

C7-246

Personnel of the Japanese
Demobilization Agency

246 Personnel of the Japanese
Demobilization Agency

246 Personnel of the Japanese
Demobilization Agency

C7-246FEC-RESTRICTEDC7-2465 August 1947FAR EASTERN COMMISSIONPERSONNEL OF THE JAPANESE DEMOBILIZATION AGENCY
(Reference: Minutes, Com. No. 7, 21st Mtg.)Note by the Secretary General

The enclosure, information relative to the number of ex-military and ex-naval personnel of the Japanese Demobilization Agency, was submitted by the United States member at the twenty-first meeting of Committee No. 7 and is circulated herewith for the information of COMMITTEE NO. 7: DISARMAMENT OF JAPAN.

NELSON T. JOHNSON
Secretary General

C7-246

FEC-RESTRICTEDE N C L O S U R EPERSONNEL OF THE JAPANESE DEMOBILIZATION AGENCYFirst Demobilization Bureau (ARMY)

<u>Date</u>	<u>Ex-Military</u>	<u>Civ. Employ</u>	<u>Total</u>
1 Jan 46			30,247
15 Jan 46	7,207	22,311	29,523
1 Feb 46	6,966	20,853	27,819
15 Feb 46	6,918	20,536	27,454
1 Mar 46	6,922	19,647	26,569
15 Mar 46	7,048	21,007	28,055
1 Apr 46	5,402	13,389	19,109
15 Apr 46	5,133	13,167	18,300
1 May 46	4,825	12,847	17,672
15 May 46	4,809	13,084	17,893
1 Jun 46	4,789	12,526	17,315
15 Jun 46	3,790	5,755	9,545
1 Jul 46	3,776	5,733	9,509
15 Jul 46	3,595	5,526	9,121
1 Aug 46	3,583	5,504	9,087
15 Aug 46	3,619	5,436	9,055
1 Sep 46	3,091	5,296	8,387
15 Sep 46	3,016	5,367	8,383
1 Oct 46	2,951	309	8,260
15 Oct 46	2,951	341	8,292
1 Nov 46	2,842	5,184	8,026
15 Nov 46	2,758	5,130	7,888
15 Jun 47	1,789*	3,722	5,511

* Of these 1,028 are ex-officers, of whom SCAP states 631 will be subject to purge

Second Demobilization Bureau (NAVY)

<u>Date</u>	<u>Ex-Naval</u>	<u>Civ. Employ</u>	<u>Total</u>
1 Jan 46	33,214	17,063	50,277
1 Feb 46	32,402	17,090	49,492
1 Mar 46	33,862	17,601	51,643
1 Apr 46	33,666	14,950	48,616
1 May 46	32,949	6,784	39,733
1 Jun 46	32,115	6,702	38,817
1 Jul 46	28,909	6,929	35,838
1 Aug 46	25,479	6,581	32,060
1 Sep 46	22,202	6,803	29,005
1 Oct 46	19,481	6,352	25,833
1 Nov 46	17,968	6,083	24,056
15 Nov 46	17,310	5,841	23,151
15 Jun 47	8,411*	4,010	12,421

* Of these 1327 are ex-officers, of whom 1098 SCAP states will be subject to purge.

NOTE: (A) Ex-military (discharged from Army), civilian employees (now military civilians.)
 (B) Army and Navy Forces (Japan), August 1945: 3,655,274. Relative percentages employed by Demobilization Board: Army .075%; Navy .47%.
 (C) Note steady reduction as prescribed in AG 388.3 (10 Oct 45), DCSO 14 Oct 45, and in SCAPIN 993, 1 June 1946; Reduction 1 Jan - 15 Nov. First Bureau 22,359, Second Bureau 27,126, Total: 50,485.

D. Van Gulek

HISTORY OF BOLIVIAN CLAIM

Members will recall that the Secretary General on 11 August circulated to the Commission a letter dated July 18 received from the Bolivian Ambassador to Washington, lodging a claim for indemnity against Japan in behalf of a Bolivian citizen, Mr. Jose Luis Saravia, former Bolivian Consul General in Yokahama (FEC-247). The Secretary General's acknowledgment of the Bolivian communication, dated 23 July 1947, was circulated 13 August 1947 (FEC-247/1). The original letter contained considerable documentation on the case of Mr. Saravia; additional documentation was submitted on October 3, 1947 and was circulated on 14 October 1947 as SC-247/4. On November 25 the Ambassador of Bolivia advised the Secretary General that the claim he had filed in behalf of Mr. Saravia should be regarded as "an official demand for reparations of the Bolivian Government against the Japanese Government" (C1-247/8, 8 December 1947).

Although the Secretariat has frequently had telephone conversations with the Bolivian Embassy about this claim, and although numerous draft replies have been considered by Committee No. 1 and by this Committee, apart from the Secretary General's acknowledgment, there has been no official reply to the Bolivian Embassy.

The subject of a Bolivian reparations claim has been referred to Committee No. 1, along with the claims of other non-FEC countries. According to the Committee Chairman, active consideration there has been suspended until a decision is made on division of reparations shares for FEC countries. (See minutes 138th meeting Committee No. 1 and SC-247/10.)

The Secretary General has referred the present letter to the Steering Committee instead of to Committee No. 1 because a fairly prompt reply appeared to be desirable and because, in view of the nature of Commission deliberations on this subject, the character of that reply appeared to be a fairly simple one, once the general background was made explicit.

FEC-247FEC-RESTRICTEDFEC-24711 August 1947FAR EASTERN COMMISSIONREPARATIONS CLAIM OF BOLIVIAN NATIONAL
SUBMITTED BY BOLIVIAN EMBASSYNote by the Secretary General

1. Enclosure "A", a letter to the Secretary General of the Far Eastern Commission from the Bolivian Ambassador concerning the reparations claim of a Bolivian national, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 1: REPARATIONS.

2. Enclosure "B", a translation of a letter from the Bolivian Minister of Foreign Affairs transmitting the reparations claim of the Bolivian national referred to in Enclosure "A" to the Bolivian Ambassador in Washington, has also been received by the Secretary General and is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 1: REPARATIONS.

3. A complete set of the supporting documents for the reparations claim of the Bolivian national referred to in Enclosure "A" is available in the files of the Secretariat, and will be made available for study upon the request of any member.

SAMUEL S. STRATTON
Acting Secretary General

FEC-247

FEC-RESTRICTEDENCLOSURE "A"EMBAJADA DE BOLIVIA
Washington

July 18, 1947

My dear Mr. Secretary General:

I have the honor to submit herewith to the Far Eastern Commission, on the advise of the Department of State, a claim of indemnity for damages and personal injuries suffered at the hands of the Japanese authorities by a Bolivian citizen, Mr. Jose Luis Saravia, who was at the time Bolivian Consul General in Yokohama.

I am also enclosing a copy of the note from the Minister of Foreign Affairs of Bolivia transmitting the above-mentioned claim and lending it its approval and endorsement.

You will, no doubt, agree with the conclusions reached by the Bolivian authorities, after a careful study of this case, and will be kind enough to see that the documents herewith submitted receive the proper consideration from the Far Eastern Commission.

Assuring you that the Bolivian Government will appreciate greatly your kind cooperation in this matter, I beg you to accept the expressions of my highest consideration.

/s/ R. Martinez Vargas

The Hon. Nelson T. Johnson
Secretary General,
Far Eastern Commission,
Washington, D. C.

Enclosure "A"

- 1 -

FEC-247

FEC-RESTRICTEDENCLOSURE "B"DEPARTMENT OF STATE
Central Translating Division
(Translation)REPUBLIC OF BOLIVIA
Ministry of Foreign Relations
and Worship

La Paz, June 2, 1947

No. A. G. 109

Mr. Ambassador:

In accordance with the suggestion contained in your courteous communication Number 16 of January 13 of the current year, Mr. Jose Luis Saravia, former Consul General of Bolivia in Yokohama, presented to this Chancelry the request, which I enclose in the English language, accompanied by photostatic copies of original documents which the person concerned has in his possession and which will be presented in due time to the proper authorities.

Mr. Saravia therein claims financial compensation in the amount of 120,000 dollars for damages caused by his arrest, illegal detention incomunicado and mistreatment by the Japanese civil and military authorities during several months, which, as the above-mentioned documents show, have caused his almost total physical disability, from which he has not yet recovered despite various costly medical treatments.

In bringing this matter before Mr. Nelson T. Johnson, Secretary General of the Far Eastern Commission, it must be stated that it had already been presented to His Excellency Martin Kastengren, Minister Plenipotentiary of Sweden, the country entrusted with Bolivian interests in Japan, by a note of this Chancelry which I transcribe herein below:

"La Paz, July 3, 1946.-D.G.A.E. - No. P.E. 476.

Mr. Minister:

"Enlarging on the information contained in my cablegram Number 228 of June 18 last, I have the honor to inform Your Excellency that the only Bolivian property and effects in Japan on December 7, 1941 were the office supplies, files, and stamped papers belonging to the Consulate General in Yokohama and to the former Bolivian Legation in Tokio: all of them, except a typewriter, of very small intrinsic value. The stamped papers, files, and office supplies were delivered to His Excellency Widar Bagge, Minister of Sweden in Tokio, in return for receipts which are in the Office of the Comptroller General of my country. A certain number of books, household effects and utensils of small value, which, owing to their great weight, could not be transferred to Tokio, were left at the Brazilian Consulate in Yokohama. The files of the Bolivian Legation were

Mr. Ricardo Martinez Vargas
Ambassador Extraordinary and Plenipotentiary of Bolivia
WASHINGTON.

Enclosure "B"

- 2 -

FEC-247

FEC-RESTRICTED

left in custody at the Mexican Legation by General Angel Ayoroa. In a word, there was no property of Bolivia or of Bolivian citizens left in Japan the loss of which can constitute any damage to us.

"However, the foregoing does not reflect the whole, or actual, situation, and the Government of Bolivia reserves the full right to file a claim with the Japanese Government for damages for injury suffered by the Consul of Bolivia in Yokohama, Mr. Jose Luis Saravia, whose health has been permanently impaired by his arbitrary imprisonment by the Japanese authorities. The accusation is based on the following facts:

"1. In November 1941 this Chancelry ordered Consul Saravia's transfer to La Paz. He was making arrangements in December to go by sea to Shanghai and by plane to Hong Kong, Manila and Honolulu. To that end he obtained a visa, Number 60, on his passport at the United States Embassy on the 5th of the said month, and would perhaps have succeeded in surmounting all the obstacles which had arisen during the few months prior to the war, had not the attack on Pearl Harbor occurred.

"2. After war between the United States of America and Japan had begun, there still remained the long but safe route through Siberia, but the Japanese Government notified Consul Saravia, through the police, not to leave his house and that it would not be responsible for the reactions of the people. This arbitrary detention began, informally, on December 7, 1941. Then, on February 1, 1942, that is, immediately after the severance of diplomatic relations with Bolivia, he was interned, completely incomunicado, after having been vilely insulted and humiliated.

"3. Consul Saravia's solitary confinement lasted until the day he left Japan, June 27, 1942. His health was so badly undermined during those seven painful months of police vexation, mental suffering, the worst food, and lack of heat, that one month before his evacuation he became bedridden with total paralysis, owing to the extreme loss of calcium in one of his cervical vertebrae.

"I consider it unnecessary to dwell on this matter, as the whole world knows through books, newspapers, and reviews about the sufferings of all those who had to submit to the harshness of the Japanese police. There is no possible justification for Consul Saravia's detention and the prison regime to which he was subjected.

"I therefore consider that the Japanese Government is obliged to make financial compensation for the injuries suffered by Consul Jose Luis Saravia. The liabilities for which the Japanese Government must be held responsible consist of two expensive operations (spinal bone-grafting), hospitalization, medicines, X-ray, etc., in addition to the incalculable harm caused by his protracted illness.

"I deem it opportune to point out to Your Excellency that my Government, respecting international practice, facilitated the departure of the Japanese representative at La Paz in an express train, properly guarded, as far as the port of Arica.

