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FAR EASTERN COMMISSION

Transcript of One-hundredth Meeting of the Far Eastern Commission.

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

Thursday, April 1, 1948

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Transcript of One-hundredth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, April 1, 1948

Representatives Present

Major General Frank R. McCoy, Chairman	(United States)
Mr. H. W. Bullock	(Australia)
Mr. R. E. Collins	(Canada)
Dr. S. H. Tan	(China)
Mr. J. Daridan	(France)
Mr. R. K. Nehru	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. G. R. Powles	(New Zealand)
Mr. J. U. Jovellanos	(Philippines)
His Excellency Mr. A. S. Panyushkin	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

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

(The one-hundredth meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:35 A.M., 1 April 1948, Major General Frank R. McCoy, Chairman.)

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

GEN. MCCOY: Gentlemen, good morning. The session is now open.

ITEM 1 - A CORRECTION AND APPROVAL OF ITEM 3 OF THE PROVISIONAL MINUTES OF THE NINETY-EIGHTH MEETING

GEN. MCCOY: Before we proceed to the general corrections of the minutes of the last meeting, I would turn to the Soviet representative to help us clear up our little delay at the last meeting on the subject of the minutes.

MR. PANYUSHKIN: Mr. Chairman, I would like to have this statement recorded in the minutes.

GEN. MCCOY: Of this session or of the--

MR. PANYUSHKIN: Mr. Chairman, this statement of mine will relate to the minutes of the 98th meeting but will be recorded in this meeting's minutes.

GEN. MCCOY: Yes. Will you read it, please, Mr. Secretary General?

MR. JOHNSON: Mr. Chairman, the Soviet delegate has asked that this be recorded in the minutes of today's meeting?

GEN. MCCOY: No, he said, as I understood it, that it will be recorded in today's meeting but have reference to the 98th meeting.

MR. JOHNSON: And I read:

"The Soviet representative stated that at the time of the discussion on the question of sending a reply to the Pakistan Embassy he had had no opportunity to express his opinion on the United Kingdom additional sentence to the text of the letter since the text of the United Kingdom additional sentence had not been circulated during the meeting itself. Taking into

consideration the said fact and also the circumstance that the additional sentence had not been officially voted on, he had reserved, immediately after the Commission's session, his right to express his view on the United Kingdom amendment after he had had the opportunity to become acquainted with the text of the United Kingdom addition in the Russian language.

"After having had the opportunity to become acquainted with the text of the United Kingdom addition, he now stated that the Soviet delegation opposed the additional sentence suggested by the United Kingdom representative to the text of the letter to the Embassy of Pakistan regarding the question of admission of Pakistan to membership in the Far Eastern Commission, since the text of the letter was exhaustive without this addition."

GEN. MCCOY: Is there any objection to this being included in the meeting of today and also made of record in the meeting of the 98th minutes? It seems a little bit involved, but it is a matter purely of record as the paper was declared adopted and sent. I will put it in this way, that the Soviet Ambassador makes this statement for the minutes of today with reference to the minutes of the 98th meeting. Is there any objection to that being done? It also would then involve the adoption as corrected of the minutes of the 98th meeting.

MR. GRAVES: Mr. Chairman, did you say this would be a correction of the 98th meeting? I didn't understand that that would be the intention to be a correction.

GEN. MCCOY: No, I was referring to the correction of the others, that is, in discussion of the recording of the minutes of the 98th meeting there were a number of corrections from other members and this is a statement that goes in today's record, as I understand it, with reference to the 98th meeting, but we didn't adopt the minutes of the 98th meeting pending this discussion but we did

adopt or approve the other corrections of the other members. If it is agreeable we'll let the Secretary General work it out--have him make it as formal and correct as possible and bring it to the attention of the Commission at the next meeting.

DR. KOO: Mr. Chairman, as I recall, the minutes of the 98th meeting were approved as corrected except Item 3, and this is the item about which I think the Soviet representative wishes to have a statement recorded. So perhaps it will not be necessary to approve the minutes of the 98th meeting as such but only to approve the particular Item 3 which was left out from the approval which the Commission adopted at the last meeting. I just want to make it clear that that was my understanding.

GEN. MCCOY: Is that your remembrance, Mr. Secretary General?

(The Secretary General nodded affirmatively.)

GEN. MCCOY: As I understand it then, the minutes of the 98th meeting, with this exception--with this reservation--were adopted.

DR. KOO: At the last meeting.

GEN. MCCOY: At the last meeting, so that Item 3 remains to be approved, and if you agree with me I will leave it up to the Secretary General to put it in such form that it can be either circulated to the Commission or acted upon then at the next meeting.

- b CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE NINETY-NINTH MEETING

GEN. MCCOY: That clears the way for the minutes of the 99th meeting which are now before you. Are there any corrections for the minutes of the last meeting? There seems to be none; they will be recorded as usual.

ITEM 2 - UNITED STATES INTERIM DIRECTIVE ON RESTITUTION OF LOOTED PROPERTY (FEC-303, -/1)

GEN. MCCOY: The Soviet representative has asked that the United States interim directive on Restitution of Looted Property, FEC-303, and the same series /1, be placed on the agenda.

MR. PANYUSHKIN: Mr. Chairman, I would like to make the following statement on this question:

"In connection with the issuance by the United States Government of the interim directive dealing with the restitution of looted property the U.S.S.R. delegation deems it necessary to state the following.

"The Soviet delegation considers that the issuance of the said directive is incorrect, since, in the first place, the question of restitution of looted property is under consideration of the Far Eastern Commission, and, secondly, the directive of 17 March 1948 includes provisions contained in FEC-011/40, Restitution of Looted Property, which document failed of adoption at the meeting of the Far Eastern Commission on 4 March 1948."

GEN. MCCOY: The statement of the U.S.S.R. representative has been circulated and if there is no objection will be inserted into the minutes.

Gentlemen, I call your attention, as has been done by its circulation to the Commission, to the statement of the United States position on the directive in question, FEC-303, which gives the full statement of the United States position and a full explanation of the efforts on the part of all concerned to get agreement on this important restitution policy which has been before us for over a year and which has general agreement on most of the provisions, so that I can give you nothing new on this subject. It's a question, I take it, for the pundits of our legal side and it's a question of a difference of opinion and a direct issue on the question.

You have the United States position and you also have the statement of the Soviet representative which has just been circulated and been recorded in the minutes. Is there any discussion on the subject at this time desired by the Commission? What are the wishes

of the Commission as to the disposition of the statements of the United States and Soviet representative?

I might add that I just learned this morning that on the very day that the dispatch embodying the unilateral directive of the United States, in accordance with the terms of reference, was sent the Supreme Commander issued immediate orders and the restitution is already well underway to the countries most concerned.

I might add again that this was done as an effort on the part of the United States to solve this very important question from the point of view of a number of the occupied and devastated countries that suffered so much from the Japanese looting and aggressive action, and the United States was only concerned in meeting the situation and restoring these rapidly deteriorating properties to the rightful owners. As I say, that is now in progress.

MR. REUCHLIN: Mr. Chairman, as a proposal has been asked by you, may I propose that, as we have had time to read the Soviet statement and we also have had the United States statement before us for some time already, these two items be tabled and we pass on to the next point on the agenda.

GEN. MCCOY: Is there any discussion on these papers and this particular motion? There seems to be none, so that, if there is no objection, and it being a procedural matter, both papers will be tabled for the information of the Commission.

ITEM 3 - CIVIL AVIATION IN JAPAN (FEC-245/18, -/17, -/16, 245 series)

GEN. MCCOY: Looking over the other items on the agenda this morning, I don't see much hope for any progress for the moment. The Civil Aviation paper—quite a long 245 series—has been approved by the Steering Committee on the 23d of March. There was only one direct opposition on the part of the Soviet representative, and the Australian, French, Philippine, United Kingdom, and United States positions are reserved. The Australian and United Kingdom reservations are specifically on the wording of the final clause of

paragraph 5. So that condition still exists and there's no opportunity for proceeding further with that paper. The same thing in a sense applies to Item 4.

MR. PANYUSHKIN: Mr. Chairman, I would like to suggest our amendments to this document of Civil Aviation.

The delegation of the Soviet Union on the Commission proposes the following amendments to FEC-245/18:

In paragraph 3 it is proposed that we substitute "Far Eastern Commission" for the words "United Nations".

In the same paragraph delete the words "and consistent with security and within the limits of the availability of facilities".

That is amendment No. 1. The second one:

In paragraph 4 it is proposed to delete the words "acquired in accordance with the laws and regulations in force in Japan".

In paragraph 4 also delete the last sentence which reads:

"The number and size of aerodromes and the aviation facilities available in Japan should be strictly limited to those required for the purposes of the occupation including the needs of civil aviation determined in accordance with the provisions of this paper"

and substitute for it the following sentences:

"The widening of aerodromes existing in Japan as well as the building of new ones should be prohibited. The number and size of aerodromes which may be made available for use by the civil air carriers should be strictly limited. Besides, the required number and size of aerodromes should be established by the Far Eastern Commission".

It is proposed to formulate paragraph 5 in the following way:

"Civil operations to and through Japan should be conducted within regulations established pursuant to understanding between SCAP Headquarters and countries having their airlines into and through Japan. The equipment of the aircraft of each country should be consistent with the national standards of the country concerned."

MR. REUCHLIN: Mr. Chairman, may I ask our Soviet colleague whether the amendments he has been reading now are exactly the same as contained in SC-245/17 or whether there are any changes?

MR. PANYUSHKIN: Mr. Chairman, as one can see from this statement, these amendments of ours are the same.

GEN. MCCOY: I understand there is one correction.

MR. GRAVES: There is one slight variation in paragraph 5, the wording "operating airlines".

MR. PANYUSHKIN: Yes.

MR. GRAVES: Just two words.

GEN. MCCOY: I will ask the Secretary General to explain that there is one difference between the amendments as proposed in the working of the Steering Committee and that presented today on behalf of the representative of the Soviets.

MR. STRATTON: Well, Mr. Chairman, in addition to the slight difference that the United Kingdom representative pointed out, I believe the second amendment to paragraph 3 which was submitted to the Steering Committee in SC-245/17 has not been repeated. Is that correct—the deletion of the words "and consistent with security..."? Oh, I believe that is in the text, Mr. Chairman. I am sorry. In that case, Mr. Chairman, the amendments are all before the Commission in the document /17 with a slight elimination of the words "operating

airlines" in line 6 of page 2 of document SC-245/17.

The Secretariat has included document SC-245/17 on today's agenda so that these amendments should be before members in printed form, Mr. Chairman.

MR. REUHLIN: Well, Mr. Chairman, in that case, that small deletion of those two words, I don't think they make any difference and I don't think any difference was intended. We have now before us Soviet amendments which we have had before us in the working committee, in which committee they have been voted upon and were defeated; we had these same amendments before us in the Steering Committee and they had again been extensively discussed and voted upon and defeated. We have them now in the same shape again before us, and I really personally don't see that we would serve any useful purpose in starting all over with the discussion of these exactly the same amendments. It's, of course, interesting to hear whether perhaps any representative here has any different views from that expressed in the working committee or in the Steering Committee but, otherwise, if this same method would be applied to all subjects which we have before us, if we have a subcommittee then we have four discussions on exactly the same amendments. I, of course, see no objection to voting on these amendments again but it would reopen the discussion on exactly the same amendments as we have had before us for a couple of months and I fail to see the usefulness of this. Well--we probably have to vote on them if the Soviet representative desires that a vote be taken, and I would be willing, but I would be opposed to any further discussion of these things because I think they have been exhaustively discussed before. And our delegation certainly has no new views to present on this subject.

GEN. MCCOY: You have heard the Chairman of the Steering Committee outlining the past history with reference to these amendments. Does the Soviet member wish to make any further statement?

MR. PANYUSHKIN: Mr. Chairman, I would like the members of this Commission to express their views on the Soviet amendments. Referring to the statement made by the Netherlands' representative that our amendments have already been thoroughly discussed in the committee and in the Steering Committee, I can explain that I understand that the levels of Committee No. 2 and the Steering Committee are only working levels and I would like to have this question put before the Commission as the highest organ here for decision. Therefore, I propose that these amendments be discussed and a decision adopted--and a decision adopted on the whole document after that.

GEN. MCCOY: Do I understand that you are making a motion for the whole series of amendments to be voted on together?

MR. PANYUSHKIN: I thought probably to have them discussed paragraph by paragraph and voted on.

GEN. MCCOY: That is, separately?

MR. PANYUSHKIN: We would have no objection to having each paragraph voted on separately.

GEN. MCCOY: That is your wish, is it?

MR. PANYUSHKIN: What do you suggest, Mr. Chairman, yourself?

GEN. MCCOY: I wanted to ask the proposer of the motion whether he is making the motion covering the whole series of amendments or making them each separately and to be voted on separately.

MR. PANYUSHKIN: Mr. Chairman, what would you consider more convenient for yourself and the Far Eastern Commission?

GEN. MCCOY: Well I would think, unless there is objection, that it would be more convenient to make a motion for the whole series of changes.

MR. PANYUSHKIN: That is to say, the whole document?

GEN. MCCOY: Yes.

MR. PANYUSHKIN: I have no objection, Mr. Chairman.

GEN. MCCOY: Is there any member of the Commission that has

changed his opinions already expressed in the working committees through his representatives there or in the Steering Committee?

