DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NNDG# 760050

894.807/1-145 -- 12-3148 — 49

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CONFIDENTIAL

DEPARTMENT OF STATE

TELEPHONE
*Memorandum of Conversation*

Office of FAR EASTERN AFFAIRS APR 16 1948 DIRECTOR Department of State

B file DC/R

DATE: April 14, 1948

SUBJECT: U.S. Attitude in FEC on Maritime Safety Authorities Bill and Attendance at Inter-governmental Conferences.

PARTICIPANTS: Mr. Ralph E. Collins, Second Secretary, Embassy of Canada
Mr. Hugh Borton

COPIES TO: FE
FE - Mr. Hamilton
FE - Mr. Young
NA
BC
DRF

894.807/4-1448

Maritime Safety Authorities Bill

I telephoned Mr. Collins to convey to him our position on the Maritime Safety Authorities Bill (SC 305/1) which may be discussed at the Commission meeting on April 15. I told Mr. Collins that we were not in favor of the Commission asking SCAP to withhold passage of the Bill and questioned whether the Commission had jurisdiction of such a matter. We also saw nothing in the proposed Bill contrary to policies already established by the Far Eastern Commission and felt it was inconceivable that Japan should not be allowed to have water police just as it had land police. We recognized, of course, that any member of the Commission could propose a policy decision on the advisability of establishing a Maritime Safety Authority but that in all probability we would oppose such a proposal. In reference to the possibility of a consultative message to SCAP, I stated we felt no useful purpose would be served by such a message in view of the time factor involved. If we consented to a consultative message and in the meantime the Bill was passed by the Diet we would be placed in a most uncomfortable position.

Mr. Collins stated that his Government had no particular objections to the Bill and that the only question raised by it was whether the lack of any provision restricting armaments on the vessels implied that armament on the patrol

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patrol vessels was contemplated. If such were the case it would be in violation of the disarmament paper and to avoid embarrassment in the Commission the United States should seek authorization for such armament. Mr. Collins added that obviously a coastal patrol could not work effectively unless it had minor armament.

Attendance at Inter-governmental Conferences

I told Mr. Collins that in view of the fact that a peace conference does not seem likely in the immediate foreseeable future, we anticipate the possibility that some of SCAP's present functions will be reduced. This development may mean that the time will arrive when it will be both desirable and necessary for the Japanese Government to represent itself at technical conferences rather than to be represented by SCAP. Consequently, our new proposal concerning attendance at conferences restricts itself to SCAP attendance and makes no mention of Japanese attendance at conferences.

Mr. Collins replied that he could see some advantage to such a suggestion and that he thought the whole discussion on this question could have been avoided if we had issued an interim directive to SCAP concerning his attendance at conferences. He was not sure whether any agreement could be reached on a paper and if not our position would be strengthened if we issued SCAP an interim directive on the matter.

HB

FE:HBorton:meh

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CONFIDENTIAL

DEPARTMENT OF STATE

TELEPHONE

**Memorandum of Conversation**

Office of FAR EASTERN AFFAIRS APR 16 1948 DIRECTOR Department of State

B file DC/R

DATE: April 14, 1948

SUBJECT: U.S. Attitude in FEC on Maritime Safety Authorities Bill and Attendance at Inter-governmental Conferences.

XR 500.

PARTICIPANTS: Mr. O. Reuchlin, Minister, Embassy of the Netherlands.
Mr. Hugh Borton

COPIES TO: FE
FE - Mr. Hamilton
FE - Mr. Young
NA
NOE
DRF

894.807/4-1448

894.807/4-1448

CS/MFILED MAY 28 1948

Maritime Safety Authorities Bill

I telephoned Mr. Reuchlin to convey to him our position on the Maritime Safety Authorities Bill (SC 305/1) which may be discussed at the Commission meeting on April 15. I told Mr. Reuchlin that we were not in favor of the Commission asking SCAP to withhold passage of the Bill and questioned whether the Commission had jurisdiction of such a matter. We also saw nothing in the proposed Bill contrary to policies already established by the Far Eastern Commission and felt it was inconceivable that Japan should not be allowed to have water police just as it had land police. We recognized, of course, that any member of the Commission could propose a policy decision on the advisability of establishing a Maritime Safety Authority but in all probability we would oppose such a proposal. In reference to the possibility of a consultative message to SCAP, I stated we felt no useful purpose would be served by such a message in view of the time factor involved. If we consented to a consultative message and in the meantime the Bill was passed by the Diet we would be placed in a most uncomfortable position.

Mr. Reuchlin stated that as Chairman of the Steering Committee he intended to state that he had been instructed by the Steering Committee to report that this question was

under

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under consideration by the Steering Committee. He added that he hoped to present the matter in such a way that it would make discussion of the matter difficult in the Commission meeting on April 15. He added that he fully understood the need for a Maritime Safety Authority and that he thought any objection to the paper on the part of the other members of the Commission, except the Soviet Union, could have been avoided had we supplied them sooner with the information on the Bill.

Attendance at Inter-governmental Conferences

I told Mr. Reuchlin that in view of the fact that a peace conference does not seem likely in the immediate foreseeable future, we anticipate the possibility that some of SCAP's present functions will be reduced. This development may mean that the time will arrive when it will be both desirable and necessary for the Japanese Government to represent itself at technical conferences rather than to be represented by SCAP. Consequently, our new proposal concerning attendance at conferences restricts itself to SCAP attendance and makes no mention of Japanese attendance at conferences.

Mr. Reuchlin stated that he appreciated learning of our position in advance and would give the matter careful consideration.

1803

FE:HBorton:meh

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DEPARTMENT OF STATE

TELEPHONE

**Memorandum of Conversation**

Office of FAR EASTERN AFFAIRS APR 16 1948 DIRECTOR Department of State

DC/R

B file

DATE: April 14, 1948

SUBJECT: U.S. Attitude in FEC on Maritime Safety Authorities Bill

PARTICIPANTS: Dr. Shao-Hwa Tan, Minister Plenipotentiary, Chinese Embassy
Mr. Hugh Borton

COPIES TO: FE
FE - Mr. Hamilton
FE - Mr. Young
NA
CA
DRF

894.807/4-1448

1—1493

Maritime Safety Authorities Bill

I telephoned Dr. Tan to convey to him our position on the Maritime Safety Authorities Bill (SC 305/1) which may be discussed at the Commission meeting on April 15. I told Dr. Tan that we were not in favor of the Commission asking SCAP to withhold passage of the Bill and questioned whether the Commission had jurisdiction of such a matter. We also saw nothing in the proposed Bill contrary to policies already established by the Far Eastern Commission and felt it was inconceivable that Japan should not be allowed to have water police just as it had land police. We recognized, of course, that any member of the Commission could propose a policy decision on the advisability of establishing a Maritime Safety Authority but in all probability we would oppose such a proposal. In reference to the possibility of a consultative message to SCAP, I stated we felt no useful purpose would be served by such a message in view of the time factor involved. If we consented to a consultative message and in the meantime the Bill was passed by the Di we would be placed in a most uncomfortable position.