"I therefore respectfully request Your Excellency to present the case to the Allied Civil Property Custodian, through

Enclosure "B"

FEC-RESTRICTED

the Allied General Headquarters in Tokio, in order to insure the payment of compensation for damages and injuries to the former Consul General of Bolivia in Yokohama, Mr. Jose Luis Saravia.

"I avail myself of this opportunity to renew to Your Excellency the assurances of my very distinguished consideration. (Signed: Eduardo Arze Quiroga). His Excellency Martin Kastengren, Ambassador Extraordinary and Minister Plenipotentiary of Sweden. City."

Japan, by secretly interfering by a totalitarian restrictive decree with the movements and official communications of the Consul General of Bolivia in Yokohama months before the attack on Pearl Harbor, without any previous declaration of war between Bolivia and the Empire, and by subjecting him to inhuman treatment, as is duly proved by certificates issued by diplomatic representatives residing in Tokio and by Consuls in Yokohama and Kobe, photostatic copies of which are enclosed, not only violated the universal practices of International Law, but also, explicitly, the Treaty of Friendship between the two countries signed on April 13, 1914, which establishes the protection and immunities for their consular officials which are granted or may be granted to them by the most favored nation; the enjoyment of equal treatment for the subjects or citizens of the High Contracting Parties, full liberty of entry and residence for such officials, respect for and protection of their dwellings and prohibition of any search thereof.

After December 7, 1941, although peaceful relations still existed between Bolivia and Japan, and there had been no action to change the status of friendship between the two countries, the Japanese police subjected our Consul General to virtual confinement, deprived him of food and fuel rations, and doomed him to death from inanition.

After the severance of diplomatic relations on January 28, 1942, Mr. Saravia was placed under military arrest, incommunicado, vexed, humiliated, and put on starvation diet and under a prison regime contrary to the Geneva and Hague Conventions and to the most elementary humanitarian practices.

Following is an outline of the international instruments which regulate and prescribe the treatment of persons in case of war.

"(Convention respecting the laws and customs of war on land, signed at The Hague, July 29, 1899, signed by Japan and by the Government of Bolivia under a law of August 31, 1906.)

"ANNEX, Chapter 1 Article 3. The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy, both have a right to be treated as prisoners of war.

"Chapter II, Article 4. Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

"They must be humanely treated.

"Article 7. The Government into whose hands prisoners of war have fallen is bound to maintain them. Failing a special agreement between the belligerents, prisoners of war shall be treated as regards food, quarters, and clothing, on the same

Enclosure "B"

- 4 -

FEC-247

FEC-RESTRICTED

footing as the troops of the Government which has captured them."

"Convention respecting the laws and customs of war on land, signed at The Hague, October 18, 1907, approved and ratified by the Government of Bolivia by law of the 24th of November, 1908 and signed by Japan.

"Article 3. A belligerent party which violates the provisions of the said regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

"ANNEX. Chapter II. Of prisoners of war. Article 4. Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who captures them.

"They must be humanely treated.

"Article 7. The Government into whose hands prisoners of war have fallen is charged with their maintenance. In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them."

The conduct observed by Japan towards the Consul of Bolivia in Yokohama contrasts with the treatment accorded by Bolivia to the Charge d'Affaires at La Paz, Mr. Kazukiyo Irie, who was taken on an express train as far as the port of Arica, and enjoyed every guarantee on the part of our country's civil and military authorities.

The Japanese Government's deliberate and explicit concurrence in the perpetration of the said abuses resulted in the almost total disability of our Consul General, Mr. Jose Luis Saravia.

The foregoing statement shows the international responsibility, both moral and juridical, of Japan as the direct author of the inhuman acts perpetrated by its own civil and military officials in their failure to comply with international engagements and obligations.

The fact that Japan through the above-mentioned engagements was incorporated into the community of nations bound that country by obligations which it failed to fulfill. That State cannot offer as an excuse the inadequacy of its legislation, for its own laws granted different treatment to its subjects.

The Japanese State's responsibility for the criminal acts of its own officials who committed such illegal actions as those set forth in the report regarding our former Consul General in Yokohama is, therefore, clear and indisputable.

As regards the privilege of inviolability, International Law established that consuls must be considered as inviolable in the performance of all acts carried out in the exercise of their functions and that offences against a consul in his official capacity on the part of local authorities are equivalent to offences against the Government in whose name he exercises his functions; that consular files are inviolable and that local authorities may not have them examined or searched or apprehend the consular representative and, much less, subject him to a series of tortures.

FEC-RESTRICTED

It is, therefore, the duty of the new Government of Japan now democratically inspired, to grant the requested indemnity as a matter of justice.

Respectfully requesting you to place the above-mentioned claim before Mr. Nelson T. Johnson, Secretary General of the Far Eastern Commission, and to request a receipt therefor, I renew to you the assurances of my most distinguished consideration.

/s/ Luis Guachalla

Enclosure "B"

- 6 -

FEC-247

FEC-247/1FEC-RESTRICTEDFEC-247/113 August 1947FAR EASTERN COMMISSIONREPARATIONS CLAIM OF BOLIVIAN NATIONAL
SUBMITTED BY BOLIVIAN EMBASSY:
ACKNOWLEDGMENT OF SECRETARY GENERAL
(Reference: FEC-247)Note by the Secretary General

The enclosure, a reply by the Secretary General to a letter from the Bolivian Ambassador concerning the reparations claim of a Bolivian national (FEC-247), is circulated herewith for the information of the Far Eastern Commission and is referred to COMMITTEE NO. 1: REPARATIONS in connection with its consideration of FEC-247.

SAMUEL S. STRATTON
Acting Secretary General

FEC-247/1

FEC-RESTRICTEDE N C L O S U R E

23 July 1947

My dear Mr. Ambassador:

I am happy to acknowledge receipt of your letter of July 18, 1947, transmitting to me for submission to the Far Eastern Commission a claim of indemnity for damages and personal injuries suffered at the hands of the Japanese by Mr. Jose Luis Saravia.

Your communication is being submitted to the Far Eastern Commission, and I shall inform you of whatever action they may take.

Sincerely yours,

Nelson T. Johnson
Secretary General

His Excellency
Senor Don Ricardo Martinez Vargas
Ambassador of Bolivia

FEC-247/2FEC-RESTRICTEDFEC-247/221 August 1947FAR EASTERN COMMISSION

REPARATIONS CLAIM OF BOLIVIAN NATIONAL SUBMITTED BY BOLIVIAN EMBASSY: LEGAL OPINION BY UNITED STATES DEPARTMENT OF STATE
(Reference: FEC-247 series)

Note by the Secretary General

The enclosure, an opinion prepared by the Legal Adviser of the United States Department of State concerning a claim against the Japanese Government submitted to the Far Eastern Commission by the Bolivian Government through its Embassy in Washington, is circulated herewith for the consideration of the Far Eastern Commission and is referred to COMMITTEE NO. 1: REPARATIONS.

SAMUEL S. STRATTON
Acting Secretary General

FEC-247/2

FEC-RESTRICTEDE N C L O S U R EREPARATIONS CLAIM OF BOLIVIAN NATIONAL SUBMITTED BY BOLIVIAN EMBASSY: LEGAL OPINION BY UNITED STATES DEPARTMENT OF STATE

1. A legal opinion is requested as to the procedure which should be followed by the Far Eastern Commission in the matter of the letter from the Bolivian Ambassador concerning the claim of indemnity for damages and personal injuries suffered at the hands of the Japanese authorities by a Bolivian citizen, Mr. Jose Luis Saravia, at the time Bolivian Consul General in Yokahama.

2. Mr. Saravia claims pecuniary compensation in the amount of \$120,000 for damages caused by his arrest, illegal detention incomunicado and mistreatment by the Japanese civil and military authorities, which ultimately caused almost total physical disability. The conduct of the Japanese authorities is alleged to have been in violation of a Treaty of Friendship between Bolivia and Japan signed on April 13, 1914, establishing the protection and immunities of consular officials, and also in violation of the Hague Convention of July 29, 1899, signed by both Japan and Bolivia, regarding the treatment of prisoners of war.

3. The letter of the Bolivian Ambassador presents a claim by the Government of Bolivia against the Government of Japan. A claim in international law may be defined as a demand for redress made by one State upon another by reason of the alleged wrongful conduct of that other. The sufferer may be a foreign State in its sovereign capacity, or, more directly, a national of such State. In this case the claim partakes of both natures: the Government of Bolivia has been injured through the violation of the immunities to which its consular officer was entitled, and the consular officer, a citizen of Bolivia, has been injured in his person by the tortious conduct of Japanese public officials. Under either head, however, the claim as presented to the FEC is not a private claim, but a governmental claim. As between Bolivia and Mr. Saravia the claim may in some sense be regarded as private, but when the claim is taken up and pressed diplomatically, it is as against the Japanese Government a national claim.

4. Thus the claim of the Bolivian Government does not differ in any material way from the claim of any other Government which is seeking reparations from the Japanese Government. Every injured nation is seeking compensation either for itself or for its injured nationals or for both. Although pecuniary compensation, rather than compensation "in kind" is particularly appropriate for this particular claim, nothing prevents Bolivia from accepting any kind of compensation which may be available, and making its own settlement with Mr. Saravia. This^{is} exactly what most of the claimant countries will do with their own injured nationals.

5. In the opinion of the legal ^{division} ~~decision~~ of the Department of State the letter of the Bolivian Ambassador should be filed as a claim for reparations on the part of Bolivia.

SC-247/3FEC-RESTRICTEDSC-247/325 September 1947FAR EASTERN COMMISSION

INDEMNITY CLAIM OF BOLIVIAN NATIONAL SUBMITTED BY BOLIVIAN
EMBASSY: PROPOSED REPLY BY SECRETARY GENERAL
(References: FEC-247, /1)

Note by the Secretary General

The enclosure, a proposed reply by the Secretary General to a letter from the Bolivian Ambassador submitting a claim for indemnity from the Japanese Government on behalf of a Bolivian national (FEC-247), approved by Committee No. 1 at its one hundred and twenty-seventh meeting on 24 September 1947, is forwarded herewith for the consideration of the STEERING COMMITTEE.

NELSON T. JOHNSON
Secretary General

SC-247/3

FEC-RESTRICTEDE N C L O S U R EINDEMNITY CLAIM OF BOLIVIAN NATIONAL SUBMITTED BY BOLIVIAN
EMBASSY: PROPOSED REPLY BY SECRETARY GENERAL

_____ 1947

My dear Mr. Ambassador:

Referring further to your letter of 18 July 1947, submitting to the Far Eastern Commission a claim for indemnity from the Japanese Government on behalf of Mr. Jose Luis Saravia, the Far Eastern Commission has instructed me to inform you that, while it is empowered to consider the formal reparations claims of Governments against Japan, it cannot consider as reparations claims indemnity claims on behalf of private individuals.

I return herewith the supporting documents which you submitted to the Commission.

Sincerely yours,

Nelson T. Johnson
Secretary General

His Excellency
Senor Don Ricardo Martinez Vargas
Ambassador of Bolivia

SC-247/4FEC-RESTRICTEDSC-247/414 October 1947FAR EASTERN COMMISSION

INDEMNITY CLAIM OF BOLIVIAN NATIONAL SUBMITTED BY BOLIVIAN
EMBASSY: ADDITIONAL DOCUMENTATION ON CLAIM
(Reference: 247 Series)

Note by the Secretary General

1. The enclosure, a letter from the Bolivian Embassy in Washington transmitting additional documentation concerning the claim of indemnity against the Japanese Government of the Bolivian national referred to in FEC-247, has been received by the Secretariat and is circulated herewith for the information of the STEERING COMMITTEE in connection with its consideration of SC-247/3, proposed reply by the Secretary General to the Bolivian Embassy.

2. The additional documentation referred to above will be added to the file of documents concerning the Bolivian national originally submitted to the Commission by the Bolivian Embassy and available for study by Members upon request.