MR. PANYUSHKIN: Mr. Chairman, of course, when saying the document I refer to the document itself and not the amendments to the document.

GEN. MCCOY: Well the document itself is not yet ready for a vote due to the reservations of a number of those here.

MR. POWLES: Mr. Chairman, I think we fully appreciate the desire of the Soviet Ambassador to have his amendments considered in this body at the highest level that the Commission can give consideration to a document, but I feel that it would be inappropriate to take definitive decisions on matters of substance such as are comprised in the Soviet amendments until all members who have reserved their positions on the main document are in a position either to remove their reservations or to indicate whether they themselves have further amendments to propose. We are talking about convenience. I think it would not be, apart from anything else, a convenient method of carrying on the Commission's business for us to discuss and vote upon the Soviet proposals when for all we know we may have amendments to be offered by the French, the Philippine, the United States and the Australian and United Kingdom delegations and I feel that, until the positions of those Governments are clarified, discussion at this moment would be a waste of time.

GEN. MCCOY: Well I agree with you. However, the Soviet representative has posed this and asked for a vote on it now. Am I correct in that statement?

MR. PANYUSHKIN: Not necessarily at this meeting, Mr. Chairman. If the Commission is ready, of course it would vote on them. Since there are reservations on the part of a number of other representatives, I would have no objection to having our amendments not voted on until the other representatives have had time to express their views.

views.

GEN. MCCOY: In other words, the Ambassador accepts the suggestion of the New Zealand representative?

MR. PANYUSHKIN: Mr. Chairman, I have no objection to the New Zealand proposal.

GEN. MCCOY: Is there any further comment? If not, I will accept the suggestion of the New Zealand representative and keep the paper on the agenda with the reservations noted and the inclusion of the amendments of the Soviet representative to be voted on later when the paper is cleared by those having reservations or those wishing to make other amendments.

ITEM 4 - a ATTENDANCE AT INTER-GOVERNMENTAL CONFERENCES (FEC-300/3; 300 series)

b PHILIPPINE AMENDMENT TO FEC-300/3, ATTENDANCE AT INTER-GOVERNMENTAL CONFERENCES (FEC-300/4)

GEN. MCCOY: Item 4 seems to be in like position due to the fact that there were certain oppositions to the paper in the Steering Committee, and the Chinese, Indian, Soviet and United Kingdom members abstained. The Soviet member, in abstaining, indicated that without clarification of the meaning of the word "technical" the Soviet delegation would be unable to approve the paper. This paper, which we are hoping to get action on soon, is also postponed and will be kept on the agenda.

MR. JOVELLANOS: Mr. Chairman, may I call your attention to our amendment to paragraph 3 contained in document FEC-300/4?

GEN. MCCOY: Oh. FEC-300/4 is a proposed Philippine amendment to paragraph 3 of FEC-300/3 and as such would normally be considered first—but not this morning unless the Philippine member presses for action.

MR. JOVELLANOS: I have no objections to postponement of discussion.

ITEM 5 - a STATEMENT BY THE UNITED STATES REPRESENTATIVE OF THE FAR EASTERN COMMISSION ON REPARATIONS SHARES (FEC-278)

b REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25 219 series)

GEN. MCCOY: Item 5 is still on the agenda but not for any action this morning.

ITEM 6 SOVIET PROPOSAL CONCERNING PLANNED CREDITS FOR THE RECONSTRUCTION OF JAPANESE INDUSTRY (FEC-298, -/1)

GEN. MCCOY: The Soviet asks that this be continued on the agenda. I believe there is a statement before you. My remembrance is that this was a request for information which was furnished by the United States member and is before you in FEC-298/1. FEC-298 is the request, I believe, of the Soviets--Soviet Proposal Concerning Planned Credits for the Reconstruction of Japanese Industry, in which he quoted from certain publications and asked for information which was given by the United States representative in the same series /1. Both papers are before you and the subject has been put on the agenda at the request of the Soviet representative.

MR. PANYUSHKIN: Mr. Chairman, the Soviet delegation does not find satisfactory the answer contained in document FEC-298/1 given by the United States delegation in reply to the Soviet questions regarding the planned credits of reconstruction of Japanese industry. Therefore we would like to have this item kept on the agenda, the item of the planned United States credits for reconstruction of Japanese industry, until the detailed plans being worked out by the United States Government have been presented to the Commission.

GEN. MCCOY: At the request of the Soviet representative, Item 6 will be continued on the agenda.

ITEM 7 - ADVANCE TRANSFERS OF JAPANESE REPARATIONS (FEC-201/1)

GEN. MCCOY: Item 7 was also some months ago kept on the agenda at the request of the Soviet representative. If there is no objec-

tion I will move that—the advance transfers have mostly been completed and it's water over the dam—so that, if there is no objection, I will remove Item 7 from the agenda.

MR. PANYUSHKIN: Mr. Chairman, I would ask to keep this item on the agenda.

GEN. MCCOY: You wish Item 7 continued on the agenda?

MR. PANYUSHKIN: That is, to postpone it until the next meeting.

GEN. MCCOY: At the request of the Ambassador, Item 7 will be continued on the agenda.

ITEM 8 - OTHER BUSINESS

GEN. MCCOY: Is there any other business before the Commission this morning? There seems to be none and the Secretary General has no information further than has already been given.

If there is no objection, we will stand adjourned.

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

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His Excellency Dr. V. K. Wellington Koo	(China)
Mr. J. Daridan	(France)
His Excellency Mr. M. Asaf Ali The Honorable Mr. R. K. Nehru	(India)
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Secretary General

Mr. Nelson T. Johnson

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

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

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

GEN. MCCOY: Good morning, gentlemen.

Before opening our session for the routine business of the day, I regret to announce that our Indian colleague is here to say farewell and I am sure that we would like to have him do it now, so that under the pressure of his exigency at the moment he may take this opportunity to address us.

MR. ASAF ALI: Mr. Chairman, I am grateful to you for giving me this opportunity of bowing to you and to all my colleagues here for the last time. I can assure you, Sir, and all my friends and colleagues here that I am carrying away very grateful memories.

We have worked together in amity and harmony and, if I may not appear presumptuous, I may recall what you once said about the working of this Commission. I think you said that this was the best international organization which had been at work. I endorse those remarks.

It has been possible because you have shown such tolerance, accommodation and patience, and because all the colleagues around the table have worked in a spirit of good will trying to work the problems which are very difficult, particularly at the time when we know that the atmosphere is thick with miasmatic vapors—of fears—with very dim rays of hope. It may be trying times indeed, but I have not the slightest doubt that the work which this Commission has been able to do may be considered a possible way of paving the way for better hopes.

I leave behind the Minister who will work at this table

until the new Ambassador arrives, and I assure you that you will receive the same cooperation from both my successors.

I thank you all for all the kindness and courtesy I have received.

GEN. MCCOY: Mr. Ambassador, I am sure I can speak for the Commission in giving you a very warm bon voyage, and I notice in your predecessor and also in the successor—and assistants that have represented India here—that it's like this experience here and in the United Nations might be called a stepping stone to greater preferment at home—and we will hope for that with you, to carry on your distinguished work for your country at home and that means that sooner or later you will represent them again abroad. So that we wish you a hearty farewell.

MR. ASAF ALI: Thank you, Sir.

(Mr. Asaf Ali, the Indian Ambassador, then departed the meeting.)

(Mr. R. K. Nehru, the Indian Minister, assumed the chair as Indian Representative.)

GEN. MCCOY: Mr. Minister, we welcome you to take the Ambassador's place.

ITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE ONE-HUNDRETH MEETING

GEN. MCCOY: Gentlemen, the minutes of the previous meeting are before you for any comment or correction. There seems to be no corrections for the last meeting, so the minutes will receive their usual treatment.

ITEM 2 - ATTENDANCE AT INTER-GOVERNMENTAL CONFERENCES (FEC-300/3, FEC-300/4; 300 series)

GEN. MCCOY: FEC-300/3 is a proposed policy decision approved on 24th March by the Steering Committee by a vote of 5 to 2. The United States member, who was without instructions, and the Philippine member opposed the proposal. The Chinese, Indian, Soviet and United

Kingdom members abstained. The Soviet member, in abstaining, indicated that without clarification of the meaning of the word "technical" the Soviet delegation would be unable to approve the paper. FEC-300/4 is a proposed Philippine amendment to paragraph 3 of FEC-300/3 and should normally be considered first.

The amendment before the Commission as proposed by the Philippine member—after the word "SCAP" in paragraph 3 add the following phrase: "and previously approved by the Far Eastern Commission".

MR. JOVELLANOS: Mr. Chairman, I don't believe I need to explain our amendment. The principle involved has been discussed before this Commission and before the working committees, and if it would expedite matters I would formally move its adoption.

GEN. MCCOY: Are there any further discussions desired on this proposed amendment?

The position of the United States on this point is generally covered by the fact that it violates the general authority of this Commission to provide policy for the background of the Supreme Commander's action and, although it may seem meticulous on the part of some of my colleagues, the United States position is very firm on the fact that this is a policy-making commission and has nothing to do with administering details in Japan, that is, not only under the Terms of Reference but also under the broad policy of the Supreme Commander representing all the members at this table with full executive power under the policies laid down in this Commission. So that I need go no further than making that statement which has been consistently the policy of the United States representative speaking as such. So that, as far as the United States is concerned, we would not be able to agree or vote with the Philippine colleague.

If there is no further discussion or position that any of my colleagues care to take, I will call for the ayes and nays.

MR. PANYUSHKIN: Mr. Chairman, it seems to me that the amendment suggested by the Philippine representative is not merely a technical amendment but it concerns a political aspect of the matter. The amendment refers to the fact that the observers should be accompanied by the Japanese personnel, in other words, the question is of the composition of the observers' staff--by whom this staff should be filled--so from this point of view this question is not technical but a political one. This question is a political aspect because of the fact that the question as to whether Japanese personnel should participate in the conferences is not a technical question but I repeat it is a political one. Therefore this provision to that effect should be inserted in this policy decision.

GEN. MCCOY: The motion for the vote is an amendment to paragraph 3. I will read the whole paragraph: "Such observers may be accompanied by Japanese technical personnel when deemed necessary by SCAP" and then the amendment "and previously approved by the Far Eastern Commission".

Are you ready for the vote?

DR. KOO: May I say a word, Mr. Chairman.

Some time ago when this original paper on this question was before the Commission opinion was invited and it consisted of points upon which the divergence of opinion existed, and so the Chinese delegation, in the hope of facilitating agreement in the Commission, brought forward a compromise formula to this effect. In regard to the employment of non-Japanese observers and non-Japanese technical personnel we proposed that that should be decided upon by SCAP without any reference to the Commission, and that was adopted in the Steering Committee. The real point of compromise was as regards the appointment of Japanese technical personnel to accompany the non-Japanese observers to these technical, international,

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inter-governmental conferences, and I understand that this second point of compromise did not fail of adoption by the Steering Committee but the paper has come now before this full Commission.

It seems to me that the Philippine proposal is a compromise of the original Chinese compromise formula, in other words, that on one hand it recognizes the important part which SCAP would have to play in deciding whether the appointment of Japanese technical personnel would be necessary or not; on the other hand, it also recognizes the sort of an over-all jurisdiction as regards general policy of the Far Eastern Commission. So it seems to us, to our delegation, that this, being a compromise of a compromise formula, well designed perhaps to meet some of the objections of the representatives of the Far Eastern Commission.

I might say that in approving this Philippine formula on our part, and I am sure the Philippine delegation will agree, is with no desire whatever and no intention to intimate any measure or indication of either disapproval or reflection of what SCAP has done in the past. I think that SCAP, in the absence of any definite policy decision on the part of the Commission, had to act in the circumstances and it used its best judgment. That belongs to a chapter in the past; we are interested in what will take place in the future, and as such it seems to me, in order to meet the divided opinion around the Commission, some form of compromise, if it could be adopted, would make this paper go through unanimously, that is, I hope.

And so I just want to explain that my delegation, when you put it to a vote, will vote for the Philippine proposal because of the reasons which I have just explained, the main desire being to effect general agreement, if possible, by this kind of a compromise formula without in any way intimating any kind of an opinion on the part of the Chinese delegation and, I am sure, on the part

of the Commission of what has taken place in the past, and our desire being solely to give a little guidance to the future, if possible, with the general approval of the Commission.

MR. JOVELLANOS: Mr. Chairman, I should like to associate myself with the statement of Dr. Koo, in that when we introduced this amendment we had no intention of making any reflections on the past actions of SCAP on this subject.

GEN. MCCOY: We seem to be ready for a vote. I will call on New Zealand to vote first for or against the Philippine amendment.

MR. POWLES: Have you any particular reason for calling on me to vote first?

GEN. MCCOY: Well I hadn't, really, except that I wanted to give the Philippine, since he proposed it, the last vote.

MR. POWLES: I have no objections to registering my vote first, Mr. Chairman, but I was wondering whether you were establishing a precedent for breaking from your usual course of either going in an alphabetical direction or reverse to alphabetical.

GEN. MCCOY: Well, as a matter of fact I have had no policy of procedure there. I have just tried to meet the issue in changing the order, sometimes, like the bottle of port, going to the left and other times to the right, but usually giving the proposer for the vote the last chance. But if anybody wants a procedure adopted I would be very glad to consider it.

MR. POWLES: Without suggesting that we are establishing a precedent at all, Mr. Chairman, I should be quite happy to vote against the amendment.