Dr. Tan stated that ships of 1500 tons, which was provided in the Bill, were of considerable size and hence he had some apprehension on that matter. I told him that by a simple arithmetical calculation it was obvious that the

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Ans. R. Out. Dist.

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the intention was to concentrate on smaller craft as the Bill limited the total tonnage to 50,000 and provided for a total number of 125 ships. If all the ships were to be built in the 1500-ton class, only 30-some ships could be built. Dr. Tan thanked me for giving him this information and said that he would give our position serious consideration.

HB

FE:HBorton:meh

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DEPARTMENT OF STATE

Office of FAR EASTERN AFFAIRS APR 16 1948 DIRECTOR Department of State

B file DC/R

# Memorandum of Conversation

DATE: April 14, 1948

SUBJECT: U.S. Attitude in FEC on Maritime Safety Authorities Bill and Attendance at Inter-governmental Conferences.

PARTICIPANTS: Mr. Paul Guerin, Embassy of the French Republic
Mr. Hugh Borton

COPIES TO: FE
FE - Mr. Hamilton
FE - Mr. Young
NA
WE
DRF

894.807/4-1448

CS/A

894.807/4-1448

1—1493

Maritime Safety Authorities Bill

Mr. Guerin called at my request so that I could convey to him our position on the Maritime Safety Authorities Bill (SC 305/1) which may be discussed at the Commission meeting on April 15. I told Mr. Guerin that we were not in favor of the Commission asking SCAP to withhold passage of the Bill and questioned whether the Commission had jurisdiction of such a matter. We also saw nothing in the proposed Bill contrary to policies already established by the Far Eastern Commission and felt it was inconceivable that Japan should not be allowed to have water police just as it had land police. We recognized, of course, that any member of the Commission could propose a policy decision on the advisability of establishing a Maritime Safety Authority but in all probability we would oppose such a proposal. In reference to the possibility of a consultative message to SCAP, I stated we felt no useful purpose would be served by such a message in view of the time factor involved. If we consented to a consultative message and in the meantime the Bill was passed by the Diet we would be placed in a most uncomfortable position.

Mr. Guerin stated that his Government did not propose to take a strong stand on this question and that they were in full sympathy with the responsibility of SCAP for

maintenance

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maintenance of necessary patrols to prevent smuggling and illegal activities. He added, however, that he personally felt the Soviet representative had a strong legal position because the Bill said nothing about prohibition of armament on the vessels and that any guns on the vessels would be counter to the FEC policy paper on Disarmament.

Attendance at Inter-governmental Conferences

I told Mr. Guerin that in view of the fact that a peace conference does not seem likely in the immediate foreseeable future, we anticipate the possibility that some of SCAP's present functions will be reduced. This development may mean that the time will arrive when it will be both desirable and necessary for the Japanese Government to represent itself at technical conferences rather than to be represented by SCAP. Consequently, our new proposal concerning attendance at conferences restricts itself to SCAP attendance and makes no mention of Japanese attendance at conferences.

Mr. Guerin stated that he would report our position to the French representative on the Commission as he was seeing him in a few minutes. He added that he was sure the question of Japanese representation at conferences would come up later and that we might find it difficult to get agreement on that issue at that time. I told him that we recognized that our proposal would not satisfy some of the members of the Commission but we considered it best not to tie our hands in the future. Mr. Guerin expressed his appreciation for our having told him of our position prior to the meeting.

HB

FE:HBorton:meh

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DC/R

B file

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DEPARTMENT OF STATE

TELEPHONE

**Memorandum of Conversation**

Office of Far Eastern Affairs APR 16 1948 Director Department of State

DATE: April 14, 1948

SUBJECT: U.S. Attitude in FEC on Maritime Safety Authorities Bill

PARTICIPANTS: Mr. H.W. Bullock, Second Secretary, Embassy of Australia
Mr. Hugh Borton

COPIES TO: FE
FE - Mr. Hamilton
FE - Mr. Young
NA
BC
DRF

894.807

894.807/4-1448

1—1493

Maritime Safety Authorities Bill

I telephoned Mr. Bullock to convey to him our position on the Maritime Safety Authorities Bill (SC 305/1) which may be discussed at the Commission meeting on April 15. I told Mr. Bullock that we were not in favor of the Commission asking SCAP to withhold passage of the Bill and questioned whether the Commission had jurisdiction of such a matter. We also saw nothing in the proposed Bill contrary to policies already established by the Far Eastern Commission and felt it was inconceivable that Japan should not be allowed to have water police just as it had land police. We recognized, of course, that any member of the Commission could propose a policy decision on the advisability of establishing a Maritime Safety Authority but in all probability we would oppose such a proposal. In reference to the possibility of a consultative message to SCAP, I stated we felt no useful purpose would be served by such a message in view of the time factor involved. If we consented to a consultative message and in the meantime the Bill was passed by the Diet we would be placed in a most uncomfortable position.

Mr. Bullock stated that his Government was not going to press the matter in the Commission and that they had made inquiries in Tokyo which had largely satisfied them. The one concern which they had was that no provision in the Bill might make it possible for the ships to be armed with something which was comparable to naval armament. If such were the case, of course, they would be concerned over such a possibility.

APR 27 1948

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FE:HBorton:meh

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DC/R
B file

CONFIDENTIAL

DEPARTMENT OF STATE

TELEPHONE
Memorandum of Conversation

Office of FAR EASTERN AFFAIRS APR 16 1948 DIRECTOR Department of State

DATE: April 14, 1948

SUBJECT: U.S. Attitude in FEC on Maritime Safety Authorities Bill and Attendance at Inter-governmental Conferences.

PARTICIPANTS: Mr. Hubert Graves, Counselor, British Embassy
Mr. Hugh Borton

COPIES TO: FE
FE - Mr. Hamilton
FE - Mr. Young
NA
BC
DRF

301 TP

894.807/4-1448

1—1493

Maritime Safety Authorities Bill

I telephoned to Mr. Graves to convey to him our position on the Maritime Safety Authorities Bill (SC 305/1) which may be discussed at the Commission meeting on April 15. I told Mr. Graves that we were not in favor of the Commission asking SCAP to withhold passage of the Bill and questioned whether the Commission had jurisdiction of such a matter. We also saw nothing in the proposed Bill contrary to policies already established by the Far Eastern Commission and felt it was inconceivable that Japan should not be allowed to have water police just as it had land police. We recognized, of course, that any member of the Commission could propose a policy decision on the advisability of establishing a Maritime Safety Authority but in all probability we would oppose such a proposal. In reference to the possibility of a consultative message to SCAP, I stated we felt no useful purpose would be served by such a message in view of the time factor involved. If we consented to a consultative message and in the meantime the Bill was passed by the Diet we would be placed in a most uncomfortable position.

Mr. Graves stated that he thought the best way to avoid a discussion on a consultative message was to put the burden of proof on the Soviets as to just where the

proposed

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proposed Bill was counter to FEC policy decision. As he saw nothing in it in conflict with previous policies he thought the matter could be handled expeditiously.