NELSON T. JOHNSON
Secretary General

SC-247/4

FEC-RESTRICTEDE N C L O S U R EEMBAJADA DE BOLIVIA
WASHINGTON

October 3, 1947

My dear Mr. Secretary General:

I have the honor to refer to my note of July 18, 1947, concerning a claim of indemnity for damages and personal injuries suffered at the hands of the Japanese authorities by Mr. Jose Luis Saravia, former Consul General of Bolivia in Yokohama, and to enclose herewith some additional documents relating to this case which have just been sent to this Embassy by the Minister of Foreign Affairs of Bolivia.

Accept, Excellency, the assurances of my highest consideration.

/s/ R. Martinez Vargas

The Hon. Nelson T. Johnson
Secretary General,
Far Eastern Commission,
Washington, D. C.

MI-041/2FEC-RESTRICTEDMI-041/213 November 1947FAR EASTERN COMMISSIONMEMORANDUM FOR INFORMATION NO. 041/2FINAL ACT AND ANNEX OF THE
PARIS CONFERENCE ON REPARATION
(Reference: 041/1)Note by the Secretary General

1. The enclosure, the final Act and Annex of the Paris Conference On Reparation, is circulated herewith for the information of the Far Eastern Commission.
2. On 25 July 1946 two copies of a Department of State Press Release containing the Final Act and Annex of the Paris Conference on Reparation were circulated to each delegation of the Far Eastern Commission as MI-041/1. The enclosure is circulated with a view to providing additional copies for the use of delegations.
3. The special attention of COMMITTEE NO. 1: REPARATIONS is invited to the enclosure.

NELSON T. JOHNSON
Secretary General

MI-041/2

FEC-RESTRICTEDE N C L O S U R EFINAL ACT AND ANNEX
OF THE PARIS CONFERENCE ON REPARATIONCONFERENCE RECOMMENDATION

The Paris Conference on Reparations, which has met from November 9, 1945 to December 21, 1945, recommends that the Governments represented at the Conference should sign in Paris as soon as possible an Agreement on Reparation from Germany, on the establishment of an Inter-Allied Reparation Agency and on the restitution of monetary gold in the terms set forth below.

DRAFT AGREEMENT ON REPARATION FROM GERMANY, ON THE ESTABLISHMENT OF AN INTER-ALLIED REPARATION AGENCY AND ON THE RESTITUTION OF MONETARY GOLD

The Governments of Albania, the United States of America, Australia, Belgium, Canada, Denmark, Egypt, France, the United Kingdom of Great Britain and Northern Ireland, Greece, India, Luxembourg, Norway, New Zealand, the Netherlands, Czechoslovakia, the Union of South Africa and Yugoslavia, in order to obtain an equitable distribution among themselves of the total assets which, in accordance with the provisions of this Agreement and the provisions agreed upon at Potsdam on August 1, 1945 between the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, are or may be declared to be available as reparation from Germany (hereinafter referred to as German reparation), in order to establish an Inter-Allied Reparation Agency, and to settle an equitable procedure for the restitution of monetary gold, have agreed as follows:

PART I

GERMAN REPARATION

ARTICLE 1

Shares in Reparation

A. German reparation (exclusive of the funds to be allocated under Article 8 of Part I of this Agreement) shall be divided into the following categories:

Category A, which shall include all forms of German reparation except those included in Category B.

Category B, which shall include industrial and other capital equipment removed from Germany, and merchant ships and inland water transport.

B. Each signatory government shall be entitled to the percentage share of the total value of Category A and the percentage share of the total value of Category B set out for that government in the table of shares set forth below:

FEC-RESTRICTEDTABLE OF SHARES

<u>Country</u>	<u>Percentage Share</u>	
	<u>Category A</u>	<u>Category B</u>
Albania	0.05	0.35
United States of America	28.00	11.80
Australia	0.70	0.95
Belgium	2.70	4.50
Canada	3.50	1.50
Denmark	0.25	0.35
Egypt	0.05	0.20
France	16.00	22.80
United Kingdom	28.00	27.80
Greece	2.70	4.35
India	2.00	2.90
Luxembourg	0.15	0.40
Norway	1.30	1.90
New Zealand	0.40	0.60
Netherlands	3.90	5.60
Czechoslovakia	3.00	4.30
Union of South Africa	0.70	0.10
Yugoslavia	6.60	9.60
	<u>100.00</u>	<u>100.00</u>

The Government of the Union of South Africa has undertaken to waive its claims to the extent necessary to reduce its percentage share of Category B to the figure of 0.1 percent but is entitled, in disposing of German enemy assets within its jurisdiction, to charge the net value of such assets against its percentage share of Category A and a percentage share under Category B of 1.0 percent.

C. Subject to the provision of Paragraph D below, each signatory government shall be entitled to receive its share of merchant ships determined in accordance with Article 5, provided such merchant ships do not exceed in value its share in Category B as a whole. Subject to the provisions of Paragraph D below, each signatory government shall also be entitled to its Category A percentage share in German assets in countries which remained neutral in the war against Germany. The distribution among the signatory governments of forms of German reparation other than merchant ships, inland water transport and German assets in countries which remained neutral in the war against Germany shall be guided by the principles set forth in Article 4 of Part I of this Agreement.

D. If a signatory government receives more than its percentage share of certain types of assets in either Category A or Category B, its receipts of other types of assets in that Category shall be reduced so as to ensure that it shall not receive more than its share in that Category as a whole.

E. No signatory government shall receive more than its percentage share of either Category A or Category B as a whole by surrendering any part of its percentage share of the other Category, except that with respect to German enemy assets within its own jurisdiction; any signatory government shall be permitted to charge any excess of such assets over its Category A percentage share of total German enemy assets within the jurisdiction of the signatory governments either to its receipts in Category A or to its receipts in Category B or in part to each Category.

FEC-RESTRICTED

F. The Inter-Allied Reparation Agency, to be established in accordance with Part II of this Agreement, shall charge the reparation account of each signatory government for the German assets within that government's jurisdiction over a period of five years. The charges at the date of the entry into force of this Agreement shall be not less than 20 percent of the net value of such assets "as defined in Article 6 of Part I of this Agreement" as then estimated; at the beginning of the second year thereafter not less than 25 percent of the balance as then estimated; at the beginning of the third year not less than 33 1/3 percent of the balance as then estimated; at the beginning of the fourth year not less than 50 percent of the balance as then estimated; at the beginning of the fifth year not less than 90 percent of the balance as then estimated, and at the end of the fifth year the entire remainder of the total amount actually realized.

G. The following exceptions to Paragraphs D and E above shall apply in the case of a signatory government whose share in Category B is less than its share in Category A:

(1) Receipts of merchant ships by any such government shall not reduce its percentage share in other types of assets in Category B, except to the extent that such receipts exceed the value obtained when that government's Category A percentage is applied to the total value of merchant ships.

(2) Any excess of German assets within the jurisdiction of such government over its Category A percentage share of the total of German assets within the jurisdiction of signatory governments as a whole shall be charged first to the additional share in Category B to which that government would be entitled if its share in Category B were determined by applying its Category A percentage to the forms of German reparation in Category B.

H. If any signatory government renounces its shares or part of its shares in German reparation as set out in the above table of shares, or if it withdraws from the Inter-Allied Reparation Agency at a time when all or part of its shares in German reparation remain unsatisfied, the shares or part thereof thus renounced or remaining shall be distributed rateably among the other signatory governments.

Article 2

Settlement of Claims Against Germany

A. The signatory governments agree among themselves that their respective shares of reparation, as determined by the present Agreement, shall be regarded by each of them as covering all its claims and those of its nationals against the former German Government and its agencies, of a governmental or private nature, arising out of the war "which are not otherwise provided for" including costs of German occupation, credits acquired during occupation on clearing accounts and claims against the Reichskreditkassen.

B. The provisions of Paragraph A above are without prejudice to:

FEC-RESTRICTED

(1) the determination at the proper time of the forms, duration or total amount of reparation to be made by Germany;

(2) the right which each signatory government may have with respect to the final settlement of German reparation; and

(3) any political, territorial or other demands which any signatory government may put forward with respect to the peace settlement with Germany.

C. Notwithstanding anything in the provisions of Paragraph A above, the present Agreement shall not be considered as affecting:

(1) the obligation of the appropriate authorities in Germany to secure at a future date the discharge of claims against Germany and German nationals arising out of contracts and other obligations entered into, and rights acquired, before the existence of a state of war between Germany and the signatory government concerned or before the occupation of its territory by Germany, whichever was earlier;

(2) the claims of social insurance agencies of the signatory governments or the claims of their nationals against the social insurance agencies of the former German Government; and

(3) banknotes of the Reichsbank and the Rentenbank, it being understood that their realization shall not have the result of reducing improperly the amount of reparation and shall not be effected without the approval of the Control Council for Germany.

D. Notwithstanding the provisions of Paragraph A of this Article, the signatory governments agree that, so far as they are concerned, the Czechoslovak Government will be entitled to draw upon the Giro Account of the National Bank of Czechoslovakia at the Reichsbank, should such action be decided upon by the Czechoslovak Government and approved by the Control Council for Germany, in connection with the movement from Czechoslovakia to Germany of former Czechoslovak nationals.

Article 3

Waiver of Claims Regarding Property Allocated as Reparation

Each of the signatory governments agrees that it will not assert, initiate actions in international tribunals in respect of, or give diplomatic support to claims on behalf of itself or those persons entitled to its protection against any other signator government or its nationals in respect of property received by that government as reparation with the approval of the Control Council for Germany.

FEC-RESTRICTED

Article 4

General Principles for the Allocation
of Industrial and Other Capital Equipment

A. No signatory government shall request the allocation to it as reparation of any industrial or other capital equipment removed from Germany except for use in its own territory or for use by its own nationals outside its own territory.

B. In submitting requests to the Inter-Allied Reparation Agency, the signatory governments should endeavour to submit comprehensive programs of requests for related groups of items, rather than requests for isolated items or small groups of items. It is recognized that the work of the secretariat of the Agency will be more effective, the more comprehensive the programs which signatory governments submit to it.

C. In the allocation by the Inter-Allied Reparation Agency of items declared available for reparation "other than merchant ships, inland water transport and German assets in countries which remained neutral in the war against Germany", the following general principles shall serve as guides:

(1) Any item or related group of items in which an interest shall be allocated to that country if it so desires. Where two or more claimants have such substantial interests in a particular item or group of items, the criteria stated below shall guide the allocation.

(2) If the allocation between competing claimants is not determined by (1) above, attention shall be given, among other relevant factors, to the following considerations:

(a) the urgency of each claimant country's needs for the item or items to rehabilitate, reconstruct or restore to full activity the claimant country's economy;

(b) the extent to which the item or items would replace property which was destroyed, damaged or looted in the war, or requires replacement because of excessive wear in war production, and which is important to the claimant country's economy,

(c) the relation of the item or items to the general pattern of the claimant country's prewar economic life and to programs for its postwar economic adjustment or development;

(d) the requirements of countries whose reparation shares are small but which are in need of certain specific items or categories of items.

(3) In making allocations a reasonable balance shall be maintained among the rates at which the reparation shares of the several claimant governments are satisfied, subject to such temporary exceptions as are justified by the considerations under (2) above.

FEC-RESTRICTED

Article 5

General Principles for the Allocation
of Merchant Ships and inland Water Transport

A. (1) German merchant ships available for distribution as reparation among the signatory governments shall be distributed among them in proportion to the respective overall losses of merchant shipping, on a gross tonnage basis, of the signatory governments and their nationals through acts of war. It is recognized that transfers of merchant ships by the United Kingdom and United States Governments to other governments are subject to such final approval by the Legislatures of the United Kingdom and the United States of America as may be required.

(2) A special committee, composed of representatives of the signatory governments, shall be appointed by the Assembly of the Inter-Allied Reparation Agency to make recommendations concerning the determination of such losses and the allocation of German merchant ships available for distribution.