MR. REUCHLIN: Against.

MR. NEHRU: Abstain.

MR. DARIDAN: Abstain.

DR. KOO: Yes.

MR. COLLINS: Against.

MR. MAKIN: Abstain.

GEN. MCCOY: Against, for the United States.

MR. GRAVES: Against, Mr. Chairman.

MR. PANYUSHKIN: Abstain.

GEN. MCCOY: The Secretary General will announce the tally and the result.

MR. JOHNSON: Mr. Chairman, the result is 2 in favor; 5 opposed; and 4 abstentions, thus resulting in the loss of the amendment due to no majority.

GEN. MCCOY: The paper of the New Zealand representative is now before you without any amendment. I don't think it is necessary for me to go into the background other than to say that it has been a very important subject for all of us and there was a decided desire to compromise on the part of all concerned, and the New Zealand paper has without doubt been drawn with a consideration of the discussions in the working committee and in the Steering Committee. In the Steering Committee the vote was for this amendment 5 to 2. The United States member was without instructions and the Philippine member opposed the proposal. The Chinese member abstained from voting; the Indian member, in the absence of instructions, also abstained. The Soviet member abstained and stated that without an explanation of the meaning of the word "technical" in paragraph 2 his delegation would be unable to approve the enclosure.

Possibly, under those circumstances, and having in mind the discussion in the Steering Committee, the representative from New Zealand might father this paper with his explanation of what might meet the points that have come up since it was proposed in the Steering Committee and to meet the query for clarification on the part of the Soviets as to the meaning of the word "technical".

MR. POWLES: Well, Mr. Chairman, I would be very willing to attempt to do that if it is the wish of the Commission, but, on the

other hand, I felt it might be premature to embark upon a further discussion of the paper at this stage until all members had instructions and were ready to participate in such a discussion. I think that perhaps it might be a waste of time if we were to embark on a piecemeal discussion in the sense that we talked about it today and then discovered that all members were not with instructions and we had to talk about it again next week. It might be better if we waited and found that everyone had instructions and we were then able to discuss it.

GEN. MCCOY: Yes. Would you feel that we might have a better procedure in having these discussions in an ad hoc committee of the Whole or just keep it on the agenda until I'm informed of the position of those not yet instructed?

MR. POWLES: I would think, Mr. Chairman, it could quite conveniently be kept here. For instance, according to the cover sheet, only yourself and the Indian member were without instructions at the last meeting and possibly both you and our Indian colleague could indicate now whether you have instructions today, and if you don't well then we could put it off until you do.

GEN. MCCOY: Well the United States member has instructions. If there is no objection, then the subject will be kept on the agenda until the Indian member has received instructions.

ITEM 3 - CIVIL AVIATION IN JAPAN (FEC-245/18, -/19, SC-245/16)

GEN. MCCOY: FEC-245/18 is a proposed policy decision approved by the Steering Committee on the 23rd of March. The Soviet member opposed the paper and the Australian, French, Philippine, United Kingdom, and United States positions are reserved, the Australian and United Kingdom reservations being specifically on the final clause of paragraph 5. SC-245/19 contains Soviet amendments proposed by the Soviet representative on the 1st of April. The Soviet amendments were not voted on previously, as was the sense of the

Commission that there might be others proposed on the parts of those still having reserved positions and that it would be better to consider them all at that time. So that, if there is no further comment, that will also be kept on the agenda.

ITEM 4 - SOVIET PROPOSAL CONCERNING PLANNED CREDITS FOR THE RECONSTRUCTION OF JAPANESE INDUSTRY (FEC-298, -/1)

GEN. MCCOY: Item 4 was retained on the agenda at the request of the Soviet representative. Is there any comment this morning on that, Mr. Ambassador? Do you still wish this kept on the agenda?

MR. PANYUSHKIN: Yes, Mr. Chairman, of course. But I would like to say one or two more words:

"At the last meeting of the Far Eastern Commission I already pointed out that the Soviet delegation considered the answers of the United States delegation to our questions concerning credits planned by the United States for the reconstruction of the Japanese industry to be unsatisfactory.

"Indeed, the Far Eastern Commission, which is called to formulate the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished, remains in ignorance on such an important political question as the planning of reconstruction of Japanese industry.

"As is known, at the meeting of the Far Eastern Commission, on January 21, 1948, the U.S.A. representative stated the view of his Government as to the necessity to work out new measures for the purpose of creating a self-supporting economy in Japan and requested favorable consideration of the proposed United States policy when it would be presented for the discussion by the Far Eastern Commission.

"In my conversation with General McCoy on February 9 I tried to find out what would be the substance of new United States

proposals and to what matters they would be related. However, General McCoy, as the United States representative, confined himself in this conversation to a rather indefinite answer, having stated that these proposals were still being worked out by the experts in appropriate departments, and as soon as they were ready they would be presented for the consideration of the Far Eastern Commission.

"More than sufficient time has elapsed since that date but these new proposals have not yet been submitted to the Commission for the consideration. At the same time, in the American press there are again and again appearing articles which refer to the fact that the United States Government is working out its policy in regard to reconstruction of the Japanese industry and is planning the allotment of certain credits for this purpose in evasion of the Far Eastern Commission.

"In addition to the facts set forth in FEC-298, I would like to draw the attention of the Commission to the articles in the NEW YORK HERALD TRIBUNE and PM of April 7, 1948, regarding the credits planned by the U.S.A. for the reconstruction of the Japanese industry.

"I would like to emphasize once more that it was the Far Eastern Commission—not a single government—to whom the Moscow Conference of the four Foreign Ministers has entrusted the formulation of the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished.

"Therefore, the Soviet delegation considers it necessary to state, in order to make clear, that without the policy decision of the Far Eastern Commission on the question of the reconstruction of Japanese industry, no other unilateral decisions and actions could be considered legal."

(The Soviet statement was circulated to the representatives.)

GEN. MCCOY: Have all the members received copies of the statement of the Soviet representative?

The statement of the Soviet representative will be brought to the attention of my Government, to whom it seems to be addressed.

Do you still wish this item kept on the agenda, Mr. Ambassador?

MR. PANYUSHKIN: Yes, Mr. Chairman.

ITEM 5 - a STATEMENT BY THE UNITED STATES REPRESENTATIVE OF THE FAR EASTERN COMMISSION ON REPARATIONS SHARES (FEC-278)

- b REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)

GEN. MCCOY: No comment beyond assurance that this important subject is still being considered from the point of view of the Chairman of the Commission.

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

GEN. MCCOY: Do you still wish that kept on the agenda, Mr. Ambassador?

MR. PANYUSHKIN: Yes.

GEN. MCCOY: It will be kept on the agenda at the request of the Soviet representative.

ITEM 7 - OTHER BUSINESS

GEN. MCCOY: Is there any other business, gentlemen, on your part to be brought before the Commission this morning? There seems to be none; the Commission stands adjourned.

(The meeting adjourned at 11:25 A.M.)

CONFIDENTIAL

FAR EASTERN COMMISSION

Transcript of One Hundred Second Meeting of the Far Eastern Commission.

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

Thursday, April 15, 1948

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FAR EASTERN COMMISSION

Transcript of One Hundred Second Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, April 15, 1948

Representatives Present

Major General Frank R. McCoy, Chairman	(United States)
His Excellency Mr. N. J. O. Makin	(Australia)
Mr. R. E. Collins	(Canada)
Dr. S. H. Tan	(China)
Mr. J. Daridan	(France)
Mr. S. N. Banerji	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. G. R. Powles	(New Zealand)
Mr. J. U. Jovellanos	(Philippines)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

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

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

GEN. MCCOY: Gentlemen, we seem to be around the table this morning with a few absences of colleagues at the United Nations.

The session will open.

ITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 101st MEETING

GEN. MCCOY: The minutes of the previous meeting are before you for your comment and criticism or correction.

There seems to be no corrections this morning. I'm quite surprised that we've gotten the minutes through without finding fault in the sense of secretarial work or misunderstanding. So that, if there are no objections, the minutes of the previous meeting will stand on the record as usual.

ITEM 2 - ORAL REPORT BY THE DEPUTY CHAIRMAN OF THE STEERING COMMITTEE ON THE COMMITTEE'S CONSIDERATION OF THE MARITIME SAFETY AUTHORITIES BILL

GEN. MCCOY: The Netherlands representative, as Deputy Chairman of the Steering Committee, I believe has an oral report to make on the Committee's consideration of the Maritime Safety Authorities Bill.

MR. REUCHLIN: Yes, Mr. Chairman. May I first of all briefly outline the history of this subject.

The origin was the article in the "New York Times" of April 6th by a Mr. Parrot, correspondent in Tokyo, who reported on a Japanese Bill which was before the Diet on what he called Japanese coastal patrol craft. Mention was made in that article of minelayers and special duty submarines, and at the meeting of the same day, that is, also the meeting of the Steering Committee on April 6th, at the request of the Soviet representative, this question was put

on the agenda.

The Secretariat circulated the actual text in translation of the bill which was called the Maritime Safety Authorities Bill and which was introduced in the Japanese Diet.

In the Steering Committee last Tuesday a discussion of this Bill took place and in the view of some of the members of the Steering Committee the establishment of a civilian coastal patrol might, in certain circumstances, conflict with the Commission's policies on disarmament, and it was considered a matter of great importance to consider this Bill in the Steering Committee.

Various inquiries were made in the Steering Committee as to the interpretation of relevant portions of the text. Also, some additional information--clarification--was sought and the United States member very kindly promised that he would get that information as soon as possible.

Then the procedure to be followed was discussed, and the Committee first of all looked at Article 34 of this Bill, which said that:

"The date of the enforcement of this Act shall be fixed by a Cabinet Order provided that the date shall not be after May 1, 1948."

So it was felt that this was a matter of great urgency if the Commission were to do anything before May 1st.

The Soviet representative thought that the whole subject should better be referred to the Commission. However, this proposal was defeated, and a proposal by our New Zealand colleague was accepted and the object of that was to keep the subject on the agenda of the Steering Committee hoping that by next Tuesday the required and requested information would be received and that at next Tuesday's meeting the Steering Committee should take a decision as to whether this question is going to be brought up at the full meeting of the Commission.

After that the Soviet representative proposed that the Acting Chairman of the Steering Committee report to this Commission about this matter, in view of the fact that as he felt it, and most members agreed with that, there was great urgency in the matter. It was also agreed that it was not the intention of the Steering Committee that a technical discussion article by article of the Bill should take place in the Commission. The only thing which the Steering Committee wanted to do was in some way to inform the Commission and that, if any member felt that some action was necessary, it would have an opportunity to decide on such action.

That is the report, Mr. Chairman.

GEN. MCCOY: Thank you very much.

The representative of the U.S.S.R., I believe, is concerned and has caused this to be brought before the Commission. What is your wish in this affair?

ADM. RAMISHVILI: Mr. Chairman, this is not my affair and I don't think that I am only concerned in this matter for this is-- If I may just for the time being withhold my opinion and hear what other members say.

The only thing I want to correct in the able and correct statements of our Deputy Chairman, that the proposal to put this question on the agenda of the Steering Committee--it happened--so, of course, I was not against it--was introduced by the New Zealand representative and I supported it wholeheartedly of course.

MR. REUHLIN: Yes, you are quite correct. I am sorry.

GEN. MCCOY: Well, we come around to the New Zealand representative then.

MR. POWLES: Well, Mr. Chairman, it was thought that, in view of the fact that there appears so very little time available to the Commission, it would be advisable to acquaint the Commission with the fact that the Steering Committee was considering the matter

which might require urgent attention next week. The Steering Committee, as our Chairman has said, decided that it would consider the matter at its meeting next Tuesday, and it may well be that as a result of that consideration the Steering Committee may recommend to the Commission for its consideration next Thursday some type of action which may have to be taken in a very great hurry.

We were all impressed, I think, in the Steering Committee by the fact that the proposed bill makes a provision for the Board to be established no later than the 1st of May, which indicates that the Japanese Government must have expected the Bill to pass the Diet before the 1st of May in which case it is obvious that the Commission has very little time if it wishes to take action before the passage of the Bill. Of course, we can always act after the Bill has been passed but, as we noted before in similar circumstances, action in those cases was a little bit more difficult, and consequently, in view of the fact that the Bill does appear, and on further perusal it still appears to me to contravene the provisions of our policy on disarmament, it would seem that we may have to be prepared to take most urgent action next week.

GEN. MCCOY: Well I think, since the matter is before us in the way of the statements made in the report of the Chairman, that I might at least give a little bit of information, although not such this morning, because I find on diligent inquiry that this Bill was not known about in any government department here until the newspaper article was mentioned, and then in search for information on the part of the departments it was discovered that there was a draft already in the hands of the Department of the Army and that has been distributed to you.

I find that this Bill was probably introduced into the Diet, at least on a committee level, on March 21st. A copy of the Bill was sent from Tokyo on April 1st and reached Washington on

April 9th and was given to the Far Eastern Commission. This was the first copy of the Bill to reach any department of the United States Government in Washington or any information on the subject. So that it's in a speculative state and in a responsible government it's natural to be presumed that the Bill is not the law and will probably be subject to scrutiny not only on the part of the Diet but also on the part of the Supreme Commander, to see that it is in accordance with the policy of this Commission.