Attendance at Inter-governmental Conferences

When I talked with Mr. Graves I had not yet learned that I was also to take up the matter of attendance at inter-governmental conferences so did not raise the matter with him.

HB

FE:HBorton:meh

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Picked up by DCIR FEC messenger 4/21/48 - 2 PM

APR 21 1948

RESTRICTED

894.807/4-2148

FOR: General Frank R. McCoy, Chairman, Far Eastern Commission.

FROM: Charles E. Saltzman, Assistant Secretary.

SUBJECT: Maritime Safety Authorities Bill.

The enclosed reply to inquiries of the Department of State in reference to the Maritime Safety Authorities Bill is forwarded for your information and for circulation to the Far Eastern Commission.

A true copy of the signed original.

CS/N

Ch

APR 21 1948 P.M.

RESTRICTED

HB

FE:HBorton:meh
4/20/48

NA

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894.807/4-2148

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1. Maritime Safety Authorities Bill passed Diet 15 April 1948.

2. No substance to the allegations in reference to the arming of patrol vessels.

3. Personnel assigned to ship duty number 720 officers and men.

4. This legislation was enacted pursuant to long and detailed study concurred in by SCAP but did not have the character of an urgent measure. However, continued and increasing illegal entry and smuggling, amounting to an average of 15,000 cases in a single year, suggests the need to prepare the Japanese to assume full responsibility for maritime safety and law enforcement, reducing occupation efforts in this field, principally carried on by allied patrol vessels.

5. The Bill does not provide for the arming of Maritime Safety Board ships.

6. Maritime Safety Board personnel are authorized to carry side arms the same as the police. There is no source of supply.

7. The 125 vessels authorized in the Bill are to come from Japanese sources as funds and material become available.

8. The enacted legislation provides normal cooperation and coordination between Maritime Safety Board and Japanese rural and municipal police.

9. The authority of Maritime Safety Board to enforce Japanese law and to make arrests, search and seizure in cases involving illegal traffic under supervision and subject to final approval of SCAP.

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Dc/R

In reply refer to
FE

April 27, 1948

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MEMORANDUM FOR THE UNITED STATES MEMBER,
FAR EASTERN COMMISSION.

The Department of State has reviewed the recent discussions in the Far Eastern Commission on the Maritime Safety Authorities Bill, including the policy statement proposed by the New Zealand representative (FEC 305/7).

The Department of State has also given consideration to your desire that the countries on the FEC be given an opportunity to discuss the Maritime Safety Authorities Bill, that we be prepared to provide such information as is possible on it, and that the United States Government might recommend to SCAP that he voluntarily postpone for a period of a few weeks, pending consideration by the FEC of a policy approving a coastal patrol, any implementation of the Bill as it affects the formation of a coastal patrol. Although the reasons underlying your suggestions are appreciated, it is believed that in view of the fact that this Government considers it increasingly advisable for SCAP to be encouraged wherever possible to take independent action to bring about the accomplishment in Japan of the objectives of the occupation, it would be contrary to this principle to recommend to SCAP that he voluntarily postpone implementation of any part of the Bill.

To supplement the instructions submitted to you on April 14, 1948, you should oppose in the FEC any proposal to adopt a policy prohibiting the establishment of a Maritime Safety Authority similar to that outlined in the Bill, or requiring postponement of promulgation of the Bill. It is the view of your Government that a policy decision on this subject is unnecessary

CS/N

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894.807/4-2748

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unnecessary. In any discussions on this subject in the FEC you should endeavor to make it clear to the other members on the Commission that the provisions of the Act do not conflict with existing FEC policy decisions. Specifically, nothing in the Disarmament Policy (FEC 017/20) prohibits the establishment of a Maritime Safety Authority and the disarmament policies are applicable to the Maritime Safety Authority even though no particular mention is made of them in the Bill. Furthermore, SCAP's recent message concerning the Bill, which has been made available to the Commission, clearly implies that he shares this view and the United States Government cannot countenance any implication that he is not fully aware of his responsibilities in this respect. On the basis of information available and of the specific articles in the Bill, you should point out that the purposes of the Maritime Safety Bureau are fully consistent with established FEC policy decisions. So far as the case may allow, you should point out that the limitations proposed by other representatives are in fact met by specific provisions in the Bill.

If the question is raised as to the competence of the Commission to pass a policy decision concerning a Maritime Safety Authority, you should state that while the United States Government sees no necessity for such a policy decision, nevertheless, it does not question the right of the Commission to consider a policy paper on the subject. You should resist, along the lines indicated above, the adoption of a policy decision on this subject and should not approve a policy decision without further consultation with your Government.

Charles E. Saltzman
Assistant Secretary

HB
FE:HBorton:meh
4/26/48



NA FE

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STANDARD FORM NO. 64

CONFIDENTIAL

# Office Memorandum • UNITED STATES GOVERNMENT

Office of FAR EASTERN AFFAIRS APR 28 1948 DIRECTOR Department of State

DIVISION OF NORTHEAST ASIAN AFFAIRS APR 26 1948 DEPARTMENT OF STATE

TO : FE - Mr. Butterworth

DATE: April 28, 1948

FROM : FE - Mr. Borton

SUBJECT: FEC Steering Committee Meeting of April 27, 1948

894.807/4-2848

1. Japanese Maritime Safety Authority

The New Zealand representative moved the adoption of his policy paper which provided that a coastal patrol should not be set up until the FEC has had an adequate opportunity to consider the matter. The U.S. member then read the attached statement before the Committee. The Australian representative stated that SCAP's cognizance of the Bill and his allowing it to be introduced into the Diet should be an action of SCAP subject to be reviewed by the FEC. In reference to inquiries concerning the text of the Bill as passed, Dr. Blakeslee stated we expected to receive it in the near future.

The New Zealand representative then argued that the proposed Bill was counter to FEC policy decision in view of the fact that Article 4 stated the vessels should be "suitable in construction, equipment and ability for the maintenance of navigational aids, the prevention of smuggling," etc, and which implied armaments were necessary to carry on effective anti-smuggling operations. He concluded by stating that the United States position that there was no need for a decision was an attempt to delay action. The Soviet member analyzed in detail the U.S. statement and argued inter alia that the opinion of the other ten governments on the FEC should be given an ample opportunity to decide whether a policy decision was necessary. He maintained that the Bill was counter to FEC policies. He also stated that a situation was developing in which laws were passed by the Japanese Diet which violated policies of the Commission, that SCAP had taken no action to prevent the adoption of such legislation and that the United States was then, by its refusal to adopt a policy decision on the matter, protecting SCAP from the improper action which he had allowed to be taken in Japan. The United States member them emphasized that statements had been made categorically stating that the Act was in conflict with policy decisions, that his Government found no conflict between the Bill and FEC policies, and that therefore the members of the Commission should point out clearly where violations had occurred and what policies were violated. He further stated that an attempt by the Commission

CS/V MAY 13 1948

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Commission to pass a policy to the effect that the Bill should be held up did not properly come under the jurisdiction of the Commission. Furthermore, the Australian proposal that the question should have been presented to the Allied Control Council was no business of the Commission and in fact there was no Control Council in Japan but rather an Allied Council for Japan.