(3) The value of German merchant ships for reparation accounting purposes shall be the value determined by the Tripartite Merchant Marine Commission in terms of 1938 prices in Germany plus 15 percent, with an allowance for depreciation.

B. Recognizing that some countries have special need for inland water transport, the distribution of inland water transport shall be dealt with by a special committee appointed by the Assembly of the Inter-Allied Reparation Agency in the event that inland water transport becomes available at future time as reparation for the signatory governments. The valuation of inland water transport will be made on the basis adopted for the valuation of merchant ships or on an equitable basis in relation to that adopted for merchant ships.

Article 6

German External Assets

A. Each signatory government shall, under such procedures as it may choose, hold or dispose of German enemy assets within its jurisdiction in manners designed to preclude their return to German ownership or control and shall charge against its reparation share such assets "net of accrued taxes, liens, expenses of administration, other interim charges against specific items and legitimate contract claims against the German former owners of such assets".

B. The signatory governments shall give to the Inter-Allied Reparation Agency all information for which it asks as to the value of such assets and the amounts realized from time to time by their liquidation.

C. German assets in those countries which remained neutral in the war against Germany shall be removed from German ownership or control and liquidated or disposed of in accordance with the authority of France, the United Kingdom and the United States of America, pursuant to arrangements to be negotiated with the neutrals by these countries. The

FEC-RESTRICTED

net proceeds of liquidation or disposition shall be made available to the Inter-Allied Reparation Agency for distribution on reparation account.

D. In applying the provisions of Paragraph A above, assets which were the property of a country which is a member of the United Nations or its nationals who were not nationals of Germany at the time of the occupation or annexation of this country by Germany, or of its entry into war, shall not be charged to its reparation account. It is understood that this provision in no way prejudices any questions which may arise as regards assets which were not the property of a national of the country concerned at the time of the latter's occupation or annexation by Germany or of its entry into war.

E. The German enemy assets to be charged against reparation shares shall include assets which are in reality German enemy assets, despite the fact that the nominal owner of such assets is not a German enemy. Each signatory government shall enact legislation or take other appropriate steps, if it has not already done so, to render null and void all transfer made, after the occupation of its territory or its entry into war, for the fraudulent purpose of cloaking German enemy interests, and thus saving them harmless enemy interests.

F. The Assembly of the Inter-Allied Reparation Agency shall set up a committee of experts in matters of enemy property custodianship in order to overcome practical difficulties of law and interpretation which may arise. The Committee should in particular guard against schemes which might result in effecting fictitious or other transactions designed to favour enemy interests, or to reduce improperly the amount of assets which might be allocated to reparation.

Article 7

Captured Supplies

The value of supplies and other materials susceptible of civilian use captured from the German armed forces in areas outside Germany and delivered to signatory governments shall be charged against their reparation shares in so far as such supplies and materials have not been or are not, in the future either paid for or delivered under arrangements precluding any charge. It is recognized that transfers of such supplies and material by the United Kingdom and United States Governments to other governments are agreed to be subject to such final approval by the Legislature of the United Kingdom or the United States of America as may be required.

Article 8

Allocation of a Reparation Share
to Non-Repatriable Victims of German Action

In recognition of the fact that large numbers of persons have suffered heavily at the hands of the Nazis and now stand in dire need of aid to promote their rehabilitation but will be unable to claim the assistance of any government receiving reparation from Germany, the Governments of the United States of America, France, the United Kingdom, Czechoslovakia and Yugoslavia, in consultation with the Inter-Governmental Committee on Refugees, shall as soon as possible work out in common agreement a plan on the following general lines:

FEC-RESTRICTED

A. A share or reparation consisting of all the non-monetary gold found by the Allied Armed Forces in Germany and in addition a sum not exceeding 25 million dollars shall be allocated for the rehabilitation and resettlement of non-repatriable victims of German action.

B. The sum of 25 million dollars shall be met from a part of the proceeds of German assets in neutral countries which are available for reparation.

C. Governments of neutral countries shall be requested to make available for this purpose "in addition to the sum of 25 million dollars" assets in such countries of victims of Nazi action who have since died and left no heirs.

D. The persons eligible for aid under the plan in question shall be restricted to true victims of Nazi persecution and to their immediate families and dependents, in the following classes:

(1) refugees from Nazi Germany or Austria who require aid and cannot be returned to their countries within a reasonable time because of prevailing conditions

(2) German and Austrian nationals now resident in Germany or Austria in exceptional cases in which it is reasonable on grounds of humanity to assist such persons to emigrate and providing they emigrate to other countries within a reasonable period;

(3) Nationals of countries formerly occupied by the Germans who cannot be repatriated or are not in a position to be repatriated within a reasonable time. In order to concentrate aid on the most needy and deserving refugees and to exclude persons whose loyalty to the United Nations is or was doubtful, aid shall be restricted to nationals or former nationals of previously occupied countries who were victims of Nazi concentration camps or of concentration camps established by regimes under Nazi influence but not including persons who have been confined only in prisoners of war camps.

E. The sums made available under Paragraphs A and B above shall be administered by the Inter-Governmental Committee on Refugees or by a United Nations agency to which appropriate functions of the Inter-Governmental Committee may in the future be transferred. The sums made available under Paragraph C above shall be administered for the general purposes referred to in this Article under a program of administration to be formulated by the five governments named above.

F. The non-monetary gold found in Germany shall be placed at the disposal of the Inter-Governmental Committee on Refugees as soon as a plan has been worked out as provided above.

G. The Inter-Governmental Committee on Refugees shall have power to carry out the purposes of the fund through appropriate public and private field organizations.

H. The fund shall be used, not for the compensation of individual victims, but to further the rehabilitation or resettlement of persons in the eligible classes.

FEC-RESTRICTED

I. Nothing in this Article shall be considered to prejudice the claims which individual refugees may have against a future German Government, except to the amount of the benefits that such refugees may have received from the sources referred to in Paragraph A and C above.

PART II

INTER-ALLIED REPARATION AGENCY

Article 1

Establishment of the Agency

The governments signatory to the present Agreement hereby establish an Inter-Allied Reparation Agency "hereinafter referred to as The Agency". Each government shall appoint a delegate to the Agency and shall also be entitled to appoint an alternate who, in the absence of the delegate, shall be entitled to exercise all the functions and rights of the delegate.

Article 2

Functions of the Agency

A. The Agency shall allocate German reparation among the signatory governments in accordance with the provisions of this Agreement and of any other agreements from time to time in force among the signatory governments. For this purpose, the Agency shall be the medium through which the signatory governments receive information concerning, and express their wishes in regard to, items available as reparation.

B. The Agency shall deal with all questions relating to the restitution to a signatory government of property situated in one of the western zones of Germany which may be referred to it by the Commander of that Zone "acting on behalf of the Government" in agreement with the claimant signatory government or governments, without prejudice, however, to the settlement of such questions by the signatory governments concerned either by agreement or arbitration.

Article 3

Internal Organization of the Agency

A. The organs of the Agency shall be the Assembly and the Secretariat.

B. The Assembly shall consist of the delegates and shall be presided over by the President of the Agency. The President of the Agency shall be the delegate of the Government of France.

C. The Secretariat shall be under the direction of a Secretary General, assisted by two Deputy Secretaries General. The Secretary General and the two Deputy Secretaries General shall be appointed by the Governments of France, the United States of America and the United Kingdom. The Secretariat shall be international in character. It shall act for the Agency and not for the individual signatory governments.

FEC-RESTRICTED

Article 4

Functions of the Secretariat

The Secretariat shall have the following functions:

- A. to prepare and submit to the Assembly programs for the allocation of German reparations;
- B. to maintain detailed accounts of assets available for, and of assets distributed as, German reparation;
- C. to prepare and submit to the Assembly the budget of the Agency;
- D. to perform such other administrative functions as may be requested.

Article 5

Functions of the Assembly

Subject to the provisions of Articles 4 and 7 of PART II of this Agreement, the Assembly shall allocate German reparation among the signatory governments in conformity with the provisions of this Agreement and of any other agreements from time to time in force among the signatory governments. It shall also approve the budget of the Agency and shall perform such other functions as are consistent with the provisions of this Agreement.

Article 6

Voting in the Assembly

Except as otherwise provided in this Agreement, each delegate shall have one vote. Decisions in the Assembly shall be taken by a majority of the votes cast.

Article 7

Appeal from Decisions of the Assembly

A. When the Assembly has not agreed to a claim presented by a delegate that an item should be allocated to his government, the Assembly shall, at the request of that delegate and within the time limit prescribed by the Assembly, refer the question to arbitration. Such reference shall suspend the effect of the decision of the Assembly on that item.

B. The delegates of the governments claiming an item referred to arbitration under Paragraph A above shall select an arbitration from among the other delegates. If agreement cannot be reached upon the selection of an arbitrator, the United States delegate shall either act as arbitrator or appoint as arbitrator another delegate from among the delegates whose governments are not claiming the item. If the United States Government is one of the claimant governments, the President of the Agency shall appoint as arbitrator a delegate whose government is not a claimant government's.

FEC-RESTRICTED

Article 8

Powers of the Arbitrator

When the question of the allocation of any item is referred to arbitration under Article 7 of PART II of this Agreement, the arbitrator shall have authority to make final allocation of the item among the claimant governments. The arbitrator may, at his discretion, refer the item to the Secretariat for further study. He may also, at his discretion, request the Secretariat to resubmit the item to the Assembly.

Article 9

Expenses

A. The salaries and expenses of the delegates and of their staffs shall be paid by their own governments.

B. The common expenses of the Agency shall be met from the funds of the Agency. For the first two years from the date of the establishment of the Agency, these funds shall be contributed in proportion to the percentage shares of the signatory governments in Category B and thereafter in proportion to their percentage shares in Category A.

C. Each signatory government shall contribute its share in the budget of the Agency for each budgetary period "as determined by the Assembly" at the beginning of that period; provided that each government shall, when this Agreement is signed on its behalf, contribute a sum equivalent to not less than its Category B percentage share of 50,000 Livres Sterling and shall, within three months thereafter, contribute the balance of its share in the budget of the Agency for the budgetary period in which this Agreement is signed on its behalf.

D. All contributions by the signatory governments shall be made in Belgian Francs or such other currency or currencies as the Agency may require.

Article 10

Voting on the Budget

In considering the budget of the Agency for any budgetary period, the vote of each delegate in the Assembly shall be proportional to the share of the budget for that period payable by his government.

Article 11

Official Languages

The official languages of the Agency shall be English and French.

Article 12

Offices of the Agency

The seat of the Agency shall be in Brussels. The Agency shall maintain liaison offices in such other places as the Assembly, after obtaining the necessary consents, may decide.

FEC-RESTRICTED

Article 13

Withdrawal

Any signatory government, other than a government which is responsible for the control of a part of German territory, may withdraw from the Agency after written notice to the Secretariat.

Article 14

Amendments and Termination

This PART II of the Agreement can be amended or the Agency terminated by a decision in the Assembly of the majority of the delegates voting, provided that the delegates forming the majority represent governments whose shares constitute collectively not less than 80 percent of the aggregate of the percentage shares in Category A.

Article 15

Legal CapacityImmunities and Privileges

The Agency shall enjoy in the territory of each signatory government such legal capacity and such privileges, immunities and facilities, as may be necessary for the exercise of its functions and the fulfilment of its purpose. The representatives of the signatory governments and the officials of the Agency shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Agency.

PART III

RESTITUTION OF MONETARY GOLD

A. All the monetary gold found in Germany by the Allied Forces and that referred to in paragraph G below "including gold coins, except those of numismatic or historical value, which shall be restored directly if identifiable" shall be pooled for distribution as restitution among the countries participating in the pool in proportion to their respective losses of gold through looting or by wrongful removal to Germany.

B. Without prejudice to claims by way of reparation for unrestored gold, the portion of monetary gold thus accruing to each country participating in the pool shall be accepted by that country in full satisfaction of all claims against Germany for restitution of monetary gold.