My Government sees nothing in the Bill contrary to policies already established by the Far Eastern Commission. There seems to be no policy decision involved in the matter since there is no question there of it being in contravention with the policy of this Commission. The Disarmament paper did not include a prohibition against Japan's having a maritime customs patrol. It's inconceivable that Japan should not be allowed to have water police just as it has to have land police. It's faced with the considerable problem of guarding the coastal waters, and especially against smuggling. If she is to maintain order and to prevent illegal acts in her waters and along her coasts, she must have a Maritime Safety Authority. Of course, it's within our authority to pass another policy decision if we don't like the one that we have already passed and if it turns out to be ineffective or to be contravened by this draft of a law which is before the Japanese Diet.

It seems to me that if there is any further discussion at this time, it should, as the Steering Committee considered, take place in the Steering Committee when they have some more definite information, if such can be obtained before that time. However, the report is here and we have heard the statement of the three of us.

Ar Are there any other comments with reference to the procedure?

I might state that I happened to be interested not only

from the point of view of our natural concern about anything that happens in Japan but also I got some relative information about the way it is handled in China and the Philippines. I think that most of the countries here represented do have such a coast guard or patrol, in other words, a maritime or water police, and there is nothing in the Bill that I can see that contravenes in any way our own policy on the subject. I see in China it's under the Maritime Customs, as I remember.

DR. TAN: Yes, we have some kind of water police.

GEN. MCCOY: Well it covers a wide range, as I remember, just as this Bill does--lighthouses, buoys, smuggling--

DR. TAN: Yes, but not with such powerful ships as contemplated in this Bill. We do have a kind of water police.

GEN. MCCOY: What do you mean by powerful ships.

DR. TAN: I mean a ship of 1,500 tons properly equipped, et cetera.

Mr. Chairman, our New Zealand colleague just made reference to Article 34 of this draft Bill as before us that the Bill should be passed before May 1st. Now, in view of the discrepancies which we have discovered between the original text and the translation, naturally we tried to consult the original text again whether we are really discussing the right point, and it appears that is so according to the original text.

Now, in view of the shortage of time--today is April 15th and we have only fifteen days or so before us--while I don't want to make a formal proposal, it seems to me and to my delegation that perhaps it is necessary to let the Supreme Commander know what is going on here and it may be opportune to ask them--the Japanese Government--to wait until we have had an opportunity of adequate opportunities to discuss this question, because no doubt it is of concern to all of us and of great interest to all of us. As I

said, Mr. Chairman, I am not ready to make a formal proposal about it, but I nevertheless desire to express this opinion of the Chinese delegation.

And then, Mr. Chairman, of course when we have a bill of this type before us to study, naturally we may consider what policy decisions have been passed by this Commission and at the same time while we try to find out whether it is in conflict or in contravention of certain policy decisions or not, we have also to pay attention to the fact that the Far Eastern Commission has certain jurisdiction and pursuant to that jurisdiction we may discuss this question and perhaps, if we want, even as you said, pass a policy decision, in other words, the two aspects—existing policy decision is one thing and the general jurisdiction is another.

And then another point, Mr. Chairman, I should like to bring out for discussion. Our Chairman has made a very able report of this subject but naturally our Chairman cannot repeat everything that was said in the Steering Committee. Take, for instance, Article 19 of this proposed Bill in which it is indicated that the personnel of this water police, as it is called, may carry arms. In the English translation the word "side"—"side arms" are included, but in the original text the word "side"—"Side arms" or "little arms" or "small arms"—such adjective is not there. Now that is a very important point if we recall what we had discussed in the Steering Committee and at this level of the Military paper which we passed not long ago on the question of "small arms", a definition, et cetera. You see, that is just by way of illustration that this proposed Bill does contain a number of provisions which are of extreme interest to us and it may involve a significance that is really worthwhile for us to pay due attention to.

And then I may mention another one just by way of calling attention and with a view of getting information about a subject that also took place in the Steering Committee day before yesterday.

Take, for instance, in Article 35, it makes reference to "ex-naval vessels". Of course, the words "naval vessels" covers a wide range of vessels from small craft to super dreadnaughts, carriers, et cetera, but we know that all these big ships are destroyed and the small ones, after armament being removed, some of them have been divided among the four countries and some are to be divided. Now, at the Steering Committee level I had the pleasure of raising this question with a view to getting some information, and your colleague, Dr. Blakeslee, was kind enough to give us a lot of information on that. Then we found out, if my memory does not fail me, that the Supreme Commander has turned over a number of those small craft for the use of the Japanese. Now and then especially the numbers have significance--is information for all of us. Of course we knew, all of us, that the Supreme Commander is retaining a number of these small vessels for the use of the occupation, in other words, for use on behalf of not only the United States as the principal occupier but also all of us for occupation purposes. Now this also opened, you see, and would point to another aspect which is of interest to all of us.

So, Mr. Chairman, I hope that at least we can make it known to the Supreme Commander about the sentiment here, that we attach--all of us attach a lot of importance to this question and perhaps it is opportune to inform the Japanese Government to hold up this question--this Bill--for a while pending discussion by the Far Eastern Commission.

I have no intention of taking up the time of this Commission, Mr. Chairman. It would be perfectly agreeable to me if the question would be discussed at the Steering Committee level.

(The following remarks by Admiral Ramishvili were presented through an interpreter.)

ADM. RAMISHVILI: Mr. Chairman, first of all I would like to

dwell for a while upon the procedural aspect of the question and then pass over to the substance.

Mr. Chairman, as was spoken by the discussion at the Steering Committee and here the contents--

GEN. MCCOY: I beg your pardon; will you please repeat that.

ADM. RAMISHVILI: As was revealed in the discussions at the Steering Committee level and here the contents of the Bill are very important and they affect the interests of all nations represented here. The contents of this Bill affect directly the jurisdiction of the Far Eastern Commission and, in particular, the policy decision of the Commission on the disarmament of Japan. We would be justified, Mr. Chairman, to expect that the Far Eastern Commission would have been informed of the arising of this Bill so that the Far Eastern Commission as a body formulating policies could express its opinion.

In the meantime the history of this Bill has been developing under somewhat strange circumstances which up until now I have been unable to understand as follows from what you said, Mr. Chairman. The Bill was discussed in detail as early as the 21st of March this year in the Supreme Commander's Headquarters. In the meantime, we ourselves learned of the existence of this Bill only from the newspapers. The Chairman further stated that as soon as it was learned of the existence of this Bill the Secretariat of the Commission undertook to circulate the text of this policy to the members of the Commission. I am not prepared to attribute merit to the Secretariat in the circulation of this Bill to the Commission on their own initiative since this was done only after the Soviet delegation made a request at the meeting of the Steering Committee.

This question was debated on in two meetings of the Steering Committee--on the 6th and 13th of April--and it was discussed quite in detail. There are many grounds to presume that, in

accordance with the normal procedure of discussing any question, there was ample time, at least from the 8th of April, the United States delegation on the Far Eastern Commission has been in contact with the Supreme Commander on this matter and the United States delegation has been posted as to in what state this Bill was. My expectation this morning was that the Chairman of the Commission would give additional information as to the state of this Bill, but unfortunately this information has not been forthcoming.

According to information which certainly deserves full confidence this Bill was passed in the Japanese Diet on the 5th of April, that is to say, while we discussed this Bill on the 8th of April, on the 13th of this month, and this morning, we should bear in mind that the Bill was already passed on the 5th of this month. And I don't think there is any ground to presume that this fact of the Bill having been passed was not known to the United States delegation at least on the 13th of April under, of course, normal circumstances. I don't think I have to elaborate further as to how abnormal such a state of things should seem. I am sure the members of this Commission share my opinion that such occurrences quite disrupt the normal course of the work of this Commission.

Now the second point that I wanted to develop is the substance of this question. I don't think there is any necessity to prove further that this Bill has a direct bearing on the jurisdiction of the Far Eastern Commission and serves the questions which are discussed by the Commission, and I think that if that is so it should have been clear to anyone who would have learned of the existence of this Bill that he should have informed the Commission about it.

I would like to make one point which would indicate that if even the Bill were adopted we should not let this question pass by. The point I want to make is the question of the personnel and the personnel that man ships--the question of the vessels and the men who serve them.

Article 4 of this Bill provides that the weight for these vessels shall not exceed 1,500 tons with a speed of 15 knots. There is no provision as to the armament of these vessels with the exception that the personnel of these vessels could be armed and could use their arms when performing their duties. The absence of an indication as to the armament of these vessels and the personnel of these vessels, that is to say, the type and quantity of armament, and also as to the special equipment of these vessels, such as communications equipment, navigational, and trawling equipment, and others, makes one understand that this Bill--no restrictions in this Bill exist in this respect. An indirect confirmation of this version is the wording of paragraph 4 which reads that these vessels should conform to a certain distinction as to their construction and equipment. If one judges by this definition of the vessels as defined in Article 7, such as patrolling of the coastal area, the prevention of smuggling and crimes, the maintenance of aids to navigation, salvage on the seas, and pilots' service, one can come to a conclusion that the ships would very little differ by their own construction and equipment from normal military naval vessels of the type of coastal gunboats, trawlers, and even destroyers. The construction, owning and use of such vessels contravenes the decisions of the Far Eastern Commission--the document FEC-014/9, the Basic Policy in respect to Japan after Surrender, Article I, Part 3 and then Article I, Part 4. It contravenes also document FEC-017/20, Prohibition of Military Activity in Japan and Disposition of Japanese Military Equipment, Articles 3 and 5. It is unfortunate that if the information from the Japanese press proves to be correct, if the Bill is passed the ships are going to be armed with three-inch guns.

Now, the next question that draws very keen attention is the question of personnel for these vessels. Article 3 provides

for 10,000 people service in the Department and on vessels. The preparation and training of this personnel is typical for the personnel of a navy judging by the character of service of the ships to which I referred before. Since the bill has no clear indication as to the method of recruiting and training of the said personnel, this could give the Japanese ground to recruit former naval officers and personnel for these ships and thus maintain the naval and special training of the naval personnel.

Article 9 provides for hydrographic maps to be made for the construction of special navigational equipment. All this would allow them to carry out the preparation of naval personnel for war purposes.

Articles 17 and 18 give the Japanese officials of the department which is being created very broad controlling functions which go beyond the limits of usual functions of such character which are unpermissible if one takes into consideration the fact that Japan is a defeated, aggressive country with which no peace treaty has yet been concluded.

The facts to which I have referred only, which are not exhaustive, are sufficient to confirm that the carrying out of the new law on the Maritime Safety Board gives an opportunity to the Japanese to create in a disguised form a nucleus of a future navy and carry out the preparation of navy personnel under the guise of performing peaceful functions, which is in contravention with paragraph 14 of the document FEC-017/20, which reads:

"All measures necessary should be undertaken to prevent any revival of the Japanese army, navy, gendarmerie, secret police and their administrative organs."

I regret that I had to take so much time, but I wanted simply to stress the basic aspects of this question from which a conclusion should follow that we could not let this fact pass

regardless of whether this Bill has or has not been passed by the Diet.

GEN. MCCOY: Are there any further questions or concern on the part of other members of the Commission?

MR. GRAVES: Mr. Chairman, in the early part of the Soviet representative's statement he referred to the passing of the Bill on the 5th of April. Is it his information that the Bill was in fact passed through both houses on that date and has been enacted?

GEN. MCCOY: I think our colleague misunderstood possible the certain procedure that I gave. This Bill was probably introduced into the Diet at least on a committee level on March 21st. A copy of the Bill was sent from Tokyo on April 1st and reached Washington on April 9th and was promptly circulated to the Far Eastern Commission. This was the first copy of the Bill to reach any department of the United States Government in Washington. I might add the assurance that no department of my Government knew anything about it until it was first broached here as a result of the newspaper article and that prompt inquiry was made from here following the presentation of the paper in the Committee, to get information and I have given it to you fully as we have it.

I don't think the other members of the Commission share the points that were stated in the matters of insinuation, which I don't care to take issue with other than to make my own statement positive and clear. May I ask the Soviet representative if he considers the police power under the policy of this Commission in the hands of the Supreme Commander or in the hands of the Soviet representative, with all his insinuations and apprehensions? May I ask what the Soviet representative would do in the position of responsible authority representing the eleven Powers here, to exercise the police power in the adjacent waters of Japan to carry out the manifold duties of such a service which has heretofore been carried

out by a similar organization under the supervision of the United States Navy? I might add that of all the naval services represented in Far Eastern waters certainly the United States Navy is most concerned about any reconstitution of any Japanese naval power and will be very conscious of anything done that would have that color.

These matters are before you and the Steering Committee for discussion of these details as more information is furnished. I could give particular items of information now but I think it is better under the circumstances to give them in the Committee where the Committee has desired to have them discussed.

ADM. RAMISHVILI: Mr. Chairman, I feel that I should answer your question. I am positive that my statement did not contain any insinuations whatever. I simply wanted to mention, and I repeat it now, the fact that the Bill was being discussed—that abnormal situation in which the Bill was discussed in the Diet while the Far Eastern Commission here did not know anything about it. From the statement of the Chairman I didn't learn either that this situation is normal except that he mentioned that nobody knew of the existence of this Bill.

With regard to the inappropriate questions as to what the Soviet representative would have done had he been the Supreme Commander, I don't think there is any necessity to answer such questions and I don't think we should draw the attention of the members of this Commission by introducing personal questions.

GEN. MCCOY: Well this has all been very speculative.

ADM. RAMISHVILI: May I finish, Mr. Chairman?