A Soviet amendment to the New Zealand policy statement stating that the coastal patrol should not operate until the FEC had passed a policy decision was defeated by a vote of 5 to 1. The New Zealand proposal was adopted by a vote of 5 to 1--the Philippines, New Zealand, Australia, China and France supporting, Canada, the U.K., India, the Netherlands and the U.S.S.R. abstaining, and the U.S. opposing.

2. Exchange of Technological Information

When the U.S. member reported that he did not yet have the position of his Government, the Australian member stated that if there is no position next week he will have to ask that the paper be moved forward to the Commission or recommend that the Australian representative on the Commission make a general protest in reference to the delay which on the face of it seemed completely unwarranted.

3. Level of Industry. SC 242/19

KR 894.60

The Chinese amendments to decrease the levels in steel ingots, basic shapes, ferro alloys, machine tools and thermoelectric power were all defeated, the Chinese alone supporting the amendments.

4. Japanese Attendance at Inter-governmental Conferences

KR 501

The U.K. stated it had a general reservation on the paper and the Chinese representative made a statement that his delegation could not see any real reason for Japanese going abroad until the time of the peace treaty in view of the fact that the Allied powers were still in a state of war with Japan. If a special case arose, the Chinese delegation would be prepared to consider the individual cases in the FEC. In the meantime they were seeking instructions from their Government.

5. General comments on Maritime Safety Authorities Bill

Following the Steering Committee meeting the Canadian

representative

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representative asked what our position would be if a policy decision were presented to the effect that the coastal patrol boats should have limited armaments. I told him we had considered that possibility but did not believe any such policy would be acceptable to the FEC. He then pointed out that he thought two basic questions remained, namely (1) an examination of the Bill when it arrives to see whether there has been any contravention of FEC policy; and (2) whether we should pass a policy decision on the matter. He concluded by saying that we might refute the contention of the New Zealand representative that the Bill implied the necessity for armaments by stating that so long as the occupation forces were in Japan, occupation or U.S. naval craft could take care of any cases of smuggling where armaments were necessary. He also believed that other governments would feel more sanguine about the Bill if SCAP issued a directive to the Japanese Government specifying the conditions under which search and seizure might be carried out by the Japanese as provided in the Bill.

HB

Copy to: O
FE - Mr. Hamilton
NA
S/P - Mr. Davies

FE:HBorton:meh

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NNDG# 760050

JAPANESE COASTAL PATROL (SC-305/8)
A POLICY PROPOSAL SUBMITTED BY THE NEW ZEALAND REPRESENTATIVE
VIEWS OF THE U.S. GOVERNMENT, APRIL 27, 1948

1. The establishment of Maritime Safety Authorities, including provision for a coastal patrol or coastguard service, is a natural and proper action to be taken by the Japanese Government.

2. A legislative act authorizing the establishment of these Maritime Safety Authorities is a proper procedure for the Japanese Diet.

3. The Act passed by the Diet on April 15th, according to the draft of the bill and the telegraphic explanations of the Supreme Commander, contains no provisions, in the judgment of the U.S. Government, which are in conflict with any policy decision of the Far Eastern Commission.

4. Further, the Supreme Commander, who is "charged with the implementation of the directives which express the policy decisions of the Commission", has a responsibility to prevent any action by the Japanese Government which would be in contravention of any of these policy decisions.

5. Under these circumstances it would appear inadvisable for the Far Eastern Commission, even if it possessed the requisite authority, to postpone the enforcement of an act passed by the Japanese Diet dealing with a subject which is within the competence of the Diet and which the Supreme Commander has virtually certified is consistent with the policy decisions of the Far Eastern Commission.

6. However, in our opinion, the Far Eastern Commission does not have the requisite authority to pass this kind of decision. The draft decision presented by the New Zealand representative to the Commission does not appear to be policy in the normal meaning of the word as used in the Terms of Reference. It does not provide that the Japanese may have a coastal patrol, or may not have one, or may have one under detailed provisions and restrictions. It deals with administration, and would provide merely that an act of the Diet shall not go into effect until some indefinite time in the future. It appears, moreover, to be an interference with the normal and proper functioning of the Japanese Government, and thus to be outside of the competence of the Commission.

7. The

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7. The U.S. Government sees no need of an FEC policy decision on Maritime Safety Authorities. Nevertheless it recognizes that the Commission has the authority to pass a policy decision at any time which will determine whether Maritime Safety Authorities may be established, and if established, the conditions under which it may function. If a draft policy decision should be introduced into the Commission, whether before or after an Act of the Diet is passed and proclaimed, it is obvious that the members of the Commission will need instructions from their respective Governments before acting on it.

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STANDARD FORM NO. 64

Message Center distribute DC/R

# Office Memorandum • UNITED STATES GOVERNMENT

TO : The Under Secretary (FOR YOUR INFORMATION) April 30, 1948
THROUGH: S/S
FROM : FE - Mr. Butterworth

SUBJECT: British Request that United States Government Instruct SCAP to Postpone Promulgation of Japanese Maritime Safety Authorities Law

894.807/4-1448
894.807

FW 894.807/4-2948

PROBLEM: To determine what attitude the Department should take to the request made through the British Embassy that SCAP be instructed to postpone the promulgation of the Japanese Maritime Safety Authorities Law until the Far Eastern Commission has had an opportunity to consider the matter.

DISCUSSION; The members of the Far Eastern Commission have been considerably agitated over the passage by the Japanese Diet on April 14 of a Maritime Safety Authorities Law which, among other things, provides for the setting up of what in effect is a Japanese coast guard. FEC members contend that such an important question as to the advisability and method of establishing a Japanese coast guard should have been referred to the Far Eastern Commission for a policy decision and that the Law which has been passed, according to incomplete information available in Washington, may well be in violation of previous FEC policy decisions. With regard to the substance of the law, the main concern seems to be over the size and speed of ships and the fact that the Law gives such ships the right to stop and search foreign or Allied vessels. In response to cabled requests from the Department, SCAP furnished information to the effect that the Law did not provide for armed vessels, that its provisions were consistent with previous FEC policy decisions, and that no stopping or searching of Allied or foreign vessels would be permitted except under SCAP supervision. This information was made available to the Far Eastern Commission. However, at the FEC meeting on the morning of April 29, the New Zealand representative presented a proposal that the promulgation of this Law, now set for May 1, should be postponed until the FEC members had had an opportunity to study the text (not yet available in Washington) and to consider whether or not any changes should be made therein. The New Zealand proposal, although supported by eight nations, was defeated as a result of the American veto. The Soviet Union representative abstained because he did

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he did not believe the New Zealand proposal was drastic enough. The Canadian representative voted with the United States representative in opposition to the New Zealand proposal. On the afternoon of April 29 Mr. Hubert Graves, Counselor of the British Embassy, called under instructions with a view to obtaining, through diplomatic channels, what the FEC members had been unsuccessful in obtaining that morning, namely, the postponement of the promulgation of the Law in question. Mr. Graves raised several points of procedure and substance, and was told that it was most unlikely that the United States Government would wish to instruct SCAP to postpone promulgation of the Law, but that higher authorities in the Department would be consulted and a reply given to him as soon as possible (see attached memorandum of conversation).