C. A proportional share of the gold shall be allocated to each country concerned which adheres to this arrangement for the restitution of monetary gold belonging to it which was looted by Germany or, at any time after March 12, 1938, was wrongfully removed into German territory.

D. The question of the eventual participation of countries not represented at the Conference "other than Germany but including Austria and Italy" in the above mentioned distribution shall be reserved, and the equivalent of the total shares which these countries would receive, if they were eventually

FEC-RESTRICTED

admitted to participate, shall be set aside to be disposed of at a later date in such manner as may be decided by the Allied Governments concerned.

E. The various countries participating in the pool shall supply to the Governments of the United States of America, France and the United Kingdom, as the occupying powers concerned, detailed and verifiable data regarding the gold losses suffered through looting by, or removal to, Germany.

F. The Governments of the United States of America, France and the United Kingdom shall take appropriate steps within the zones of Germany occupied by them respectively to implement distribution in accordance with the foregoing provisions.

G. Any monetary gold which may be recovered from a third country to which it was transferred from Germany shall be distributed in accordance with this arrangement for the restitution of monetary gold.

PART IV

ENTRY INTO FORCE AND SIGNATURE

Article 1

Entry into Force

This Agreement shall be open for signature on behalf of any Government represented at the Paris Conference on Reparation. As soon as it has been signed on behalf of governments collectively entitled to not less than 80 percent of the aggregate of shares in Category A of German reparation, it shall come into force among such signatory governments. The Agreement shall thereafter be in force among such governments and those governments of whose behalf it is subsequently signed.

Article 2

Signature

The signature of each contracting government shall be deemed to mean that the effect of the present Agreement extends to the colonies and overseas territories of such government, and to territories under its protection or suzerainty or over which it at present exercises a mandate.

In witness whereof, the undersigned, duly authorized by their respective governments, have signed in Paris the present Agreement, in the English and French languages, the two texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the French Republic, a certified copy thereof being furnished by that Government to each signatory government.

For the Government of _____

(Year)

FEC-RESTRICTEDUNANIMOUS RESOLUTIONS BY THE CONFERENCE

The conference has also unanimously agreed to include the following Resolutions in the Final Act:

(1) German assets in the neutral countries. The Conference unanimously resolves that the countries which remained neutral in the war against Germany should be prevailed upon by all suitable means to recognize the reasons of justice and of international security policy which motivate the powers exercising supreme authority in Germany and the other powers participating in this Conference in their efforts to extirpate the German holdings in the neutral countries.

(2) Gold transferred to the neutral countries. The Conference unanimously resolves that, in conformity with the policy expressed by the United Nations Declaration Against Axis Acts of Dispossession of January 5, 1943 and the United Nations Declaration on Gold of February 22, 1944, the countries which remained neutral in the war against Germany be prevailed upon to make available for distribution in accordance with PART III of the foregoing Agreement all looted gold transferred into their territories from Germany.

(3) Equality of treatment regarding compensation for war damage. The Conference unanimously resolves that in the administration of reconstruction or compensation benefits for war damage to property, the treatment accorded by each signatory government to physical persons who are nationals and to legal persons who are nationals of or are owned by nationals of any other signatory government so far as they have not been compensated after the war for the same property under any other form or on any other occasion, shall be in principle not less favourable than that which the signatory government accords to its own nationals. In view of the fact that there are many special problems of reciprocity related to this principle, it is recognized that in certain cases the actual implementation of the principle cannot be achieved except through special agreements between signatory governments.

Reference to the Annex to the Final Act. During the course of the Conference, statements were made by certain delegates, in the terms set out in the attached annex, concerning matters not within the competence of the Conference but having a close relation with its work. The Delegates whose governments are represented on the Control Council for Germany undertook to bring these statements to the notice of their respective governments.

In witness whereof the undersigned have signed the present Final Act of the Paris Conference on Reparation.

Done in Paris on December 21, 1945, in the English and French languages, the two texts being equally authentic, in a single original, which shall be deposited in the archives of the Government of the French Republic, certified copies thereof, being furnished by that government to all the governments represented at that Conference.

Delegate of the Government of _____

FEC-RESTRICTED

ANNEX

I. Resolution on the Subject of Restitution. The Albanian, Belgian, Czechoslovak, Danish, French, Greek, Indian, Luxembourg, Netherlands and Yugoslav Delegates agree to accept as the basis of a restitution policy the following principles:

A. The question of the restitution of property removed by the Germans from the Allied countries must be examined in all cases in the light of the United Nations Declaration of January 5, 1943.

B. In general, restitution should be confined to identifiable goods which

(1) existed at the time of occupation of the country concerned, and were removed with or without payment;

(2) were produced during the occupation and obtained by an act of force.

C. In cases where articles removed by the enemy cannot be identified, the claim for replacement should be part of the general reparation claim of the country concerned.

D. As an exception to the above principles, objects "including books, manuscripts and documents" of an artistic, historical, scientific "excluding equipment of an industrial character", educational or religious character which have been looted by the enemy occupying power shall, so far as possible, be replaced by equivalent objects if they are not restored.

E. With respect to the restitution of looted goods which were produced during the occupation and which are still in the hands of German concerns or residents of Germany, the burden of proof of the original ownership of the goods shall rest on the claimants and the burden of proof that the goods were acquired by a regular contract shall rest on the holders.

F. All necessary facilities under the auspices of the Commanders-in-Chief of the occupied zones shall be given to the Allied States to send expert missions into Germany to search for looted property and to identify, store and remove it to its country of origin.

G. German holders of looted property shall be compelled to declare it to the control authorities; stringent penalties shall be attached to infractions of this obligation.

II. Resolution on Reparation from Existing Stocks and Current Production. The Delegates of Albania, Belgium, Czechoslovakia, Denmark, Egypt, France, Greece, India, Luxembourg, the Netherlands, Norway and Yugoslavia.

In view of the decision of the Crimea Conference that Germany shall make compensation to the greatest possible extent for the losses and suffering which she has inflicted on the United Nations;

FEC-RESTRICTED

Considering that it will not be possible to satisfy the diverse needs of the governments entitled to reparation unless the assets to be allocated are sufficiently varied in nature and the methods of allocation are sufficiently flexible;

Express the hope that no category of economic resources in excess of Germany's requirements as defined in PART III, Article 15, of the Potsdam Declaration, due account being taken of Article 19 of the same PART, shall in principle be excluded from the assets, the sum total of which should serve to meet the reparation claims of the signatory governments. It thus follows that certain special needs of different countries will not be met without recourse, in particular to German existing stocks, current production and services, as well as Soviet reciprocal deliveries under PART IV of the Potsdam Declaration. It goes without saying that the foregoing shall be without prejudice to the necessity of achieving the economic disarmament of Germany. The above named delegates would therefore deem it of advantage were the Control Council to furnish the Inter-Allied Reparation Agency with lists of existing stocks, goods from current production and services, as such stocks, goods or services become available as reparation. The Agency should, at all times, be in a position to advise the Control Council of the special needs of the different signatory governments.

III. Resolution Regarding Property in Germany Belonging to United Nations or their Nationals. The Delegates of Albania, Belgium, Czechoslovakia, France, Greece, Luxembourg, the Netherlands, Norway and Yugoslavia, taking into account the fact that the burden of reparation should fall on the German people, recommend that the following rules be observed regarding the allocation as reparation of property "other than ships" situated in Germany:

A. To determine the proportion of German property available as reparation, account shall be taken of the sum total of property actually constituting the German economy, including assets belonging to a United Nation or to its nationals, but excluding looted property, which is to be restored.

B. In general, property belonging legitimately to a United Nation or to its nationals, whether wholly owned or in the form of a shareholding of more than 48 percent, shall as far as possible be excluded from the part of German property considered to be available as reparation.

C. The Control Council shall determine the cases in which minority shareholdings of a United Nation or its nationals shall be treated as forming part of the property of a German juridical person and therefore having the same status as that juridical person.

D. The foregoing provisions do not in any way prejudice the removal or destruction of concerns controlled by interests of a United Nation or of its nationals when this is necessary for security reasons.

E. In cases where an asset which is the legitimate property of one of the United Nations or its nationals has been allocated as reparation, or destroyed, particularly in the cases referred to in Paragraphs B, C, and D above, equitable compensation to the extent of the full value of this asset shall be granted by the Control Council to the United Nation

FEC-RESTRICTED

concerned as a charge on the Germany economy. This compensation shall, when possible, take the form of shareholding of equal value in German assets of a similar character which have not been allocated as reparation.

F. In order to ensure that the property in Germany of persons declared by one of the United Nations to be collaborators or traitors shall be taken from them the Control Council shall give effect in Germany to legislative measures and juridical decisions by courts of the United Nation concerned in regard to collaborators or traitors who are nationals of that United Nation or were nationals of that United Nation at the date of its occupation or annexation by Germany or entry into the war. The Control Council shall give to the government of such United Nation facilities to take title to and possession of such assets and to dispose of them.

IV. Resolution on Captured War Material. The Delegates of Albania, Belgium, Denmark, Luxembourg, the Netherlands, Norway, Czechoslovakia and Yugoslavia, taking account of the fact that part of the war material seized by the Allied armies in Germany is of no use to these armies but would, on the other hand, be of use to other Allied countries recommend:

A. That, subject to Resolution I of this Annex on the subject of Restitution, war material which was taken in the western zones of Germany and which has neither been put to any use nor destroyed as being of no value, and which is not needed by the armies of occupation or is in excess of their requirements, be put at the disposal of countries which have a right to receive reparation from the western zones of Germany; and

B. That the competent authorities shall determine the available types and quantities of this material and shall submit lists to the Inter-Allied Reparation Agency, which shall proceed in accordance with the provisions of PART II of the above Agreement.

V. Resolution on German Assets in the Julian March and the Dodecanese. The Delegates of Greece, the United Kingdom and Yugoslavia "being the delegates of the countries primarily concerned", agree that:

A. The German assets in Venezia Giulia "Julian March" and in the Dodecanese shall be taken into custody by the military authorities in occupation of those parts of the territory which they now occupy, until the territorial questions have been decided; and

B. As soon as a decision on the territorial question has been reached, the liquidation of the assets shall be undertaken in conformity with the provisions of Paragraph A of Article 6 of PART I of the foregoing Agreement by the countries whose sovereignty over the disputed territories has been recognized.

VI. Resolution on Costs Relating to Goods Delivered from Germany as Reparation. The Delegates of Albania, Australia, Belgium, Canada, Denmark, Egypt, France, Greece, India, Luxembourg, Norway, New Zealand, the Netherlands, Czechoslovakia and Yugoslavia, recommend that the costs of dismantling, packing, transporting, handling, loading and all other costs of a general nature relating to be delivered from Germany as

FEC-RESTRICTED

reparation, until the goods in question have passed the German frontier, and expenditure incurred in Germany for the account of the Inter-Allied Reparation Agency or of the delegates of the Agency should, in so far as they are payable in a currency which is legal tender in Germany, be paid as a charge on the German economy.

VII. Resolution on the Property of War Criminals. The Delegates of Albania, Belgium, France, Luxembourg, Czechoslovakia and Yugoslavia express the view that:

A. The legislation in force in Germany against German war criminals should provide for the confiscation of the property in Germany of those criminals, if it does not do so already;

B. The property so confiscated, except such as reparation or restitution, should be liquidated by the Control Council and the net proceeds of the liquidation paid to the Inter-Allied Reparation Agency for division according to the principles set out in the foregoing Agreement.

VIII. Resolution on Recourse to the International Court of Justice. The Delegates of Albania, Australia, Belgium, Denmark, France, Luxembourg, the Netherlands, Norway, Czechoslovakia and Yugoslavia recommend that:

Subject to the provisions of Article 3 of PART I of the foregoing Agreement, the signatory governments agree to have recourse to the International Court of Justice for the solution of every conflict of law or of competence arising out of the provisions of the foregoing Agreement which has not been submitted by the parties concerned to amicable solution or arbitration.

