on the understanding that special meetings could be called through the Chairman at the request of any representative.

22. There was no other business.

✓ 23. The meeting adjourned at 11:47¹⁰ A.M.