In view of the fact that it is the desire of the Department, in accordance with the recommendations in the Kennan report, to give every encouragement to SCAP to take independent action wherever possible in order to achieve American objective in Japan, it is believed it would be most undesirable to attempt on this occasion, and at this late date, to get SCAP to reverse previous decisions. It is also believed that the Law in question does not violate any previous FEC policy decision, nor would its coming into effect constitute any security danger to the member nations of the FEC. It is also believed that the FEC should not be encouraged in any way to question, as apparently they have, the good faith of SCAP when he stated that no foreign ships would be stopped or searched except under his supervision. This same question was raised in Tokyo in the Allied Council and, according to the New York Times of April 29, the American chairman of the Council stated: "There is a wide area of subjects wherein both the Supreme Commander and the Far Eastern Commission have jurisdiction. If the Commission passes a policy decision it is controlling. If it does not do so Headquarters can act alone pending a decision."

RECOMMENDATIONS: It is, therefore, recommended that an officer of FE be authorized to inform Mr. Graves that the State Department does not feel there is sufficient ground to cause it to instruct SCAP at this late hour to postpone the promulgation of the Maritime Safety Authorities Law for the reasons given above.

CONCURRENCES: The following offices concur in this recommendation: O, FE, NA, and BC.

N.B. In view of time element GKB

NA:JMAllison:mp

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# DEPARTMENT OF STATE

## Memorandum of Conversation

Office of
FAR EASTERN AFFAIRS
MAY - 6 1948
DIRECTOR

**DATE:** April 29, 1948

894.807/4-2948

**SUBJECT:** Japanese Maritime Safety Authorities Law

**PARTICIPANTS:** Mr. H. A. Graves, Counselor, British Embassy
Mr. J. M. Allison, Chief, NA

**COPIES TO:** S/S
FE
O
BC
FE - Mr. Hamilton
Mr. Borton

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Mr. Graves called this afternoon under instructions from his Government to make an attempt through diplomatic channels to attain what had been impossible to attain through the FEC, namely the suspension of the promulgation of the Japanese Maritime Safety Authorities Law until such time as the members of the Far Eastern Commission had had an opportunity to consider the text of the Law (which has not yet been made available to them) and to determine whether or not it is in accordance with Far Eastern Commission policy. Mr. Graves referred to the meeting of the Far Eastern Commission this morning at which eight nations voted in favor of a New Zealand proposal along the above lines. The Soviets abstained because they did not think the New Zealand proposal went far enough. The proposal was defeated as the result of an American veto. Mr. Graves contended that the fact that nine nations in effect had felt that the Law in question should not be promulgated prior to FEC consideration indicated the seriousness of the matter. He stated that his Government was concerned at the precipitant manner in which the Law had apparently been pushed through the Japanese Diet and without any attempt being made to consult either the Allied Council in Tokyo or the Far Eastern Commission. The British Government is further concerned, on the basis of present information regarding the Law, with the size and speed of the ships and is of the opinion that no vessel should exceed 300 tons or have a maximum speed exceeding 12 knots, except for a limited number which might be required for full-time preventive work. The British Government is also seriously concerned

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concerned over the fact that the Law in question gives the Japanese Maritime Patrol the right to stop and search foriegn vessels. It is the British contention that, until a peace treaty, the Japanese have no legal right to take such action without the prior approval of the Allied Powers as represented in the Far Eastern Commission. Mr. Graves stated that the matter was of considerable urgency in as much as it is understood that the Law is to be promulgated on May 1 and he requested information as to whether the United States Government would be disposed to instruct SCAP to suspend promulgation of the Law pending FEC consideration.

Mr. Graves was informed that while I was not in a position to give a final answer to his question, which would have to be considered by higher authorities, nevertheless it was my personal opinion that the United States Government would be extremely reluctant to take any such action as the British Government had requested, I stated that in the opinion of the United States Government the passing of the Maritime Safety Authorities Law did not contravene any FEC policy decision, that it in no conceivable way could be a security threat at this time to any of the nations on the Far Eastern Commission, and that in as much as SCAP had stated in an official message which had been made available to the members of the Far Eastern Commission that vessels of the Maritime Safety Patrol would not interfere with foreign or Allied vessels except under SCAP's supervision, this Government was surprised that members of the Far Eastern Commission would apparently question the sincerity and integrity of SCAP's purpose to insure that the Japanese carry out all legitimate obligations under the terms of the surrender Mr. Graves stated that should the Law be allowed to be promulgated and go into effect it would probably mean that one or more of the nations who supported the New Zealand proposal would introduce into the Far Eastern Commission a policy paper which would have the effect of making illegal the present Law and that if this were done it would undoubtedly result in a frontal clash in the Far Eastern Commission between these countries and the United States which in Mr. Graves' opinion would be most unfortunate. I told Mr. Graves that I agreed that such action would be most unfortunate and that in view of the little if any practical advantage which the other countries would attain through such action I thought they would be well advised to consider carefully all aspects of the situation before taking any such action. Mr. Graves said that perhaps there was no immediate security danger to the nations concerned, but that he had in mind the possible long-term danger of allowing the Japanese to take such action. It was stated in reply that any Far Eastern Commission action could only be valid until a peace treaty, and hence action taken now would not have any long-range effect unless revalidated as a result of the peace conference which, in this case, I thought most unlikely. However, in view of the urgency of the matter and the seriousness with which the British and the other Governments apparently considered the question, I informed Mr. Graves that I would present his thoughts at once to my superiors in an effort to get an official Departmental reply to him at the earliest possible moment.

NA:JMAllison/pm JMA

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

UNITED STATES POLITICAL ADVISER

FOR JAPAN

No.269 Tokyo, May 8, 1948.

UNCLASSIFIED

Subject: Transmitting Japanese Text of Maritime Safety Authority Law.

740.00119 Control (Japan)/5-1048

The Acting Political Adviser has the honor to refer to this Mission's despatch No. 252 of April 30, 1948 transmitting a report of the discussion in the Allied Council for Japan of the Maritime Safety Authority Law and to enclose two copies of the Japanese text of this law. Five copies of an English translation of the Maritime Safety Authority Law were enclosed with the despatch under reference.

Enclosures:

Two copies of the Japanese Text of the Maritime Safety Law.