GEN. MCCOY: But the Supreme Commander has the Commission's policy on the policing of Japan both on land and sea, and I am quite sure that he will scrupulously see that this Bill is in accordance with the policy of this Commission, which I think is a very wise paper and covers the case. Should there be any contravention of

that policy, certainly this Commission has the right to review the action. But in the meantime every point that was brought up is speculative while the Bill is in consideration—a draft of the Bill is before the Diet—and those of us who are accustomed to governmental action on a bill can't foresee from a first draft what the bill will be when it is passed. It's completely in the realm of speculation.

ADM. RAMISHVILI: Mr. Chairman—

GEN. MCCOY: Well, as I say, I don't want to take issue with all the statements. I am sure the Soviet representative didn't mean what he stated, that the Bill was passed, which he stated several times. Of course the Bill has not been passed. It has been brought first to the attention of the Diet, presumably to the Supreme Commander or his staff, and now in its original draft to us. It came in a perfectly routine way and was circulated for information to this Commission immediately upon its receipt.

ADM. RAMISHVILI: Mr. Chairman, may I finish? I was interrupted while I was speaking. Of course I don't want to take issue—

GEN. MCCOY: Well I beg your pardon if I interrupted you. I, of course, didn't sense that.

ADM. RAMISHVILI: Of course, I was glad to hear what you said.

Mr. Chairman, I have to give replies to the questions put by you in regard to the jurisdiction of the Far Eastern Commission. I myself did not want to raise this question. Excuse me, Mr. Chairman—the question of the jurisdiction of the Supreme Commander. I should know that the function of the Supreme Commander for the Allied Powers is to see to it that the decisions of the Far Eastern Commission are carried out and, as the Supreme Commander for the Allied Powers, he should see to it that the Terms of Surrender are carried out. My statement before did not contain anything to the effect that the Supreme Commander did not perform—that they were not being carried out. But from the statement of the Chairman

one can understand that the Supreme Commander is an executive authority so the Far Eastern Commission cannot pass its own judgment on a question. In my opinion it is that the Far Eastern Commission has the authority to consider any question and pass any decision of any question regardless of whether it is a policy or particular conditions are carried out in Japan. It is unfortunate that any attempt to point out the authority that had been given to the Supreme Commander is considered as an attempt to infringe on the authority of the Supreme Commander, and it is unfortunate that any attempt to emphasize the authority and jurisdiction of the Far Eastern Commission is considered as an infringement on the authority of the Supreme Commander.

Thank you, Mr. Chairman.

For the sake of clarity, with regard to the Chairman's statement to the effect that the Bill had not been passed, I for one--I don't know, of course, what the other members of this Commission think--take note of this statement by the Chairman, but our own information is different and I thought it my duty to let the Commission know. And therefore, I categorically refuse the qualification given by the Chairman to the information that I exposed here when he referred to it as speculation.

Thank you, Mr. Chairman.

GEN. MCCOY: Are there any other statements to be made on this question by other members of the Commission? There seems to be none.

ITEM 3 - ATTENDANCE AT INTER-GOVERNMENTAL CONFERENCES (FEC-300/3; FEC-300/5, 300 series)

GEN. MCCOY: FEC-300/3 is a proposed policy decision approved on 24th March by the Steering Committee by a vote of 5 to 2. The United States and Philippine members opposed the proposal. The Chinese, Indian, Soviet, and United Kingdom members abstained. The Soviet member, in abstaining, indicated that without clarification of the meaning of the word "technical" the Soviet delegation would

be unable to approve the paper. FEC-300/5 contains a definition of the word "technical" submitted by the New Zealand representative.

In view of the earnest consideration of this paper, in which we all desire to reach agreement and have a policy for the government of the Supreme Commander in Japan, we have before us and still being considered by a number of the colleagues who have not received instructions; in the meantime my own Government has a proposal in substitute for FEC-300/1 which I will circulate so that at least the position of the United States Government will be understood, and that in the further consideration of the New Zealand proposal it will also be the position of the United States, and with the hope that we can reach agreement on this important policy paper.

(The United States proposal was circulated to representatives.)

ADM. RAMISHVILI: What was the decision, Mr. Chairman, on Item 3?

GEN. MCCOY: To postpone for study of the United States proposal. There is no action possible this morning. I circulate this position of the United States for consideration with the proposals before the Commission of the representative from New Zealand.

ADM. RAMISHVILI: No objection, Mr. Chairman. I just wanted to take this opportunity to express my gratitude to the New Zealand member for his efforts to clarify this position. I just wanted to express my opinion of his kind heart, trying successfully to solve this question. I have no objection to postponing this.

ITEM 4 - CIVIL AVIATION IN JAPAN (FEC-245/18; -/19, SC-245/16)

GEN. MCCOY: FEC-245/18 is a proposed policy decision approved by the Steering Committee on 23d March. The Soviet member opposed the paper, and the Australian, French, Philippine, United Kingdom, and United States positions are reserved. The United States position is no longer reserved. The Australian and United Kingdom reservations are specifically on the final clause of paragraph 5. FEC-245/19

contains Soviet amendments proposed by the Soviet representative on 1 April.

As you remember, at the time, I think the meeting before last, when this paper came up with the proposed Soviet amendments, it was decided not to vote on those amendments until all of the representatives had an opportunity to give the position of their governments or to propose other amendments when the vote is taken at that time. I hope to have the United States position on this paper shortly. It has not been given to me as yet.

ITEM 5 - SOVIET PROPOSAL CONCERNING PLANNED CREDITS FOR THE RECONSTRUCTION OF JAPANESE INDUSTRY (FEC-298, -/1, -/2)

GEN. MCCOY: FEC-298 is a Soviet proposal regarding planned credits for the reconstruction of Japanese industry. FEC-298/1 of that series is a United States statement submitted on the 4th of March and FEC-298/2 contains a further Soviet statement submitted on 8th of April.

There is nothing further on the part of the United States at this time nor on Items 6 or 7.

ADM. RAMISHVILI: Mr. Chairman, what was the decision on Item 5?

GEN. MCCOY: The United States has no further statement to make at this time.

ADM. RAMISHVILI: What will be your proposal, Mr. Chairman?

GEN. MCCOY: I don't know as yet. As I told you at the last meeting, in furtherance of the fact that it was considered unsatisfactory by the Soviet representative, I communicated that to my Government for consideration with the Soviet--

ADM. RAMISHVILI: You don't have any proposal today on this?

GEN. MCCOY: No, but I have presented it to my Government with the statement made by your representative.

ITEM 6 - a STATEMENT BY THE UNITED STATES REPRESENTATIVE OF THE FAR EASTERN COMMISSION ON REPARATIONS SHARES (FEC-278)

b REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)

(There was no discussion of this Item.)

ITEM 7 - ADVANCE TRANSFERS OF JAPANESE REPARATIONS (FEC-201/1)

GEN. MCCOY: Do you still desire to have Item 7 kept on the agenda?

ADM. RAMISHVILI: Yes, sir.

ITEM 8 - OTHER BUSINESS

GEN. MCCOY: Is there any other business this morning?

MR. MAKIN: Mr. Chairman, I should like to draw attention to a message from SCAP to the Secretary of the Army which was released to the press in Japan on the 31st of March last. This message was also presented during the hearings of the House Appropriations Committee which has now been published.

It is very disturbing to my Government that publicity should have been given to a message of this nature, and I am directed by my Government to state that publication of such a message in Japan is unfortunate for other governments which share responsibility for the control and the occupation of Japan. The message itself is a long one and if the Secretariat does not already have a copy I should be pleased to make one available for circulation to the Far Eastern Commission.

I should like to quote the following passage from SCAP's statement:

"We should, while progress toward the restoration of formal peace is stalemated, unilaterally or with Allied governments similarly inclined release as far as possible existing restrictions upon trade and commerce and restore to normal limits of diplomatic privilege the right of the Japanese citizenry to journey abroad and mingle with that of other

lands, to study and absorb culture and scientific advances made since the advent of war and generally to be reindowed with freedom of action in the solution of their own internal problems in the safeguard of their domestic welfare."

In no part of this lengthy message from SCAP is there any reference to the Far Eastern Commission or acknowledgment in any way of the Far Eastern Commission's responsibility for the making of policy for Japan. On the contrary, SCAP advocates unilateral action by the United States if other Allied governments are not agreeable to relaxing restrictions upon Japanese trade and commerce and allowing the Japanese citizens to travel freely abroad.

I am directed by my Government to express the deep concern felt by the Australian Government at the implications of the Supreme Commander's recommendations. My Government sincerely hopes that these recommendations of the Supreme Commander do not foreshadow any move by the United States Government to disregard the opinions of the Far Eastern Commission on such matters of fundamental policy."

MR. POWLES: Mr. Chairman, may I associate myself with the statement made by the Australian Ambassador. The New Zealand Government feels that the statement of General MacArthur has disturbing implications.

GEN. MCCOY: The statement of the Australian Ambassador will be circulated to the Commission and I will bring it to the attention of my Government.

MR. MAKIN: Thank you very much.

GEN. MCCOY: Is there any other business this morning? There seems to be none. If there is no objection, the Commission will adjourn.

(The meeting adjourned at 12:05 P.M.)

CONFIDENTIAL

FAR EASTERN COMMISSION

Transcript of One Hundred Third Meeting of the Far Eastern Commission.

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

Thursday, April 22, 1948

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FAR EASTERN COMMISSION

Transcript of One Hundred Third Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N. W.
Thursday, April 22, 1948

Representatives Present

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

Secretary General

Mr. Nelson T. Johnson

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

(The one hundred third meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, convened at 10:40 A.M., 22 April 1948, Major General Frank R. McCoy, Chairman.)

GEN. MCCOY: In declaring the session open, I would like to rise to personal privilege and speak in a very feeling way of the tragic death of the President of the Philippines, General Roxas. I knew him from his early days and his own family. Even then as a very young man he was outstanding in character and personality and in charm of personality. That's twenty-seven or twenty-eight years ago, and it has been of great interest to me to see him develop as a political leader and then as one of our most valued allies--not always understood but definitely understood by those of us who realized what was happening in the Philippines during the war. So that I wish to take this opportunity of making of record before this distinguished Commission this happy memory that I have of a great leader and a distinguished man in the Far East. He will go down in Philippine history, I am sure, with the founders of that Republic that still have our personal remembrance, and one of them still living in the Philippines, Mr. Sergio Osmena, was a worthy colleague of his. So that I want to express to the representative of the Philippines the deep sympathy and interest and concern I have, and I'm sure my colleagues join me in that sympathetic feeling.

MR. JOVELLANOS: Mr. Chairman, may I express my deepest gratitude, and I am sure the gratitude of the Philippine people, for the very kind tribute which you have paid to our late President. We shall treasure this tribute as much as we shall revere his memory and his ideals. Thank you, Mr. Chairman.

ITEM 1 - CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE ONE HUNDRED SECOND MEETING

GEN. MCCOY: Gentlemen, what is your action this morning on the minutes of the previous meeting?

The Secretary General has some corrections to make on behalf of the representatives of the U.S.S.R.

MR. JOHNSON: On page 2, the second paragraph at the top of the page attributed to Admiral Ramishvili, in the next to the last line of the paragraph in the sentence which ends "representative who actually proposed it", take away the word "it" and insert the following words after the word "proposed", so that the end of the sentence will read: "...it so happened that it was the New Zealand representative who actually proposed to place it on the agenda".

On page 5, at the bottom of the page, the third line from the bottom, eliminate one of the two "if's" that seem to be written there.

Page 7, in the middle of the page in the paragraph attributed to Admiral Ramishvili, the sentence in the center of the page which reads: "My statement before did not contain anything to the effect that they were not being carried out", eliminate the word "before" after the words "My statement", so that the sentence will read: "My statement did not contain anything to the effect that they were not being carried out".

GEN. MCCOY: Are there any other corrections, gentlemen?

I will read this carefully and possibly I can change my statement. I will have to look at them together after the meeting and I will speak of it at the next meeting of the Commission.

ADM. RAMISHVILI: In that case shall we postpone the approval of the minutes, Mr. Chairman?

GEN. MCCOY: We might approve the minutes, if there are no other corrections, subject to further remarks at the next meeting on

my part.

ADM. RAMISHVILI: Well, in that case, Mr. Chairman, maybe you will agree to consider them right now because they are quite routine. The first change is concerning the New Zealand proposal; the second change just eliminates the extra word "if"; and the third is my statement in which the word "before" is an extra word. It doesn't add anything. So I would prefer to have the minutes approved right now; otherwise, if some other changes are coming, I would reserve my right to change something in my statements and we will never approve the minutes, Mr. Chairman.

GEN. MCCOY: Well, suppose we postpone action, if there is no objection, until the next meeting for final approval?

ADM. RAMISHVILI: Yes.

DR. KOO: Mr. Chairman, I am asked to suggest two or three verbal changes. Shall I proceed?

On page 3, under Dr. Tan, in the seventh paragraph, I would like to have the word "ships" instead of "ship" and eliminate the word "a".

Then, on the same page, in the third line of the last paragraph but one on the page, in the third line, "and at the same time that" should be deleted and replaced by the word "while".

Then in the next line following it says "...it is in conflict or in contravention of certain policy decisions...". We suggest that the words "or in contravention of" should be deleted and replaced by the word "with". That is all.