* * * *

SC-247/5FEC-RESTRICTEDSC-247/517 October 1947FAR EASTERN COMMISSION

REPLY BY SECRETARY GENERAL TO INDEMNITY CLAIM OF
BOLIVIAN NATIONAL SUBMITTED BY BOLIVIAN EMBASSY
(References: FEC-247; 247 series)

Note by the Secretary General

1. The enclosure, a proposed reply by the Secretary General to a letter from the Bolivian Ambassador submitting a claim for indemnity from the Japanese Government on behalf of a Bolivian national (FEC-247), was approved on 17 October by an ad hoc subcommittee (United States, China, France, New Zealand) and is forwarded herewith for the consideration of the STEERING COMMITTEE.

2. The ad hoc subcommittee was appointed by the Steering Committee on 14 October 1947 (Minutes, 30th SC Mtg.) and was instructed to prepare a revision of SC-247/3 in the light of views which had been expressed by members of the Steering Committee.

NELSON T. JOHNSON
Secretary General

SC-247/5

FEC-RESTRICTEDE N C L O S U R EREPLY BY SECRETARY GENERAL TO INDEMNITY CLAIM OF
BOLIVIAN NATIONAL SUBMITTED BY BOLIVIAN EMBASSY

_____ 1947

My dear Mr. Ambassador:

I refer further to your letter of 18 July 1947, submitting to the Far Eastern Commission a claim for indemnity from the Japanese Government for damages and personal injuries suffered at the hands of the Japanese authorities by Mr. Jose Luis Saravia while exercising the functions of Consul General of Bolivia in Yokohama. The Far Eastern Commission has instructed me to inform you that, while it is a function of the Commission to formulate a policy for the consideration of reparations claims of governments against Japan, the claim you present does not in its present form appear to be a claim on behalf of your Government for reparations against Japan.

In case your Government should desire to present a claim for reparations, it will be given due consideration, and in this connection I enclose a copy of the relevant FEC policy decision*.

The supporting documents which you submitted to the Commission are therefore returned herewith.

Sincerely yours,

Nelson T. Johnson
Secretary GeneralHis Excellency
Senor Don Ricardo Martinez Vargas
Ambassador of Bolivia

*NOTE: A copy of the FEC press release dated 19 May 1947, giving the text of FEC-219/7, Division of Reparations Shares, will be enclosed with the letter to the Bolivian Ambassador.

C1-207RESTRICTEDC1-20711 March 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSREPARATIONS CLAIMS OF COUNTRIES NOT REPRESENTED ON
THE FAR EASTERN COMMISSIONNote by the Secretary General

1. The enclosure, a report by the ad hoc Subcommittee on reparations claims of countries not represented on the Far Eastern Commission, is circulated herewith for the consideration of COMMITTEE NO. 1: REPARATIONS.

2. At its 67th meeting on 28 February 1947, Committee appointed a Subcommittee to consider the problem of reparations claims by countries not represented on the Far Eastern Commission. The Subcommittee comprises China, the United Kingdom, the United States (Chairman), and the U. S. S. R.

NELSON T. JOHNSON
Secretary General

C1-207

RESTRICTEDE N C L O S U R EREPARATIONS CLAIMS OF COUNTRIES NOT REPRESENTED ON
THE FAR EASTERN COMMISSION

1. The Subcommittee on Reparations Claims of Non-FEC Countries has conducted a preliminary investigation of the problem and has analyzed it as involving the issues stated below. Further work by the Subcommittee awaits the instructions of Committee No. 1 as to whether more detailed treatment should be given the problem and a definite plan drawn up.

2. ELIGIBILITY -

a. All nations which were at war with Japan or which had declared a state of co-belligerency to exist should be eligible for presentation of reparations claims.

b. Any claims by neutral countries arising from damage suffered as a result of Japan's belligerency should be excluded from the reparations settlement and should be taken up by those nations, if desired, with the Japanese Government directly. Any such claims must, however, be considered and approved by the Far Eastern Commission to assure that in no case is the percentage of indemnification of the claim greater than that of reparations recipient countries.

3. BASIS OF REPARATIONS CLAIMS -

The basis on which claims should be submitted by non-FEC countries should be determined by the Far Eastern Commission. If it is decided that claims by FEC member-countries will be presented on a broad political basis, no special limitation as to the basis of claims should be imposed on non-FEC countries.

4. INVITATIONS TO ELIBIBLE NON-FEC COUNTRIES -

The Far Eastern Commission should invite eligible non-member countries to submit claims for Japanese reparations at an appropriate time. Before the issuance of such invitations it will be necessary for the Far Eastern Commission to determine proper procedures for the presentation and consideration of such claims.

29 Oct. 1947

INFORMATION CONCERNING THE NATURE AND STATUS OF CLAIMS
AGAINST THE JAPANESE GOVERNMENT CURRENTLY BEING FILED WITH SCAP

At the 131st meeting of Committee No. 1 on 22 October 1947, the Secretary was requested, pursuant to instructions to Committee No. 1 by the Steering Committee, to obtain any information he could on the nature and status of the claims currently being filed with SCAP as reported in recent SCAP Summaries (see CI-247/6). The following is a summary of the information obtained by the Secretary in this regard.

1. SCAP's Civil Property Custodian has been receiving a large number of monetary claims against the Japanese Government submitted to General Headquarters by Allied and neutral nationals or governments for damages arising out of the war. These claims are for damage to property inside as well as outside of Japan and on personal injuries and death suffered both inside and outside of Japan. Claims received to date were unsolicited and no change in this policy is contemplated. Many of these claims have not been forwarded through diplomatic channels.
2. SCAP is currently "processing" only one class of these claims, namely, claims for damage to property inside Japan. Processing consists only of acknowledging and filing of such claims and forwarding standardized forms upon which claims may be set forth in detail.
3. Monetary claims for damage or loss arising outside Japan and claims for personal injuries and death are acknowledged and retained on file pending policy direction from the appropriate higher authority.
4. Claims are not at present being adjudicated nor is adjudication contemplated until formulation of policy by the appropriate higher authority.
5. Under present procedures claimants are advised that preliminary processing does not imply the right to compensation, and that as yet no procedure has been established in GHQ-SCAP for adjudicating claims against the Japanese Government or against enemy nationals in Japan involving monetary damages or losses, nor has any provision been made for payment of such claims. f

12 November 1947

INFORMATION REGARDING THE METHOD OF HANDLING PRIVATE CLAIMS AGAINST GERMANY

At the 133rd meeting of Committee No. 1, the N. Z. Member queried the meaning of the phrase "claims for damages arising out of the war." The N. Z. Member wondered whether the phrase would apply to damages incurred before the signing of the instrument of surrender as well as to those incurred afterwards in the course of the occupation. The N. Z. Member thought that it would be helpful if the Secretary could obtain information regarding the procedure followed in the German settlement. The following information is accordingly submitted by the Secretary:

1. The Committee is referred to Part I, Article 2 of the Final Act of the Paris Conference on Reparations which reads as follows (the asterisk before paragraphs A and C(i) indicate the sections most immediately relevant to the query):

*A. The Signatory Governments agree among themselves that their respective shares of reparation, as determined by the present Agreement, shall be regarded by each of them as covering all its claims and those of its nationals against the former German Government and its Agencies, of a governmental or private nature, arising out of the war (which are not otherwise provided for), including costs of German occupation, credits acquired during occupation on clearing accounts and claims against the Reichskreditkassen.

B. The provisions of paragraph A above are without prejudice to:

(i) The determination at the proper time of the forms, duration or total amount of reparation to be made by Germany;

(ii) The right which each Signatory Government may have with respect to the final settlement of German reparation; and

(iii) Any political, territorial or other demands which any Signatory Government may put forward with respect to the peace settlement with Germany.

*C. Notwithstanding anything in the provisions of paragraph A above, the present Agreement shall not be considered as affecting:

*i) The obligation of the appropriate authorities in Germany to secure at a future date the discharge of claims against Germany and German nationals arising out of contracts and other obligations entered into, and rights acquired, before the existence of a state of war between Germany and the Signatory Government concerned or before the occupation of its territory by Germany, whichever was earlier;"

2. As can be seen from the above, there is no clear-cut distinction between claims for damages arising during the war and those for damages arising after the signing of the surrender, and it leaves open the question of how claims against Germany arising out of pre-war and pre-occupation contracts shall be handled.

CI-247/6FEC-RESTRICTEDCI-247/622 October 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONSCLAIM OF BOLIVIAN NATIONAL AGAINST JAPAN
(References: 247 series)Note by the Secretary General

1. The Steering Committee at its eighty-first meeting on 21 October 1947 agreed to refer SC-247/5, Reply by the Secretary General to Indemnity Claim by Bolivian National Submitted by Bolivian Embassy, back to COMMITTEE NO. 1: REPARATIONS for further consideration in the light of facts set out in the enclosed verbatim extracts from SCAP Monthly Summations of Non-Military Activities for the months January through May 1947.

2. The Steering Committee at the same time instructed the Secretariat to obtain all available information on the nature and status of the private claims referred to in the enclosure.

3. The Steering Committee further instructed Committee No. 1 to consider, on the basis of all available information, the advisability of recommending for the approval of the Far Eastern Commission **a general policy decision on the subject of private claims against Japan.**

NELSON T. JOHNSON
Secretary General

CI-247/6

FEC-RESTRICTEDE N C L O S U R EVERBATIM EXTRACTS FROM SCAP MONTHLY SUMMATIONS OF
NON-MILITARY ACTIVITIES RELATIVE TO PRIVATE
CLAIMS RECEIVED BY SCAP1. (Jan. 1947 -- p. 218)

"Thirty-four claims, two British and 32 American, against the Japanese Government or enemy nationals in Japan were received between 26 December and 25 January. One of these claims is for an unstated amount. Thirty-one of the American claims total \$12,307.75 and were presented by the Government of the United States. All these claims total \$25,372.53."

2. (Feb. 1947 -- p. 235)

"Four claims against the Japanese Government were filed during the month by nationals of the United States, China, the Philippines and India. Two of these were for unstated amounts; the other two total \$16,477.67."

3. (March 1947 -- p. 235)

"Between 26 February and 25 March the following claims were filed against the Japanese Government or enemy nationals in Japan:

<u>Nationality</u>	<u>Number of Claims</u>	<u>Amounts</u>
American	36	\$13,029.01
Bolivian	1	--
Dutch	1	--
Indian	1	--
Stateless	<u>10</u>	<u>260,134.27</u>
Total	49	\$273,163.28"

4. (April 1947 -- p. 248)

"Five Americans, one Chinese, one Czechoslovakian and one Korean filed claims against the Japanese Government or enemy nationals in Japan between 26 March and 25 April. Three of these claims are for amounts not clearly stated; the other five claims total \$26,102. A total of \$1,000,000 in claims has been received from 15 different countries."

5. (May 1947 -- p. 213)

"The number of claims against the Japanese Government or enemy nationals received by 25 May is shown in the following table. The monetary value of the claims is expressed in various currencies and cannot be equated because of fluctuations in foreign exchange rates.

FEC-RESTRICTEDCLAIMS FILED
25 May

<u>Nationality</u>	<u>Number of Claims</u>
New Zealand	27
U. S. S. R.	12
United States	27
United States (EIGHTH Army)	88
Others	55
Total	<u>209</u> "

STANDARD FORM NO. 64

Office Memorandum · UNITED STATES GOVERNMENT

DATE:

TO :

FROM :

SUBJECT :

Call attention to
Col Powell's decretum
on Final Act -

"former German
Govt..."

COPIAVIA AEREA

REPUBLICA DE BOLIVIA

Ministerio de Relaciones Exteriores
y Culto

La Paz, 11 de noviembre de 1947.

No. A.G. 251.-

Señor Embajador:

Con Nota No. A.G. 109 de 2 de junio del año en curso me cupo remitir a usted un legajo de documentos referente a la reclamación del ex-Cónsul General de Bolivia en el Japón, Señor José Luis Saravia, Recomendando a su diligencia el interponer sus buenos oficios a efecto de que, por intermedio de las oficinas americanas correspondientes, fuese aceptada y satisfecha aquella justa reclamación por el Gobierno Japonés.