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海上保安廳法

# 海上保安廳法

## 第一章　組　織

第一條　港、灣、海峽その他の日本國の沿岸水域において海上の安全を確保し、並びに法律の違反を豫防し、捜査し及び鎭壓するため、運輸大臣の管理する外局として海上保安廳を置く。

河川の口にある港と河川との境界は、別に法律でこれを定める。

第二條　海上保安廳は、船舶の安全に關する法令の海上における勵行、船舶職員の資格及び定員、海難救助、海難の調査、水先人、海上における犯罪の豫防及び鎭壓、海上における犯人の捜査及び逮捕、水路、航路標識に關する事務その他海上の安全の確保に關する事務並びにこれらに附帶する事項に關する事務を掌る。

從來運輸大臣官房、運輸省海運總局の長官官房、海運局、船舶局及び船員局、海難審判所の理事官、燈臺局、水路部並びにその他の行政機關の所掌に屬する事務で前項の事務に該當するものは、海上保安廳の所掌に移るものとする。

第三條　海上保安廳のすべての職員の任免、昇任、懲戒その他人事管理に關する事項については、國家公務員法の定めるところによる。

海上保安廳の職員の總數は、一萬人を超えてはならない。

第四條　海上保安廳の船舶は、航路標識を維持し、密貿易を防止し、遭難船員に援助を與え、又は海難に際し人命及び財産を保護するのに適當な構造、設備及び性能を有する船舶でなければならない。



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海上保安廳の船舶は、港内艇を除いて、その隻數において百二十五隻を超えてはならず、その全トン數において五萬總トンを超えてはならず、又、そのいづれも千五百排水トンを超えてはならず、又、十五ノット以上の速力を有するものであつてはならない。

海上保安廳の船舶は、番號及び他の船舶と明らかに識別し得るような標識を附し、國旗及び海上保安廳の旗を掲げなければならない。

第五條　海上保安廳に長官官房、保安局、水路局及び燈臺局を置く。

第六條　長官官房においては、左の事務を掌る。

一、職員の任免、分限、懲戒、教養、訓練その他進退身分に關する事項

二、長官の官印及び廳印の管守に關する事項

三、所管行政に關する調査、企畫及び考査一般並びに總合調整に關する事項

四、公文書類の接受、發送、編さん及び保存に關する事項

五、統計報告の調製に關する事項

六、經費及び收入の豫算、決算、會計及び會計の監査に關する事項

七、海上保安廳の中他局の所管に屬しない官有財産及び物品に關する事項

第七條　保安局においては、左の事務を掌る。

一、航法及び船舶交通に關する信號に關する事項

第六條　長官官房においては、左の事務を掌る。

一、職員の任免、分限、懲戒、教養、訓練その他進退身分に關する事項

二、長官の官印及び廳印の管守に關する事項

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第七條　保安局においては、左の事務を掌る。

一、航法及び船舶交通に關する信號に關する事項

二、船舶の安全に關する法令の海上における勵行並びに船舶職員の資格及び定員に關する事項

三、船舶交通の障害の除去に關する事項

四、海難の際の人命、積荷及び船舶の救助並びに天災事變その他救濟を要する場合における必要な援助に關する事項

五、海難の調査に關する事項

六、海難審判所に對する審判の請求及び海難審判所の裁決の執行に關する事項

七、海上保安廳以外の者で海上において人命、積荷及び船舶の救助を行うもの並びに船舶交通に對する障害を除去するものの監督に關する事項

八、旅客又は貨物の海上運送に從事する者に對する海上における保安のため必要な監督に關する事項

九、水先人及び水先業務の監督に關する事項

十、沿岸水域における巡視警戒に關する事項

十一、海上における密貿易、不法入出國その他の犯罪の豫防及び鎭壓に關する事項

十二、海上における犯人の捜査及び逮捕に關する事項

十三、海上における暴動及び騒亂の豫防及び鎭壓に關する事項

十四、海上保安廳の使用する基地施設、通信施設及び船舶の管理及び運用に關する事項並びに稅關、檢疫所その他の行政廳がその職務を行う場合における當該行政廳に對する海上交通の便宜の供與に關する事項



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十五、國家地方警察及び市町村警察（以下警察行政廳という。）、稅關、檢疫所その他關係行政廳との間における協力、共助及び連絡に關する事項。

第八條　水路局においては、左の事務を掌る。

一、水路の測量及び海象の觀測に關する事項

二、水路圖誌及び航空圖誌の調製及び供給に關する事項

三、船舶交通の安全のために必要な事項の通報に關する事項

四、前各號に掲げる事項の調査及び研究に關する事項

第九條　燈臺局においては、左の事務を掌る。

一、燈臺その他の航路標識の建設、保守、運用及び用品に關する事項

二、燈臺その他の航路標識の附屬の設備による氣象の觀測に關する事項

三、海上保安廳以外の者で燈臺その他の航路標識の建設、保守又は運用を行うものの監督に關する事項

第十條　海上保安廳に長官一人を置く。

海上保安廳長官は、運輸大臣の指揮監督を受け、廳務を統理し、所部の職員を指揮監督する。但し、運輸大臣以外の大臣又は法務總裁の所管に屬する事務については、各々その大臣又は法務總裁の指揮監督を受ける。

第十一條　海上保安廳の各局に局長一人を置く。

局長は、長官の命を受け、局務を掌理し、局中各課の事務を指揮監督する。

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局長は、長官の命を受け、局務を掌理し、局中各課の事務を指揮監督する。

第十二條　運輸大臣は、必要と認める地に事務所を置き、海上保安廳の事務を分掌させることができる。

第十三條　海上保安廳水路局長は、水路告示を發することができる。

第十四條　第七條第二號乃至第五號及び第七號乃至第十三號に掲げる職務、水路の測量、海象の觀測、燈臺その他の航路標識の保守及び運用並びに氣象の觀測の業務を行わせるため、海上保安廳に海上保安官を置く。

海上保安官は、第三條又は第三十六條の規定に從い任命された海上保安廳の職員の中から、運輸大臣が、これを命ずる。

第十五條　海上保安官がこの法律の定めるところにより法令の勵行に關する事務を行う場合には、その權限については、當該海上保安官は、各々の法令の施行に關する事務を所管する行政官廳の當該官吏とみなされ、當該法令の勵行に關する事務に關し行政官廳の制定する規則の適用を受けるものとする。

第十六條　海上保安官は、第七條第四號に掲げる職務を行うため必要があるとき、又は犯人を逮捕するに當り必要があるときは、附近にある人に對し協力を求めることができる。

第十七條　海上保安官は、その職務を行うため必要があるときは、船長又は船長に代つて船舶を指揮する者に對し、法令により船舶に備え置くべき書類の提出を命じ、船舶の同一性、船籍港、船長の氏名、直前の出發港又は出發地目的港又は目的地、積荷の性質又は積荷の有無その他船舶、積荷及び航海に關し重要と認める事項を確かめるため船舶に立入檢査をし、且つ、乘組員及び旅客に對しその職務を行うために必要な質問をすることができる。

海上保安官は、前項の規定により立入檢査をし、又は質問するときは、制服を着用し、又はその身分を示す證票



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を携帶しなければならない。

第十八條　海上保安官は、その職務を行うため四圍の情況から眞にやむを得ないときは、その職務の執行につき他の法令に定のあるものの外、左に掲げる處分をすることができる。