ADM. RAMISHVILI: Mr. Chairman, I have a statement to make concerning the statement of the Australian Ambassador under Item 6, Other Business, which I naturally did not have the opportunity to make at the last meeting. So I would like to ask the Commission that my statement be included in today's meeting, but, of course, I think that it will be appropriate to make the statement right now

since we are on the subject of approving the minutes.

(The following statement was read by the Soviet interpreter).

"In connection with the publication of the communication of the Supreme Commander for the Allied Powers dated 18 January 1948 regarding the question of further policy of the U.S.A. towards Japan, the Soviet delegation observes that the above step of the Supreme Commander is an unlawful attempt to interfere with the sphere of policy questions on which the right of decision belongs exclusively to the Far Eastern Commission as the sole Allied body called to formulate policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished.

"The Soviet delegation reserves its right to return to this question after a more detailed study of the communication of the Supreme Commander."

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

If not, we will defer final action on these minutes until the next meeting.

ADM. RAMISHVILI: Mr. Chairman, was it my corrections to the minutes which caused the postponement of approval of the minutes? I just want to know.

GEN. MCCOY: What?

ADM. RAMISHVILI: Was it my corrections of the minutes which caused you to propose the postponement of the approval of the minutes?

GEN. MCCOY: Well I wanted to read your statement, which I didn't quite catch nor quite understand myself. It's due to my own failure to—and I simply wanted an opportunity to read it, because I thought that then I might want to change my minutes or correct my statement.

ADM. RAMISHVILI: What statement? You mean the last one or the changes in the minutes?

GEN. MCCOY: The changes.

ADM. RAMISHVILI: But they are not changes--only typographical errors.

GEN. MCCOY: Well I didn't understand what it was all about and I wanted time.

ADM. RAMISHVILI: Shall I consider that my corrections caused postponement of the minutes?

GEN. MCCOY: Yes, because I wanted an opportunity to get it in its proper relation to see if I wanted to change my remarks.

ADM. RAMISHVILI: Well I am sorry. Knowing the nature of my changes, I quite don't understand, but if you wish to, sir, I don't mind.

GEN. MCCOY: Yes. I would like an opportunity to see what it is all about, and I am sorry I didn't catch the purpose of your changes.

ITEM 2 - ATTENDANCE AT INTER-GOVERNMENTAL CONFERENCES (FEC-300/3; FEC-300/6, 300 series)

GEN. MCCOY: The two papers, FEC-300/3 and FEC-300/6 are before the Commission and have had considerable discussion before. But now there is in addition to the New Zealand proposal the substitute submitted and circulated by the representative of the United States. As the matter stands now the paper submitted by the representative of New Zealand came from the Steering Committee by a vote of 5 to 2, the United States and Philippine members opposing the proposal. The Chinese, Indian, Soviet, and United Kingdom abstained. FEC-300/6 is a substitute and was only circulated at the last meeting and there has been no comment nor discussion on it or on the previous paper for several sessions. Is it your desire to continue the discussion now or to await instructions from your Governments?

MR. POWLES: Mr. Chairman, I would be obliged personally if the

discussion could be postponed for another week. The United States proposal was lodged last week and my Government hasn't yet had an adequate opportunity of considering it.

GEN. MCCOY: Is that agreeable to those around the table? If so, it will be continued on the agenda.

ITEM 3 - JAPANESE COASTAL PATROL (FEC-305/7; 305 series)

GEN. MCCOY: The particular paper FEC-305/7 is a proposed policy decision submitted by the New Zealand representative. My remembrance is that the former--that subject is before the Steering ~~Committee~~ Committee and has not been sent up yet.

DR. BLAKESLEE: No.

GEN. MCCOY: What is the heading there in the Steering Committee?

MR. STRATTON: Maritime Safety Authorities Bill.

GEN. MCCOY: Yes. The Maritime Safety Authorities Bill has been before the Steering Committee and still is. However, the New Zealand representative submits this new paper and asks it be put on the agenda with the request that all papers relating - well it's a little bit different here. As I understand it, the other papers of the Maritime Safety Authorities Bill are before the Steering Committee and this paper, /7, has been circulated and put on the agenda for this morning for purposes of any discussion that might be had before it is continued under consideration in the Steering Committee. Would that about give the picture?

MR. POWLES: Yes, Mr. Chairman. I asked the Secretary General to place this item on the agenda this morning because my Government desired to invite the attention of the Far Eastern Commission to consideration of this policy paper. The procedure to be adopted in connection with it might be left to a little bit later, but in the meantime, with your permission, I should like to make a statement with reference to the policy paper which we have lodged.

"In the view of the New Zealand Government, two serious issues are involved in this question. The first issue is related to the disarmament of Japan, and the second issue is related to the resumption by the Japanese Government of certain rights affecting the contacts between the Japanese and foreign nationals. I do not suppose that any member of the Far Eastern Commission could deny that each of the countries represented round this table is intimately and seriously concerned with each of these two important issues. The disarmament of Japan has been a matter of most prolonged and careful consideration by the Commission and its various organs until only a month or two ago, at which time the Far Eastern Commission passed a policy upon the disarmament of Japan. The resumption by the Japanese Government of rights affecting foreign nationals is one which touches intimately upon a sphere most of us for a long time were prepared to regard as coming within any proposed Japanese Peace Treaty.

"As far as concerns the disarmament issue, it seems clear that the proposed establishment by the Japanese of a Maritime Safety Board which will include provisions for an armed coastal patrol must be very closely examined to ascertain, in the first place, whether any breach of the Far Eastern Commission's policy on disarmament is contemplated or is even possible under the provisions of the law, and in the second place, whether it would not be appropriate for the Far Eastern Commission itself to authorize, under appropriate safeguards, the establishment of what coastal patrol might be deemed necessary.

"I will not refer in detail to all the various matters which were discussed at the last meeting of the Steering Committee, but propose to refer to one matter of paramount importance; that is the question of the arming of these vessels.

According to the statement made by the United States representative at the last meeting of the Commission, there is no substance to the allegation that the patrol vessels will be armed and the Bill does not provide for the arming of Maritime Safety Board ships. It is undoubtedly true that the Bill is silent on the specific question as to whether or not these ships should be armed, but on the other hand I must point out that under Article 4 of the Bill the vessels 'shall be vessels suitable in construction, equipment and ability for the maintenance of navigational aids, the prevention of smuggling, the rendering of assistance to distressed mariners and the preservation of life and property from shipwreck'. I fail to see how a vessel can be said to be suitably equipped for the prevention of smuggling unless it is armed in some way. Article 18 empowers a Maritime Safety official to make a vessel stop or to deviate from her predetermined route, or to make the crew and passengers disembark. It is again difficult to see how a vessel can be suitably equipped for this purpose without being armed. Consequently the Bill appears to contemplate a breach by the Japanese of the provisions of the Far Eastern Commission's disarmament policy.

"On the question of the rights of the Japanese Government, the Bill refers to the exercise by the Maritime Safety Authority of rights in coastal waters on the high seas adjacent to Japan, and Article 2 refers to the prevention and suppression of crime at sea and the detection and arrest of criminals at sea. Article 17 gives the Maritime Safety officials the right of inspection and search of other vessels, including their crews and passengers. The statement of the United States representative of the Steering Committee at the last Committee meeting was to the effect that the authority of the Maritime Safety Board to make arrests, searches and seizures is under the super-

vision of and subject to the final approval of the Supreme Commander. There is nothing in the Bill to this effect, and I am not aware of any directive or other instruction which would formally place the Japanese under such an obligation.

"I am therefore instructed by my Government to invite the Far Eastern Commission to take such steps as will effectively secure the suspension of the operation of the Bill pending its detailed study by the Commission. My Government was most disturbed that there should even have been a possibility of the Bill being passed before the Commission could have had an opportunity to consider the serious principles involved. Now that the Bill has been passed, my Government feels that it is even more necessary that the Far Eastern Commission should exercise its admitted responsibility in the matter and examine the whole scheme proposed and its necessary implications.

"My Government did not believe that the enactment of the Bill was a matter of extreme urgency, and all the more now that the Bill has been passed, my Government is completely unconvinced that it is urgently necessary to put it into operation until such time as the members of the Far Eastern Commission have had an opportunity of considering it.

"That there is no urgency is indicated by the statement made by the United States member at the last meeting of the Steering Committee, in which he said that the legislation was enacted pursuant to long and detailed study concurred in by the Supreme Commander, but did not have the character of an urgent measure. It is difficult to avoid the conclusion that this long and detailed study must have been taking place in Japan during at least part of the time in which the Far Eastern Commission itself was considering and discussing the disarmament policy which was passed a little while ago. If it had then been con-

sidered by the Supreme Commander advisable that a coastal patrol be established, and if such proposal had then been made to the Far Eastern Commission, my Government would have been willing to agree to the insertion in the disarmament policy of suitable clauses permitting the establishment of such a patrol. That no such initiative was then taken by the United States Government is a further indication that the matter cannot be regarded as urgent.

"On the substance of the issue involved, I may say again as I have said before, that the New Zealand Government is not opposed to a coastal patrol service being established at any time if need is shown to exist. Such a patrol service would, however, need to be established under conditions which would be clear and definite in prescribing the limit of the arms and armament and of the authority of the Japanese to use force upon foreign vessels. It is clearly possible to frame adequate provisions in this respect, and it is, in the opinion of my Government, clearly the duty and the responsibility of the Far Eastern Commission to concern itself with such provisions, if and when it should be satisfied that the establishment of a coastal patrol is necessary.

"In conclusion, I may say that in the considered view of the New Zealand Government, the Far Eastern Commission, in the proper exercise of its Terms of Reference and in justice to the interests of all of its members, interested as they are in the preservation of peace in the Pacific, should insist on its authority, particularly in matters touching disarmament; and consequently my Government urges that the most serious and urgent attention be paid to the policy proposal which is before you this morning."

Thank you, Mr. Chairman.

GEN. MCCOY: Thank you.

MR. MAKIN: Mr. Chairman, I wish to support the expressions that have been made of protest in regard to this matter as made this morning by our colleague, the representative for New Zealand.

"My Government has instructed me to protest that this bill which is at variance with Far Eastern Commission basic policy, Part 3, paragraph 1, and the Disarmament Policy has been permitted to be presented to the Japanese Diet with the cognizance of SCAP.

"It is a question of direct implementation of policy and the Allied Control Council for Japan should have been consulted.

"We regard it as a matter of urgency that the publication of the ordinance making this bill law should be delayed pending consideration by the Far Eastern Commission.

"When a detailed discussion of this bill takes place my delegation will be prepared to suggest revisions to the bill which would bring it into line with Far Eastern Commission policies.

"Notwithstanding assurances by the Supreme Commander that the vessels will be unarmed, my Government considers the legislation sufficiently important to be closely scrutinized by the Far Eastern Commission before becoming law. It is necessary to have specific limitations in the bill as to armament and tonnage.

GEN. MCCOY: The remarks of the New Zealand representative, in which the Australian Ambassador has associated himself and brought forth other important points, require thorough consideration and I feel that these statements should be given serious consideration with the matter now before the Steering Committee, but, before any suggestion as to that, I would look around to see if there are any other comments this morning. It is possible that, in view of the statement and paper of the New Zealand representative having been put on the agenda only last night and the other representatives not having had an opportunity to study the question, I would assume that

it should be either left on the agenda or referred to the Steering Committee.

What would your wish be in that matter?

MR. POWLES: Well, Mr. Chairman, I would think that the most convenient course would be to remit the matter to the Steering Committee in connection with its continued study of the whole problem, because, as you quite correctly stated, to begin with, the Steering Committee still has it on its agenda. The Steering Committee will meet next Tuesday. Of course, we are all rather impressed by some feeling that urgent action ought to be taken by the Commission because we are unaware of what might be done in Japan. I am a little bit at a loss as to what to suggest in that respect because of the fact that, if the Bill is passed on the 15th of April contains the same provisions as is in the draft before us relating to the issue of the ordinance, the draft before us requires the executing ordinance to be issued before the 1st of May. Now it may be that the bill as passed has altered that date. We don't know. But I would feel that some steps ought to be taken in Japan to delay the issue of the executing ordinance. It's unfortunate in the Commission that we have had to face situations of this kind before, and yet nevertheless we have always managed to get over them in some way or other, and the matter is so important that I would feel it a very unfortunate from the point of view of all members of the Commission if our consideration of the matter had to be hurried and compressed into the space of just one week. But, on the other hand, if we don't feel that the situation in Japan is taking a reasonably leisurely course, we would have to suggest to the Steering Committee on Tuesday that some recommendation as to a policy decision be made immediately to the Commission, and, depending upon the decision of the Steering Committee, I would feel that we might ask perhaps for a special meeting of the Commission to be called for perhaps Tuesday afternoon. But that again would depend on what one felt was happening in Japan. So that,

for the present, I would suggest that we send it to the Steering Committee for its consideration next Tuesday and possibly at that meeting--I don't know and I wouldn't presume to suggest--but possibly at that meeting we may hear information from Japan which would reassure us.

MR. COLLINS: Mr. Chairman, I strongly support the suggestion that this matter be referred to the Steering Committee, and I wonder whether, if it has not already been done, the United States delegation might undertake to find out from Tokyo whether there has as a matter of fact been any alteration in the text of the draft as was presented to us. That should be a fairly simple matter; it wouldn't involve telegraphing a complete text of the bill by any means, but simply an indication of whether there has been any change in the draft that we now have.