ANEXO Examinado nuevamente el caso del Señor Saravia y en vista de la representación oficial que invistió este funcionario en diciembre de 1941 y meses sucesivos, representación que señaló obligaciones especiales al Estado boliviano, me cumple comunicarle que el Gobierno de la República hace suya la citada reclamación y, en consecuencia, le instruye presentar al Departamento de Estado la nota que establezca tal decisión con ruego de que se le dé el curso que le corresponda, toda vez que se trata de una demanda de reparación que usted plantea en nombre de la República. La decisión que trasmito a usted no es más, por otra parte, que la consecuencia de la reserva de derechos formulada por esta Cancillería por intermedio del Señor Ministro de Suecia en Bolivia, según nota de 3 de julio de 1946 que, en copia, acompaño.

Dicha nota y los antecedentes que ya conoce la Embajada de su digna jefatura le brindan a usted el suficiente material para fundamentar la demanda boliviana, si fuere necesario, ante quien corresponda.

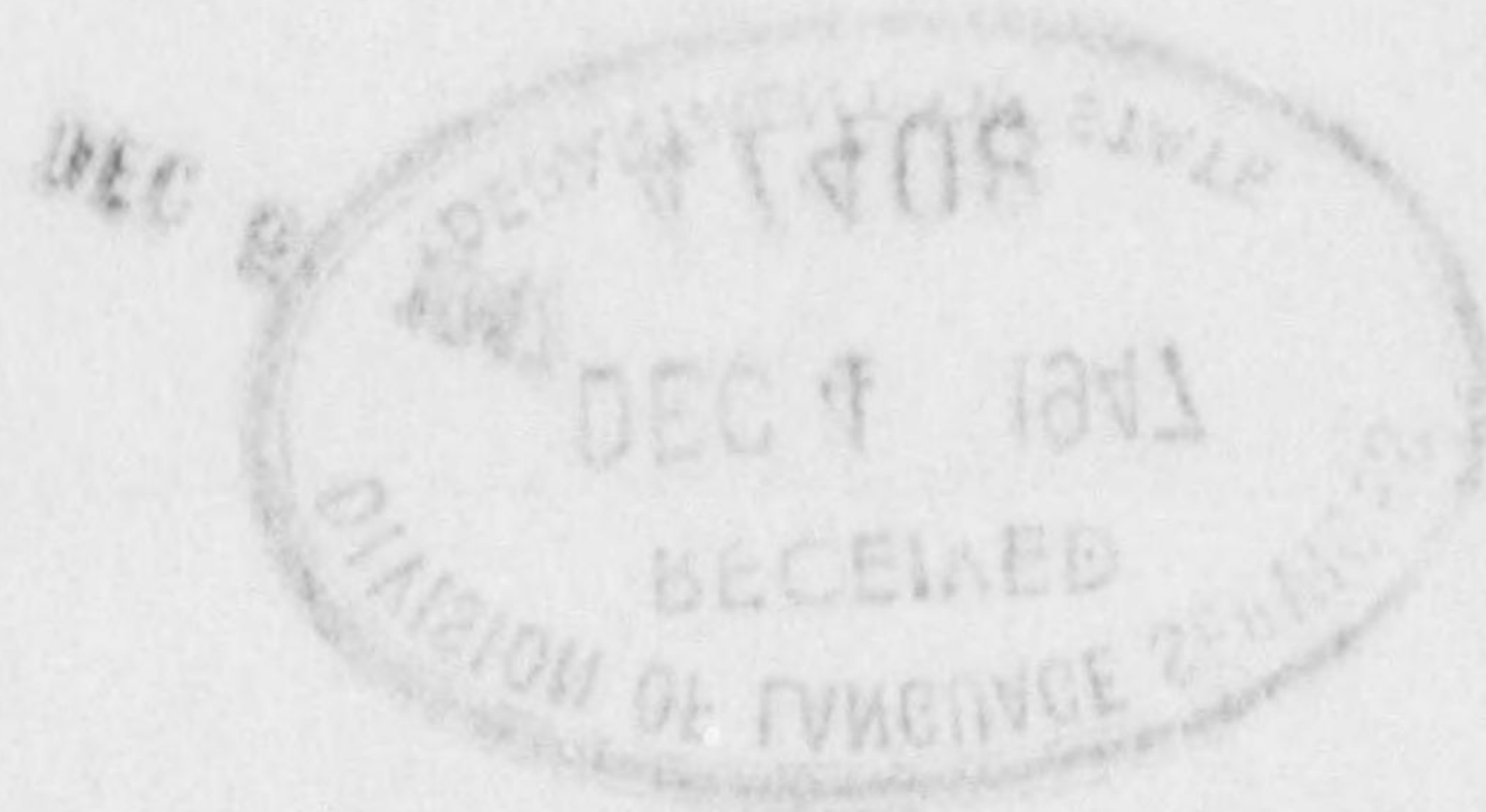
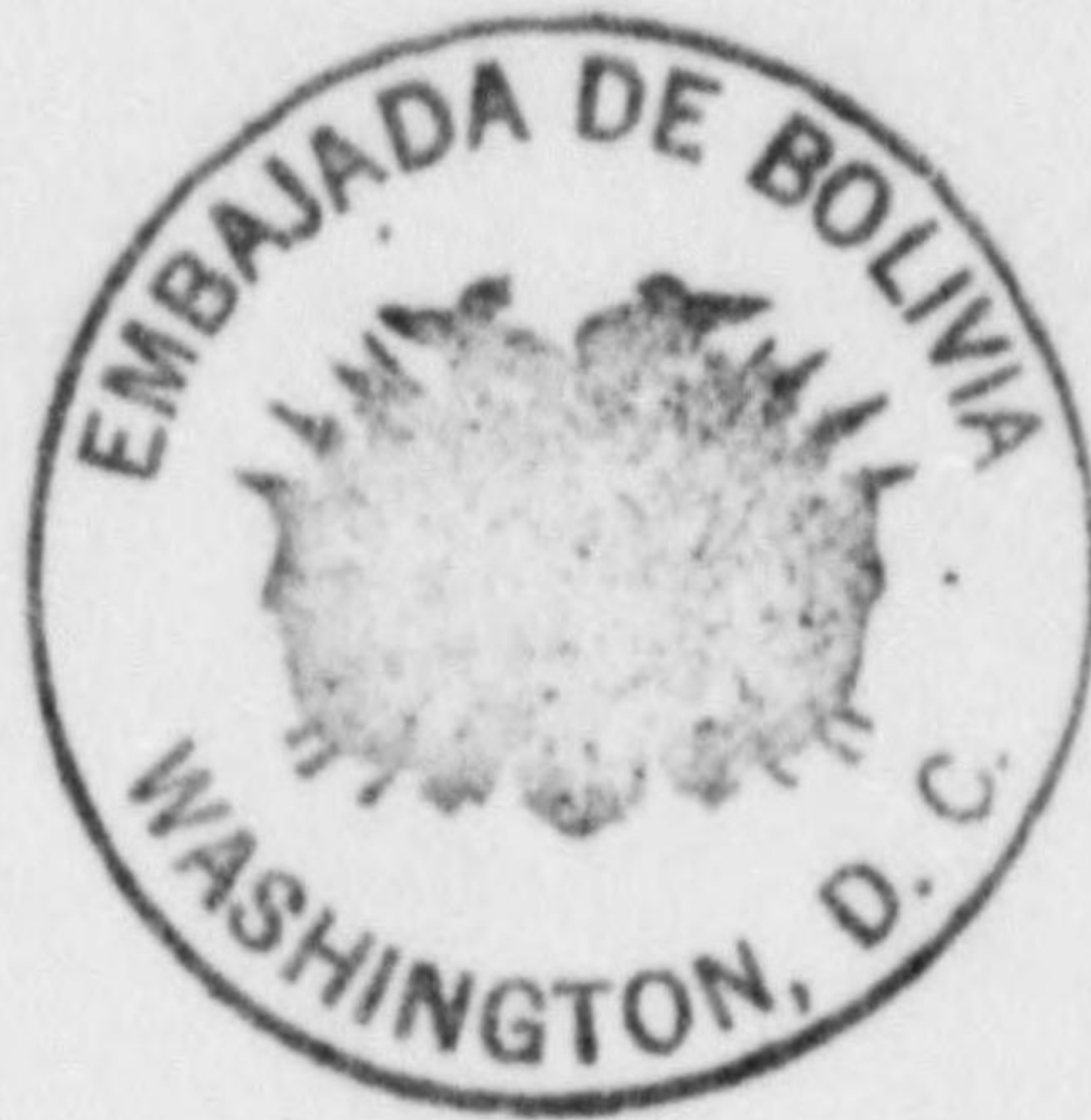
Al Sr. Don Ricardo Martínez Vargas,

Embajador Extraordinario y Plenipotenciario de Bolivia

Washington

Rénuevo al Señor Embajador, con este motivo, las seguridades de mi más alta consideración.

(firmado) Tomás Manuel Elío



DEPARTMENT OF STATE
CENTRAL TRANSLATING DIVISION

[TRANSLATION]

TC NO. 47408
T-9/R-VII
Spanish

COPY

REPUBLIC OF BOLIVIA

VIA AIR

Ministry of Foreign Relations
and Worship

No. A.G. 251.-

La Paz, November 11, 1947

Mr. Ambassador:

With Note No. A.G. 109 of June 2, 1947, I sent to you a file of documents relating to the claim of the former Consul General of Bolivia in Japan, Mr. José Luis Saravia, requesting you to be good enough to use your good offices to the end that, through the proper American offices, the just claim in question be accepted and satisfied by the Japanese Government.

ANNEX

Examining again the case of Mr. Saravia, and considering the official representation which was conferred upon this official in December, 1941, and the following months, a representation which fixed special obligations for the Bolivian State, it is my duty to communicate to you that the Government of the Republic assumes the above-mentioned claim, and consequently instructs you to present to the Department of State the note which establishes such a decision, with the request that the proper action be taken thereon, as it is a question of a request for reparation which you put forward in the name of the

Republic.

Mr. Ricardo Martínez Vargas,
Ambassador Extraordinary and Plenipotentiary of Bolivia,
Washington

- 2 -

Republic. The decision which I transmit to you is, moreover, only the consequence of the reservation of rights expressed by this Chancelry through the Minister of Sweden in Bolivia, according to the note of July 3, 1946, a copy of which I enclose.

The said note and antecedents, regarding which the Embassy worthily in your charge is already informed, furnish you with sufficient material in support of the Bolivian request, ^{to place,} if necessary, before whom it may concern.

On this occasion, I renew to the Ambassador the assurances of my highest consideration.

(Signed) Tomás Manuel Elío

/Stamp of the Embassy of
Bolivia/

DEPARTMENT OF STATE
CENTRAL TRANSLATING DIVISION

[TRANSLATION]

TC NO. 47408
T-9/R-VII
Spanish

COPY

REPUBLIC OF BOLIVIA

VIA AIR

Ministry of Foreign Relations
and Worship

No. A.G. 251.-

La Paz, November 11, 1947

Mr. Ambassador:

ANNEX

With Note No. A.G. 109 of June 2, 1947, I sent to you a file of documents relating to the claim of the former Consul General of Bolivia in Japan, Mr. José Luis Saravia, requesting you to be good enough to use your good offices to the end that, through the proper American offices, the just claim in question be accepted and satisfied by the Japanese Government.

Examining again the case of Mr. Saravia, and considering the official representation which was conferred upon this official in December, 1941, and the following months, a representation which fixed special obligations for the Bolivian State, it is my duty to communicate to you that the Government of the Republic assumes the above-mentioned claim, and consequently instructs you to present to the Department of State the note which establishes such a decision, with the request that the proper action be taken thereon, as it is a question of a request for reparation which you put forward in the name of the

Republic.