一、船舶の進行を停止させ、又はその出發を差し止めること。

二、航路を變更させ、又は指定する港に回航させること。

三、乘組員、旅客その他船内にある者を下船させ、又はその下船を制限し、若しくは禁止すること。

四、積荷を陸揚させ、又は積荷の陸揚を制限し、若しくは禁止すること。

五、船舶が檢疫若しくは調査を受けるとき、又は抑留され若しくは人命に對し危險であるとき、當該船舶と他船又は陸地との交通を制限し、又は禁止すること。

第十九條　海上保安官は、その職務を行うため、武器を携帶することができる。

第二十條　海上保安官は、その職務を行うに當り、特に自己又は他人の生命又は身體の保護に關し、やむを得ない必要がある場合を除いては、武器を使用してはならない。

第二十一條　運輸大臣は、第三條又は第三十六條の規定に從い任命された海上保安廳の職員の中から、港長を命ずる。

港長は、海上保安廳長官の指揮監督を受け、港則に關する法令に規定する事務を掌る。

第二十二條　運輸大臣は、第三條又は第三十六條の規定に從い任命された海上保安廳の職員の中から、海難審判理事



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四、積荷を陸揚する場、又は積荷の陸揚を制限し、若しくは禁止すること。

五、船舶が檢疫若しくは調査を受けるとき、又は抑留され若しくは人命に對し危險であるとき、當該船舶と他船又は陸地との交通を制限し、又は禁止すること。

第十九條　海上保安官は、その職務を行うため、武器を携帶することができる。

第二十條　海上保安官は、その職務を行うに當り、特に自己又は他人の生命又は身體の保護に關し、やむを得ない必要がある場合を除いては、武器を使用してはならない。

第二十一條　運輸大臣は、第三條又は第三十六條の規定に從い任命された海上保安廳の職員の中から、港長を命ずる。

港長は、海上保安廳長官の指揮監督を受け、港則に關する法令に規定する事務を掌る。

第二十二條　運輸大臣は、第三條又は第三十六條の規定に從い任命された海上保安廳の職員の中から、海難審判理事官を命ずる。

海難審判理事官は、海上保安廳長官の指揮監督を受け、第七條第六號の事務を掌る。

第二十三條　海上保安廳の職員の服務に關する規則は、國家公務員に關する法令に觸れない範圍内で、運輸大臣が、これを定める。

第二十四條　航路標識を維持し、密貿易を防止し、及び遭難船員に援助を與えるため、海上保安廳長官は、必要に應じ船舶の基地及び擔任區域を定める。

第二十五條　この法律のいかなる規定も海上保安廳又はその職員が軍隊として組織され、訓練され、又は軍隊の機能を營むことを認めるものとこれを解釋してはならない。

第二章　海上保安委員會

第二十六條　海上保安制度の運用及び改善に關する事項を審議するため、海上保安廳に海上保安委員會を置く。

海上保安委員會は、これを中央海上保安委員會及び地方海上保安委員會とする。

中央海上保安委員會及び地方海上保安委員會は、海上保安廳長官の諮問に應ずる外、海上保安制度の運用及び改善に關し海上保安廳長官に建議することができる。

第三章　共　助

第二十七條　海上保安廳及び警察行政廳、稅關その他の關係行政廳は、連絡を保たなければならず、又、犯罪の豫防若しくは鎭壓又は犯人の捜査及び逮捕のため必要があると認めるときは、相互に協議し、且つ、關係職員の派遣そ



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の他必要な協力を求めることができる。

前項の規定による協力を求められた海上保安廳、警察行政廳、稅關その他の關係行政廳は、できるだけその求に應じなければならない。

第二十八條　前條の場合において派遣された職員は、その派遣を求めた行政廳の指揮を受けなければならない。

## 第四章　補　則

第二十九條　海上保安廳長官は、その職權の一部を所部の職員に委任することができる。

第三十條　海上保安廳長官に事故のあるとき、又は、海上保安廳長官が欠けたときは、海上保安廳の職員が、豫め運輸大臣の定める順序により、臨時に海上保安廳長官の職務を行う。

第三十一條　二級の運輸事務官又は運輸技官を以て充てられた海上保安官は、海上における犯罪につき刑事訴訟法第二百四十八條に規定する司法警察官の職務を行い、三級の運輸事務官又は運輸技官を以て充てられた海上保安官は海上の犯罪につき同法第二百四十九條に規定する司法警察吏の職務を行う。

第三十二條　巡視警戒に任ずる船舶の乘組員は、勞働組合法第四條第一項及び勞働關係調整法第三十八條の規定の適用については、これを警察官吏とみなす。

第三十三條　この法律に定めるものの外、海上保安廳の職員の種類及び所掌事項、海上保安委員會の組織、委員の資格及び任期その他海上保安廳の職員及び海上保安委員會に關し必要な事項は、政令でこれを定める。

## 附　則

第三十四條　この法律施行の期日は、政令でこれを定める。但し、その期日は、昭和二十三年五月一日以後であつて

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## 第四章　補　則

第二十九條　海上保安廳長官は、その職權の一部を所部の職員に委任することができる。

第三十條　海上保安廳長官に事故のあるとき、又は、海上保安廳長官が欠けたときは、海上保安廳の職員が、豫め運輸大臣の定める順序により、臨時に海上保安廳長官の職務を行う。

第三十一條　二級の運輸事務官又は運輸技官を以て充てられた海上保安官は、海上における犯罪につき刑事訴訟法第二百四十八條に規定する司法警察官の職務を行い、三級の運輸事務官又は運輸技官を以て充てられた海上保安官は海上の犯罪につき同法第二百四十九條に規定する司法警察吏の職務を行う。

第三十二條　巡視警戒に任ずる船舶の乘組員は、勞働組合法第四條第一項及び勞働關係調整法第三十八條の規定の適用については、これを警察官吏とみなす。

第三十三條　この法律に定めるものの外、海上保安廳の職員の種類及び所掌事項、海上保安委員會の組織、委員の資格及び任期その他海上保安廳の職員及び海上保安委員會に關し必要な事項は、政令でこれを定める。

## 附　則

第三十四條　この法律施行の期日は、政令でこれを定める。但し、その期日は、昭和二十三年五月一日以後であつてはならない。

第三十五條　海上保安廳は、當分の間舊海軍艦船の保管に關する事務を掌る。

前項の事務は、海上保安廳保安局の所掌とする。

第三十六條　海上保安廳の職員に關する人事委員會規則が制定されるまでは、海上保安廳のすべての職員の人事管理に關する事項については、第三條第一項の規定にかかわらず、なお政府職員に關する從前の例による。

第三十七條　この法律のいかなる規定も、豫算がないのに、この法律に規定する機能及び活動を行うために、その際の職員の定員を超えて職員を採用することを認めるものとこれを解釋してはならない。

第三十八條　燈臺補給船第十八日正丸（二千五總トン）及び水路測量船宗谷（二千二百七總トン）は、第四條第二項の規定にかかわらず、その存する間に限り、その一隻當りトン數において千五百排水トンを超えることができる。