MR. MAKIN: Mr. Chairman, I would like to warmly support the request that has been made by the representative of Canada. I feel that it is most desirable that we shall have the latest appreciation of what is actually contained in this bill and I do hope that the Commission will be supplied with this information at the earliest possible moment.

DR. KOO: Mr. Chairman, perhaps another point might be added to the list of further information as to whether the date of May 1st has been postponed, that is, the date for the issuance of the ordinance putting the law into effect has been postponed, and, if not, what possibility there is of postponing it. Just as a matter of information.

ADM. RAMISHVILI (through interpreter): Mr. Chairman, the proposal and the statement made by the New Zealand representative deserve most careful and attentive consideration and study. I am not prepared at this stage to give any detailed opinion on this statement of the New Zealand representative but I will do so later.

However, as I understood his main points of his statement, I support them in principle.

The Soviet delegation continues to consider that the bill violates the appropriate decisions of the Far Eastern Commission regarding the question of disarmament of Japan.

With regard to the immediate steps that the Far Eastern Commission could take, I perfectly agree with the New Zealand representative. Without making any formal suggestions to amend the New Zealand proposal, I would only like to say that the Soviet delegation considers that the Far Eastern Commission should take action to suspend the fulfillment of this bill until an appropriate decision of the Far Eastern Commission could be adopted. As a direct measure in the direction of the fulfillment of this task, I would recommend that the actual sense of this text of this law be received, and after receipt of the text of the law we should proceed with the discussion of it.

I take this opportunity to bring to the knowledge of the Far Eastern Commission what questions of this bill the Soviet delegation considers most important from the point of view of the policy decisions already taken by the Commission. I will just enumerate these questions:

- (1) armament and tonnage of the vessels, that is to say, armament, tonnage, speed and other characteristics of the vessels;
- (2) provisions as to the recruiting of the personnel for this Service;
- (3) questions related to the requirements of the naval theater dealt with by this law; and
- (4) regulations and rules provided in the law regarding the questions of search of foreign vessels.

I don't consider these questions final as there could be some additional questions in the process of discussion; but I consider these questions as most important for the time being.

GEN. MCCOY: Well I can see we are going to have a thorough ventilation--and very properly. We have brought up so many points of query and interest and I am not able this morning to answer them, but will try to have the American representative prepared to do so at the meeting of the Steering Committee.

I am informed that the copy of the bill itself has been sent presumably on Monday last by air mail. I don't like to prophesy, in view of my former experience in such matters, to state when it will arrive, but it has been sent and it is hoped that it will arrive in the course of a few days.

Are there any other points of interest before the Commission in connection with these queries and statements? If not, and if there is no objection, I will refer all of them with the statements and queries made this morning not only to my Government but also to the Steering Committee for continued consideration--thorough consideration.

ITEM 4 - CIVIL AVIATION IN JAPAN (FEC-245/18; -/19, -/16)

GEN. MCCOY: This proposed decision on Civil Aviation was approved by the Steering Committee on the 23rd of March. The Soviet member opposed the paper, and the Australian, French, Philippine, and United Kingdom positions are reserved. The Australian and United Kingdom reservations are specifically on the final clause of paragraph 5. There were also certain Soviet amendments proposed in the working committee and Steering Committee which were lost there and have been put before the Commission in the same series, 245, and the particular paper, /19, and at the suggestion of the representative of New Zealand they were not put before the Commission for action pending probable other amendments with the suggestion that they be considered together.

ITEM 5 - SOVIET PROPOSAL CONCERNING PLANNED CREDITS FOR THE RECONSTRUCTION OF JAPANESE INDUSTRY (FEC-298, -/1, -/2)

GEN. MCCOY: FEC-298 is a Soviet proposal regarding planned

credits for the reconstruction of Japanese industry. FEC-298/1 was a United States statement submitted on the 4th of March in reply to the Soviet proposal, and FEC-298/2 contains a further Soviet statement submitted at the last meeting on April 8th, which has been referred to my Government.

ADM. RAMISHVILI: Mr. Chairman, since it had been your proposal to remove this question from the agenda, I want to know whether you hold the same opinion, or what is the opinion of the Commission, in which case I have a proposal to make.

GEN. MCCOY: Well, I do personally, but in view of the statement made at the last meeting---I referred that to my Government and I haven't received their position on it.

ADM. RAMISHVILI: In that case there is no objection to keeping it on the agenda?

GEN. MCCOY: No objection on my part.

ITEM 6 - a STATEMENT BY THE UNITED STATES REPRESENTATIVE OF THE FAR EASTERN COMMISSION ON REPARATIONS SHARES (FEC-278)

b REPORT OF COMMITTEE NO. 1 TO THE FAR EASTERN COMMISSION REGARDING DIVISION OF REPARATIONS SHARES (FEC-219/25, 219 series)

(No discussion of this item.)

ITEM 7 - ADVANCE TRANSFERS OF JAPANESE REPARATIONS (FEC-201/1)

GEN. MCCOY: Item 7 will be retained on the agenda unless there is - I will once more ask the Soviet representative if he still wishes Item 7 continued on the agenda.

ADM. RAMISHVILI: No objection to removing this question from the agenda, Mr. Chairman, but I have a statement to make before removing this subject from the agenda.

"Since the fulfillment of the advance transfers from Japanese reparations practically is already being completed under the United States Government's Directive, FEC-216/1 of 8 April 1947, the delegation of the Soviet Union does not

insist on keeping FEC-201/1 on the agenda of the Commission.

"However, the delegation of the Soviet Union deems it necessary to state that the Soviet side continues to consider the issuance ■ by the United States Government, in bypassing the Far Eastern Commission, of the above directive as a unilateral act having no legal standing, and reserves its right to return to this question again at an appropriate time."

GEN. MCCOY: Under the circumstances, and under the reservation, Item 7 will be removed from the agenda for the present.

ITEM 8 - OTHER BUSINESS

GEN. MCCOY: Gentlemen, is there any other business?

ADM. RAMISHVILI: I have a statement, Mr. Chairman—I am sorry to have had so many this morning—under Other Business and, with your permission, I will let my interpreter read it and I ask that it be recorded in the minutes:

(Interpreter): "Mr. Chairman, the Soviet delegation considers it necessary to make the following statement regarding document FEC-295:

"FEC-295 was included on the agenda of Committee No. 1 on the 11th of February 1948 without prior consideration of this document by the Far Eastern Commission, although it was perfectly clear that a consideration of this question could not take place without prior agreement for this on the part of the appropriate countries in accordance with paragraphs 2 & (3) of the Terms of Reference of the Commission.

"At the meeting of Committee No. 1 on the 25th of February the Soviet member presented the opinion of his Government that the question of treatment of Japanese assets in neutral countries was beyond the jurisdiction of the Far Eastern Commission and that it should be considered by the Council of Foreign Ministers or by the peace conference for Japan. Following these considerations he proposed to take FEC-295 off the agenda.

"After this proposal by the Soviet delegation in Committee No. 1, the Committee, in violation of all normal procedure, at subsequent meetings engaged in the discussion of the question whether FEC-295 belonged or not to the jurisdiction of the Far Eastern Commission, which discussion evidently does not come within the functions of any of the Far Eastern Commission committees. Nevertheless, exceeding its own authority, Committee No. 1, at its meeting on the 21st of April, concluded by way of polling the opinions that FEC-295 belonged to the

jurisdiction of the Commission and by a majority vote the Committee referred the said paper to the consideration of its subcommittee.

"In making note of the above-mentioned action of Committee No. 1, which action has no legal standing and which exceeds the authority of the Committee and contravenes the Terms of Reference of the Far Eastern Commission, the Soviet delegation once again brings to the knowledge of the Commission the opinion of its Government on document FEC-295, namely, it is the view of the Soviet Government that the question of treatment of Japanese assets in neutral countries is beyond the jurisdiction of the Far Eastern Commission and that this question should be considered by the Council of Foreign Ministers or by the peace conference for Japan."

GEN. MCCOY: I will declare a recess of five minutes while I am getting FEC-295 with which I am unfamiliar.

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

(The meeting reconvened at 11:50 A.M.)

GEN. MCCOY: Gentlemen, if it is agreeable, we will reopen the session. I find that the quoted paper, FEC-295, is before a subcommittee of Committee No. 1, a subcommittee of Committee No. 1, and the Chairman of that Committee is Dr. van Gulik of Holland and I would ask him to give us his background statement as Chairman and with likeness as to the point at issue from the point of view of the Committee.

DR. VAN GULIK: Mr. Chairman, gentlemen: I am very grateful to have this opportunity to say a few words about this problem because the statement just made by the Soviet representative contains some remarks which might be construed as criticism on the action taken by the members of the Committee of which I have the honor and the pleasure of being Chairman.

I think, in the first place, a few facts should be placed

before you. In the statement just made by the Soviet representative of the way in which this paper was dealt with that the first time it came to the table of this committee it was treated rather cursorily, and I think that it is important that you, Mr. Chairman, and gentlemen, know exactly what happened and what was said at that meeting.

At that meeting the Soviet member, as was related a few moments ago by the Soviet delegate here, said that in his opinion we were not empowered to discuss this particular topic and he, therefore, proposed that it be dropped from our agenda. He added, and I now quote the Soviet member of Committee No. 1 from the minutes:

"If the Committee (that is, Committee No. 1) was unable to agree to drop the item from its agenda, it would perhaps be advisable to refer the problem of jurisdiction to the Far Eastern Commission for decision. If the Far Eastern Commission approved, then Committee No. 1 could discuss it. On the other hand, it might be preferable to permit the Chairman of the Committee to decide whether or not to refer the paper to the Commission. The Netherlands Member said that he would be glad to rule in this instance if there were no objections from other members to his doing so. There were no objections from other members and the Chairman thereupon ruled that the paper be held in the Committee for the further views of members."

That is the end of the quotation from the minutes which were approved by the Committee, including the Soviet member. I may add, Mr. Chairman, that at that moment I myself, as Netherlands member of the Committee, was not in the possession of instructions from my Government, so I didn't feel one way or the other about this problem. But I felt that, being asked to rule in this matter, I had to comply with the feelings of the majority of my Committee, and since it had transpired during the round-the-table desultory discussion of this problem

that the feelings of the Committee in general were to retain it for the time being on the agenda, I ruled accordingly because I have always tried and I have always thought it was my duty as Chairman of the Committee always to act according to the wishes and feelings of the majority of my Committee.

Then, the agenda of our Committee being well stocked with various items, for a few times afterwards there was no opportunity of discussing this item. It had to be kept on the agenda because of lack of time. It was brought up once briefly and on April 14th, if I remember correctly, and the United States member then said, and I am quoting from the minutes:

"His Government considered this item to be a matter of some urgency and expressed the hope that members would not let the item lapse through failure to act upon it at the earliest possible date."

I go on quoting from the minutes the remark of the Soviet member:

"The Soviet member reminded the Committee that it was his Government's view that a question of treatment of Japanese assets in neutral countries was one to be decided by either the Council of Foreign Ministers or in the peace conference for Japan. His delegation had accordingly proposed that the item be dropped from the Committee's agenda. His Government did not feel that the matter was an urgent one."

Then, at yesterday's meeting we had the opportunity for further discussion of this item and during that discussion around the table, if it had been necessary, I was convinced all the more that my impression the first time that this item was discussed, namely, that the majority of the members were in favor of retaining it in our Committee, was fully confirmed.

A proposal was made to refer this problem to a subcommittee of our Committee and that proposal was accepted by, if I am

not wrong, 10 votes to 1. Is that correct?

MR. EICHLER: Yes.

DR. VAN GULIK: Ten countries voting in favor, expressing themselves to be in favor, and 1 country, the Soviet Union, against it. It has been my policy, as Chairman of this Committee, Mr. Chairman, to put in the first place the interests and the wishes of the Committee as a whole and the interests and wishes of the Netherlands delegation in the second place. That is my duty as Chairman, as I see it. On the other hand, I also think it is my duty to give the dissenting voices as full opportunity of expressing themselves. So, when I found yesterday at our meeting that, although ten countries were in favor of continuing consideration of this item and in establishing a subcommittee, one member, the Soviet member, was opposed to this, I wished to give him full opportunity of expressing his point of view, which he did, and he said again that he thought that we were not empowered to deal with this problem and he expressed desire that the statement to this effect again be included in the minutes--not only included in the minutes but also that I would especially draw your attention to this.

I wished to give him full opportunity for expressing his views. I even went as far in my desire to give also dissenting voices full opportunity to express themselves that I even suggested a slight improvement in the wording of his protest. He proposed to say that our action was a "violent" violation and I suggested to him that he replace "violent" by "serious", which he agreed to. I wish to quote this as an example, Mr. Chairman, of my desire to give also dissenting voices full opportunity to give voice to their objections, and I assured the Soviet member of my Committee that, although I took it as a matter of routine that you, as Chairman of the full Commission, took always cognizance of the minutes of the proceedings of other committees, I would in this case comply with

his desire and personally draw your attention to this particular statement.

This, Mr. Chairman, gentlemen, is as the matter now stands.

GEN. MCCOY: Have you anything further to state?

ADM. RAMISHVILI: Would you find it possible that Mr. Korobochkin say a few words as the Soviet member of Committee No. 1?

(Mr. Korobochkin spoke through an interpreter.)