Mr. Ricardo Martínez Vargas,
Ambassador Extraordinary and Plenipotentiary of Bolivia,
Washington

Republic. The decision which I transmit to you is, moreover, only the consequence of the reservation of rights expressed by this Chancelry through the Minister of Sweden in Bolivia, according to the note of July 3, 1946, a copy of which I enclose.

The said note and antecedents, regarding which the Embassy worthily in your charge is already informed, furnish you with sufficient material in support of the Bolivian request, ^{to place,} if necessary, before whom it may concern.

On this occasion, I renew to the Ambassador the assurances of my highest consideration.

(Signed) Tomás Manuel Elío

Stamp of the Embassy of
Bolivia

HANDLING OF REPARATIONS CLAIMS IN THE GERMAN SETTLEMENT

At the 137th meeting of Committee 1, the UK Member asked the Secretary if he would inform the Committee as to the way in which the reparations settlement for Germany met the problems raised in the five questions framed by the US Member at the 136th meeting of the Committee, (see page 4 Min, No. 1, 136th mtg.). The following information relative to the five questions referred to has been drawn primarily from the Final Act of the Paris Conference on Reparations. The questions are stated below and have been reframed in order to omit references to Japan.

Question 1: Should reparations claims be filed by governments only?

Answer: There is no provision in the Final Act of Paris for the filing of reparations claims by individual persons or by agencies other than those governments. The following facts are relevant here:

(a) All governments signatory to the Final Act of Paris submitted reparations claims in the form of detailed national estimates of damages sustained in the war against Germany.

(b) Article 2 A of the Final Act of Paris reads as follows:

A. The Signatory Governments agree among themselves that their respective shares of reparation, as determined by the present Agreement, shall be regarded by each of them as covering all its claims and those of its nationals against the former German Government and its Agencies, of a governmental or private nature, arising out of the war (which are not otherwise provided for), including costs of German occupation, credits acquired during occupation on clearing accounts and claims against the Reichskreditkassen.

It seems clear that the German reparations settlement proceeded on the assumption that reparations claims against Germany would be filed by Governments only, and that individual persons or agencies would file their own private reparations claims against Germany with their respective Governments for such satisfaction as those Governments might see fit to give.

Question 2: Should reparations claims be based upon considerations of damage, contributions to victory, etc., only during the period from outbreak of war with Germany to the surrender?

Answer: Article 2 A quoted above states that reparations shares shall cover all claims "arising out of the war." The doubtful application of the phrase "arising out of the war" is perhaps clarified by a reference

- 2 -

to a request just prior to the convening of the Paris Conference that all participating Governments file a statement of reparations claims against Germany. The form in which these claims were eventually submitted had requested information on damage in the following language:

Damage to and loss of property other than military equipment and installations (in the strict sense of the term) in the course of hostilities against Germany, including damage and loss resulting from scorched earth policies...

The emphasis would thus seem to have been on the period from the outbreak of hostilities to the date of surrender.

Question 3: Should reparations claims against Germany be considered as fully satisfied from those assets declared available for reparations by the appropriate authority?

Answer: Article 2 A above is the best answer to this question. Members are also referred to subparagraphs B, C and D of Article 2 for certain reservations on the scope of the agreement stated in subparagraph A.

Question 4: Should the reparations claims of non-signatory countries at war with Germany be satisfied from similar categories of assets made available by the appropriate authority or from other classes of assets.

Answer: The only reference to shares for non-signatory governments in the Final Act of Paris (comparable to the problem of "non-FEC countries" in the Japanese settlement) occurs in part 3 in connection with the restitution of monetary gold. Paragraph D states:

D. The question of the eventual participation of countries not represented at the Conference (other than Germany but including Austria and Italy) in the above-mentioned distribution shall be reserved, and the equivalent of the total shares which these countries would receive, if they were eventually admitted to participate, shall be set aside to be disposed of at a later date in such manner as may be decided by the Allied Governments concerned.

The problem treated here is of course restitution, not reparations. But it is worth noting as perhaps an indication that failure to consider in any other part of the Final Act of Paris the "eventual participation" of non-signatory countries in reparations from Germany, implies a general understanding among the signatories that no such participation was contemplated. The Potsdam Protocol of August 2, 1945 stated that "the reparations claims of the United States, the United Kingdom, and other countries entitled to reparations shall be met from the western zones and from appropriate German external assets." Following the Potsdam Conference the US, France, and the UK invited the governments of 14 countries to participate in a reparations conference at Paris. In the course of that conference one more country, Albania, was also invited to attend. This, presumably, exhausted the list of countries which, in the view of the inviting powers, were "entitled to reparations" from Germany.

- 3 -

Question 5: Should neutral governments be permitted to present reparations claims; if not, should they be permitted to present other types of claims, and if so, how should such claims be handled?

Answer: The Final Act of Paris made no reference to principal reparations claims of neutral countries. It would seem that no participation in reparations of any kind from Germany by the neutral countries was anticipated by the Paris Conference. This is borne out by the further decision of the Conference that German assets in neutral countries should, pursuant to negotiations with such countries, be thrown into the reparations pool for distribution among the 18 Signatory Governments only. This would mean that one of the most logical sources of payment for claims against Germany, which neutral countries might otherwise have had, would be assigned instead to the 18 signatories to the Paris Act. Article 6 D of the Final Act contains this provision. It reads as follows:

D. In applying the provisions of paragraph A above, assets which were the property of a country which is a member of the United Nations or its nationals who were not nationals of Germany at the time of the occupation or annexation of this country by Germany, or of its entry into war, shall not be charged to its reparation account. It is understood that this provision in no way prejudices any questions which may arise as regards assets which were not the property of a national of the country concerned at the time of the latter's occupation or annexation by Germany or of its entry into war.

C1-247/7FEC-RESTRICTEDC1-247/78 December 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONS

DRAFT LETTER FROM SECRETARY GENERAL TO BOLIVIAN EMBASSY
REGARDING CLAIM FOR REPARATIONS
(Reference: 274 Series)

Note by the Secretary General

The enclosure, a draft letter to the Bolivian Embassy from the Secretary General of the Far Eastern Commission, prepared by the Secretary of Committee No. 1 pursuant to the instructions of the Committee at its one hundred and thirty-eighth meeting on 3 December 1947, is circulated herewith for the consideration of COMMITTEE NO. 1: REPARATIONS.

NELSON T. JOHNSON
Secretary General

C1-247/7

FEC-RESTRICTEDE N C L O S U R EDRAFT LETTER FROM SECRETARY GENERAL TO BOLIVIAN EMBASSY
REGARDING CLAIM FOR REPARATIONS

His Excellency

Senor Don Ricardo Martinez Vargas

Ambassador of Bolivia

Washington, D. C.,

My dear Mr. Ambassador:

With further reference to the claim submitted by your Government for reparations from Japan, the Far Eastern Commission has instructed me to inform you that no decision has been reached regarding countries eligible to make reparations claims against Japan nor regarding the manner in which claims should be lodged by eligible countries. Before reaching these decisions the Commission will give due consideration to the documents which you have submitted in support of your Government's claim against the Japanese Government.

The documents in support of your Government's claim will be retained in the files of the Far Eastern Commission.

Sincerely yours,

Nelson T. Johnson
Secretary General

C1-247/7

CI-247/8FEC-RESTRICTEDCI-247/88 December 1947FAR EASTERN COMMISSIONCOMMITTEE NO. 1: REPARATIONS

BOLIVIAN REPARATIONS CLAIM: LETTER FROM BOLIVIAN
FOREIGN MINISTRY REGARDING CLAIM
(References: CI-247/7, FEC-247)

Note by the Secretary General

1. Enclosure "A", a letter from the Bolivian Foreign Ministry designating as a reparations claim the claim originally filed with the Far Eastern Commission by the Bolivian Embassy in behalf of Mr. Jose Louis Saravia, transmitted to the Commission by the Bolivian Ambassador in Washington, is circulated herewith for the consideration of COMMITTEE NO. 1: REPARATIONS.
2. Enclosure "B" is the letter of transmittal by the Bolivian Ambassador in Washington of the letter from the Bolivian Foreign Ministry contained in Enclosure "A".
3. Enclosure "C" is the letter of acknowledgment by the Secretary General of the Far Eastern Commission of receipt of the letters contained in Enclosures "A" and "B".

NELSON T. JOHNSON
Secretary General

CI-247/8

FEC-RESTRICTEDENCLOSURE "A"LETTER FROM BOLIVIAN FOREIGN MINISTRY

REPUBLIC OF BOLIVIA

VIA AIR

Ministry of Foreign Relations
and Worship

No. A. G. 251.-

La Paz, November 11, 1947

Mr. Ambassador:

With Note No. A. G. 109 of June 2, 1947 I sent to you a file of documents relating to the claim of the former Consul General of Bolivia in Japan, Mr. Jose Luis Saravia, requesting you to be good enough to use your good offices to the end that, through the proper American offices, the just claim in question be accepted and satisfied by the Japanese Government.

Examining again the case of Mr. Saravia, and considering the official representation which was conferred upon this official in December, 1941, and the following months, a representation which fixed special obligations for the Bolivian State it is my duty to communicate to you that the Government of the Republic assumes the above-mentioned claim, and consequently instructs you to present to the Department of State the note which establishes such a decision, with the request that the proper action be taken thereon, as it is a question of a request for reparation which you put forward in the name of the Republic. The decision which I transmit to you is, moreover, only the consequence of the reservation of rights expressed by this Chancelry through the Minister of Sweden in Bolivia, according to the note of July 3, 1946, a copy of which I enclose.*

The said note and antecedents, regarding which the Embassy worthily in your charge is already informed, furnish you with sufficient material in support of the Bolivian request to place, if necessary, before whom it may concern.

On this occasion, I renew to the Ambassador the assurances of my highest consideration.

(Signed) Tomas Manuel Elio

Stamp of the Embassy of
Bolivia

*Secretariat Note:

The text of the note here referred to is contained in the Bolivian Minister's note No. A. G. 109 of June 2, 1947, a copy of which is contained among the documents on Senor Jose Luis Saravia now in the files of the Secretariat.

Mr. Ricardo Martinez Vargas,
Ambassador Extraordinary and Plenipotentiary of Bolivia,
Washington

FEC-RESTRICTEDENCLOSURE "B"LETTER OF TRANSMITTAL BY BOLIVIAN EMBASSY OF THE
LETTER IN ENCLOSURE "A"EMBAJADA DE BOLIVIA
WASHINGTON

November 25, 1947

My dear Mr. Secretary General:

I have the honor to refer to my notes of July 18 and October 3, 1947, concerning a claim of indemnity for damages and personal injuries suffered at the hands of the Japanese authorities by Mr. Jose Luis Saravia, former Consul General of Bolivia in Yokohama, and to enclose herewith a copy of a new communication dated November 11 and signed by the Minister of Foreign Affairs of Bolivia, confirming the fact that the above-mentioned claim should be treated as an official demand for reparations of the Bolivian Government against the Japanese Government.

Accept, Sir, the renewed assurances of my highest consideration.

/s/ Ricardo Martinez Vargas

The Hon. Nelson T. Johnson,
Secretary General,
Far Eastern Commission,
Washington, D. C.

Enclosure "B"

-2-

CI-247/8

FEC-RESTRICTEDENCLOSURE "C"ACKNOWLEDGMENT OF RECEIPT BY SECRETARY GENERAL

3 December 1947

My dear Mr. Ambassador:

I have your letter of November 25, 1947, enclosing a copy of a further communication from the Minister of Foreign Affairs of Bolivia to the effect that the claim of indemnity against Japan filed by you in behalf of Mr. Jose Luis Saravia should be treated as an official demand for reparations of the Bolivian Government against the Japanese Government.

I have referred your note to the Far Eastern Commission for consideration together with the other documents in this matter, and will be happy to advise you of any action that the Commission may take.

Sincerely yours,

Nelson T. Johnson
Secretary GeneralHis Excellency
Senor Don Ricardo Martinez Vargas
Ambassador of Bolivia

Enclosure "C"

-3-

C1-247/8