第三十九條　この法律施行の際現に存する法令（連合國最高司令官の指示に從い制定された法令を除く。）の規定でこの法律の規定に反するものは、その效力を失う。

第四十條　運輸省官制の一部を次のように改正する。

第一條中「運輸大臣ハ」の下に「海上保安廳ノ所掌ニ屬スル事項ヲ除クノ外」を加える。

第二條中「（海運總局ノ主管ニ屬スルモノヲ除ク）」を削る。

第五條第一號中「、水路、航路標識」及び同條第四號を削り、同條第五號を第四號とする。

第四十一條　海運局官制の一部を次のように改正する。

第一條第一號中「、航路其ノ他ノ水運ニ關スル事項ヲ除ク」を「其ノ他ノ水運ニ關スル事項但シ海上保安廳ノ所掌ニ屬スル事項ヲ除ク」に改め、同條中第二號を削り、第三號を第二號とし、第四號を第三號とする。

第五條を削り、第六條を第五條とする。

第四十二條　海難審判法の一部を次のように改正する。

第十七條及び第十八條　削除

第二十八條中「地方海難審判所」の下に「の所在地を管轄する海上保安廳法第十二條に規定する海上保安廳の事務所(以下單に海上保安廳の事務所という。)」を加える。

第二十九條中「高等海難審判所」を「海上保安廳保安局」に改める。

第三十條中「地方海難審判所」を「海上保安廳の事務所」に改める。

第五十四條中「高等海難審判所の理事官」を「海上保安廳保安局の理事官」に改める。

第五十八條　高等海難審判所の裁決は、海上保安廳保安局の理事官が、地方海難審判所の所在地を管轄する海上保安廳の事務所の理事官が、これを執行する。

第四十三條　燈臺局官制及び水路部官制は、これを廢止する。

理　由

戰後の新情勢に鑑み、海上の安全を確保し、並びに法律の違反を豫防し、捜査し、及び鎮壓するため、海上保安制度を確立する必要がある。これが、この法律案を提出する理由である。

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File

May 10, 1948

In reply refer to
FE

MEMORANDUM FOR THE UNITED STATES MEMBER,
FAR EASTERN COMMISSION.

There is enclosed for distribution to the members of the Far Eastern Commission a copy in translation of the Maritime Safety Authority Bill which was enacted into law by the Japanese Diet on April 15, 1948. You will note that the Law as enacted is similar to SC 305/1 except in the following respects:

Article 2, line 3 - "planning of ship's officers" has been changed to "manning of ship's officers".

Article 2, paragraph 2, lines 3-4 - "Maritime Transport Bureau, Ship Bureau, Seamen Bureau," now reads "Maritime Transport Bureau, Seamen Bureau,".

Article 21, paragraph 2 - "shall handle the matters for the enforcement of the port Regulations Law" reads "shall handle the matters for the enforcement of the statutes concerning harbor regulations".

Following Article 33 the word "APPENDIX" has been added.

Following Article 43 the paragraph entitled "REASON" has been deleted.

You will also note typographical errors in Article 7, Item 4, Article 18, Item 5, and Article 27, paragraph 1, which have been corrected. APPENDIX "A" and "B", which are attached to SC 305/1, were not received by the Department of State.

In

894.807/5-1048
CS/A
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In response to a request to SCAP concerning the promulgation of the Maritime Safety Authority Bill, the following information has been received:

"In accordance with provisions of the Law, implementation was effected on 1 May."

Charles E. Saltzman
Assistant Secretary

A true copy of the signed original

Enclosure:

Copy of translation of Maritime Safety Authority Law.

HB
FE:HBorton:meh
5/10/48

NA

DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NNDG# 760050

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May 18, 1948

In reply refer to
FE

894.807/5-1848

MEMORANDUM FOR THE UNITED STATES MEMBER,
FAR EASTERN COMMISSION.

There is attached for the information of the Far Eastern Commission a reply from the Supreme Commander for the Allied Powers containing additional information concerning the Maritime Safety Authorities Bill.

Charles E. Saltzman
Assistant Secretary

Enclosure:

Copy of message from SCAP.

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A true copy of the signed original.

FE:HBorton:meh
5/17/48

NA FE OTR

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894.807/5-1848

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DECLASSIFIED E.O. 11652, Sec 3(E) and 5(D) or (E) NNDG# 760050

# MARITIME SAFETY AUTHORITIES BILL

1. In reference to the general question of the size and speed of ships authorized under the Act and the right of Maritime Bureau personnel to stop and search foreign or Allied vessels:

A. Maximum size of vessels is limited individually to 1,500 tons; total limitation of 50,000 gross tons for the 125 vessels authorized by law. Maximum speed of vessels is limited to 15 knots.

B. No specific provisions are made in the law to limit the size of vessels except as indicated in A above. Construction of vessels either steel or wood of more than 100 gross tons is subject to SCAP approval. Speed limitation set at 15 knots.

C. While the law does not specifically prohibit stop and search of foreign or Allied vessels, jurisdiction in this matter is subject to the executive authority of SCAP.

2. In reference to other aspects of the Act:

A. Lighthouse ship Nisho Maru is only large vessel presently operating.

B. Ultimate planning requirements include: 1 hydrographic, 1 lighthouse, 6 supply and transport, 2 icebreakers and 2 seagoing tugs. Total tonnage these 12 vessels, 18,000 tons. Remainder, 32,000 tons, will permit construction of 113 tugs, patrol and sea rescue vessels of less than 300 tons, for service along approximately 9,000 miles of coastline. Speed 15 knots is necessary for patrol craft. Immediate implementation plan: 1 lighthouse supply ship, 1 hydrographic survey ship, total 4,200 tons (referred to in article 38 of the bill), and 38 patrol vessels authorized, 80 tons each, total 3,000 tons. Future implementation requirements depend upon several factors: availability of materials, actual need based on present and future experience, availability of construction facilities, and duration of authorization to utilize present 38 patrol craft.

C. Dredging and salvage functions envisaged as private enterprise.

D. Reference jurisdiction over United Nations nationals: The Maritime Safety Authority will perform

law

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law enforcement functions with regard to United Nations nationals in coastal waters in accordance with provisions of SCAP-IN 756 as amended by SCAP-IN 1218. Provisions of Maritime Safety Authorities Law do not affect status of existing SCAP-INS.

E. Reference question of armament: no provision now exists authorizing armament of law enforcement vessels.

F. No former Japanese Army or Navy career officers are eligible for employment in Maritime Safety Board. Personnel in this category presently engaged in minesweeping temporarily employed by Maritime Safety Board, in accordance with existing SCAP policy, will continue minesweeping operations to completion. Minesweeping operations were transferred to the Board in recent reorganization of demobilization machinery.

3. The establishment of this agency fills gap in law enforcement created by divorcing water police activity from normal civil police activities, thus reducing Occupation Forces and the U.S. taxpayers expense of patrolling Japanese waters against illegal entry and smuggling. Maritime Safety Board combines functions formerly performed by many unrelated agencies at all levels of government, including private agencies, for efficiency and economy. Reference is made to minutes of 58th Meeting, Allied Council for Japan, wherein it was pointed out that the problem of law enforcement within Japanese coastal waters deals with a normal police function for which the Supreme Commander is solely responsible in the exercise of his executive authority.