MR. KOROBOCHKIN: Mr. Chairman, when this question first arose in Committee No. 1, I drew the attention of that Committee to the abnormality of having that question presented in the Committee on Reparations. The general abnormality, so to say, of this question consisted of the fact that that paper was introduced into Committee No. 1 without prior consideration by the Commission itself. I also stated at that time the opinion of my own Government on the external assets of Japan. I also mentioned that a similar question had already been on the agenda of the Commission and, in fact, was taken off the Commission's agenda. I therefore expressed my strong view that, before that question should be presented for discussion in Committee No. 1, it should be properly debated at the Commission itself.

Some days later—I think it was the 25th of February, I reiterated the opinion of my Government on the question of external assets and suggested that the question be taken off the agenda of Committee No. 1. In reply to my opinion statements followed by various members of the Committee No. 1 to the effect that this question could be discussed in accordance with paragraph 2 a (3) of the Terms of Reference. I did not deny the possibility of discussing this question in accordance with the said paragraph 2 a (3) of the Terms of Reference provided that the consent of the appropriate governments had been obtained, which is what it exactly says in the paragraph in the Terms of Reference to which I referred.

Further opinions arose in the Committee as to the decision

by Committee No. 1 itself whether this question belongs in the jurisdiction of the Far Eastern Commission or not, and these opinions suggested that this question be decided in Committee No. 1 itself. At one of the meetings the Chairman of Committee No. 1, the respectable Dr. van Gulik, polled the opinions of representatives of various governments as to whether it is within the jurisdiction of the Commission or not to discuss this issue. I had repeatedly stated before at various meetings of Committee No. 1 that it is not the function of any of the Far Eastern Commission's committees to discuss whether a question comes or not within the jurisdiction of the Commission, and I am perfectly convinced that no committee of the Far Eastern Commission has the jurisdiction to discuss the question as to whether a problem comes or not under the jurisdiction of the Commission. Since this question was perfectly clear, I thought that the Chairman of Committee No. 1 would bring to the knowledge of the Chairman of the Commission the discussions which had taken place at the Committee's level.

At the last meeting of Committee No. 1 the Chairman of the Committee canvassed the opinions of the representatives of that Committee as to whether that question came within the jurisdiction of the Commission, and the conclusion was made, and in my opinion that conclusion represented a violation of procedure, to refer the matter to the subcommittee of Committee No. 1. I lodged my protest against such handling of questions and requested that the Chairman of the Commission itself be informed of what has taken place in Committee No. 1.

GEN. MCCOY: Thank you.

MR. GRAVES: Mr. Chairman, in order to clear up this question, I would like to submit a formal motion:

"In the opinion of this Commission the subject treated in FEC-295 is properly before Committee No. 1."

GEN. MCCOY: Are the other members prepared to discuss this question this morning or is it the desire to keep the subject on the agenda of the Commission until further and more thorough consideration can be given to the subject?

MR. MAKIN: Could the matter be deferred until the next meeting?

GEN. MCCOY: This matter of jurisdiction on this subject of overseas assets has never been considered by the Commission except in the sense of a long period on the agenda pending the general consideration of the subject of reparations. My remembrance is that it was deferred in view of the fact that there was a very early consensus that, in considering that whole trying subject, it should be based on broad political considerations rather than statistical or detailed balance of assets available for reparations. So that it was more a matter, I think, of the opinion of the Commission that it would help in gaining agreement on the trying subject of the allocation of reparations shares on the principle of broad political lines rather than on the early thought of statistical consideration. So that the whole subject of reparations is still before us without agreement and it's a question to consider whether this will assist or hinder the reaching of agreement. Since it is a matter of prime importance, possibly we should keep it on the agenda while the members of the Commission are preparing to discuss it.

Is there any objection on your part, representative of the United Kingdom, to a vote on your motion today, or are you willing to defer it?

MR. GRAVES: I think there are two issues involved, Mr. Chairman, and this motion of mine is one of a procedural nature, that is, the paper itself being before a committee. The other matter which you mention--the matter of external assets--is a matter of policy. I didn't intend my motion to refer to anything more than the pure fact that the paper be before the committee, which is the question which the Soviet representative himself raised. But, if you think it is

better to defer the discussion, I have no objections to the proposal being left on the agenda.

GEN. MCCOY: I think under the circumstances, and since it should be considered from the committee standpoint, that we probably ought to vote on it soon, and, if there is no objection, we will keep it on the agenda and bring it up for consideration and action at the next meeting.

ADM. RAMISHVILI: Mr. Chairman, just for clarification, we will be keeping on the agenda the Soviet statement?

GEN. MCCOY: Yes, the whole subject. Is that agreeable to the other members of the Commission?

Is there any other new business before the Commission?
There seems to be none.

We stand adjourned, gentlemen.

(The meeting adjourned at 12:20 P.M.)

CONFIDENTIAL

FAR EASTERN COMMISSION

Transcript of One Hundred Fourth Meeting of the Far Eastern Commission.

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

Thursday, April 29, 1948

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FAR EASTERN COMMISSION

Transcript of One Hundred Fourth Meeting of the Far Eastern Commission,
Held in Main Conference Room, 2516 Massachusetts Avenue, N.W.
Thursday, April 29, 1948

Representatives Present

Major General Frank R. McCoy, Chairman	(United States)
His Excellency Mr. Norman J. O. Makin	(Australia)
Mr. R. E. Collins	(Canada)
His Excellency Dr. V. K. Wellington Koo	(China)
His Excellency Mr. P. E. Naggiar	(France)
Mr. R. K. Nehru	(India)
Mr. O. Reuchlin	(Netherlands)
Mr. G. R. Powles	(New Zealand)
Mr. J. U. Jovellanos	(Philippines)
Rear Admiral S. S. Ramishvili	(U.S.S.R.)
Mr. H. A. Graves	(United Kingdom)

Secretary General

Mr. Nelson T. Johnson

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

(The one hundred fourth meeting of the Far Eastern Commission, 2516 Massachusetts Avenue, N.W., Washington, met at 10:40 A.M., 29 April 1948, Major General Frank R. McCoy, Chairman.)

GEN. MCCOY: Gentlemen, good morning. Our session is open.

ITEM 1 - a CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 102nd MEETING

GEN. MCCOY: I call your attention to the fact that I was not ready at the last meeting to follow the usual routine on the minutes of the previous meeting and asked that it be held over for this meeting so I could have an opportunity to make sure of the minutes as I had not at that time. So I have since checked up on my own remarks and the corrections that were made, and I am prepared, if there are no objections, to ask that the minutes of the anti-pen-ultimate meeting be made of record as corrected by those who made corrections. I myself have no corrections to make. Assuming that is concurred in, we will now consider the minutes of the previous meeting, as usual.

ITEM 1 - b CORRECTION AND APPROVAL OF THE PROVISIONAL MINUTES OF THE 103rd MEETING

GEN. MCCOY: The Secretariat wishes to announce a correction.

MR. JOHNSON: The Secretariat, Mr. Chairman, notes that Mr. Jovellanos' reply to your remarks on the death of President Roxas has been inadvertently omitted. Please insert the following immediately after General McCoy's remarks on page 1 of the minutes of the 103rd meeting, and I quote:

"Mr. Jovellanos expressed his gratitude as well as the gratitude of the Philippine people for the kind tribute paid to the late President of the Philippine Republic. He said that such a tribute would be treasured as much as the memory and ideals of President Roxas would be revered."

ITEM 2 - JAPANESE COASTAL PATROL (FEC-305/11)

GEN. MCCOY: FEC-305/11 is a proposed policy decision approved by the Steering Committee this week by a vote of 5 to 1 with 5 abstentions. The United States voted against the proposed policy decision and there were five abstentions (Canada, India, Netherlands, U.S.S.R., and the United Kingdom). This now is before you and is proposed by the New Zealand representative, as I understand it, or was proposed before the Steering Committee as a policy paper.

MR. POWLES: Yes, Mr. Chairman. You will recall that the proposed policy decision was lodged at the last meeting of the Commission itself last week, and at that time I presented a statement which embodied my Government's views. The Steering Committee, to whom the matter was remitted, had a long and interesting discussion on the issue which continued previous discussions at the Steering Committee had had on it and at this stage I don't propose to say anything about the merits of the situation other than merely to invite the Commission to consider the proposal and to vote on it this morning.

GEN. MCCOY: The position of the United States has already been circulated as was submitted to the Steering Committee in SC-305/10. I have nothing to add to that for the moment and it definitely presents the views of the United States Government. I would be glad to hear any member on the subject.

MR. GRAVES: Mr. Chairman, I now have instructions on this:

"His Majesty's Government in the United Kingdom have no objection in principle to a coastal patrol, but they are anxious that the Maritime Safety Authorities Law should not be implemented until the Far Eastern Commission has had an opportunity of considering how far its provisions are consistent with Allied security requirements.

"On the basis of the incomplete information which has been supplied, the preliminary views of His Majesty's Govern-

in the United Kingdom are that (a) although a fleet of 125 ships is acceptable, no one vessel should exceed 300 tons and (b) the maximum speed should be 12 knots except for a limited number of vessels required for full time preventive work.

"For their part His Majesty's Government would wish to press for the amendment of the law on the above lines."

I should therefore support the New Zealand proposal before us.

MR. NAGGIAR: Mr. Chairman, I was not present at your meetings here when this question was raised and discussed. I have been through all the papers filed and I am now in a position to let you know the point of view of the French delegation on the matter.

It appears to me that there are two aspects of this question: one is the procedure and the second is the substance.

As regards the procedure, it appears to the French delegation that the question of coastal patrol was either urgent or not. If it was urgent according to the Terms of Reference, Article III, Section 3, the United States Government may issue an interim directive to the Supreme Allied Commander, provided those directives were consistent with the policy decision of the Far Eastern Commission and didn't affect foreign nationals—French nationals in the coastal waters. If the question was not urgent the United States delegation could have brought the matter before the Far Eastern Commission and asked either an amendment to FEC-017/20 on disarmament. This document, as the Commission is aware, contains provisions for land police but contains no provision for coastal patrol police. And then, either the Commission would have been able to agree on a document and then that document would have been sent to the Supreme Commander, or the Commission would not have been able to agree. Then the United States Government could have acted again under Article III, Section 3 of the Terms of Reference, provided that the instructions were consistent with the policy of

the Commission and didn't affect the interests or the rights of foreigners--Allied nationals in the coastal waters.

As regards the question of substance, it appeared to the French delegation that there are two aspects. One aspect is the question of the armament and the nature of the vessels, and it appears to the French delegation that from this point of view the Far Eastern Commission was competent to discuss the matter of the armament of the coastal patrol and the nature of the vessels--the characteristics of the vessels. It is true that the bill does not contain any provision for armament, but it appears to the French delegation that the coastal patrol without any armament doesn't exist. It is impossible to understand what will be a coastal patrol without some kind of armament. It is so essential that police be armed that when we discussed our policy decision on disarmament we had a lengthy discussion on the armament of land police, and there are provisions on the armament of land police.

The second aspect of the substance is the fact that this coastal patrol being a Japanese organization created by Japanese law will have certain action or may act and will have contact with some national of the Allied Powers, and there is no treaty of peace between France and Japan. I wonder about the contact of the Japanese police with French nationals in the coastal waters and if it could have been settled by Japanese law without a consent of the French Government, and this consent could have been given either by a peace treaty, which is not the case, or by discussion here in the Far Eastern Commission and the agreement of the French Government.

So, for this reason, Mr. Chairman, I will vote for the New Zealand amendment.

MR. COLLINS: Mr. Chairman, my Government has given very careful consideration to this problem and is fully aware of the importance of the whole question of the coastal patrol to the members of the

Far Eastern Commission, and we are sympathetic with the points of substance which have been raised by various members around this table and consider that the Commission should discuss fully all of the problems connected with the establishment of a coastal patrol with a view to adopting any policy decisions which may be considered either desirable or necessary in order that such a patrol might be established without contravening Far Eastern Commission policies. However, it is the view of my Government that the specific proposal of the New Zealand member would be inappropriate and I am therefore under instructions to vote against it.

DR. KOO: The Chinese representative on the Steering Committee made clear the position of my Government with reference to this law for the establishment of the Maritime Authorities including the setting up of a coastal patrol or guard. This question involves many issues nearly all of which have been touched upon by the representatives either in the Steering Committee or here so far in this Commission. My Government recognizes that the need of setting up some kind of coastal patrol is a practical one, and therefore the question of the legal aspect as to whether or not it is within the authority of the Commission or within entirely the authority of SCAP is one of less significance. Evidently there is a difference of opinion on this legal question and perhaps prolonged discussions on that aspect would lead us nowhere. My Government wishes to take entirely a practical view of the question and it views this question in this way. If there is a need, how urgent is that need, and since the law has been passed, then whether there is not a possibility of deferring the implementation of the law, in view of the deep concern expressed by a number of representatives, and I must say that my Government shares that concern. So, from the practical point of view, there is also another aspect upon which my Government is not yet prepared to take a definite position, as to how far such

a patrol should be equipped, for the purpose of exercising the duties which will be imposed upon it, that is to say, as to the question of whether or not any armament is necessary and, if so, how much. The question it seems to consider now is the advisability of giving them permission and opportunity to go into the various aspects of the question, so to, if possible, ease the anxieties of the members, and I for one would like to see that such an opportunity is given so that if, in the end, it is found that the anxieties are not fully justified, then everybody will feel happier that such a law could be put into effect without prejudice to either the interests of the Allied countries and without feeling prejudice to the sentiments and feelings of peoples of those countries. In other words, my Government is in favor of examining the question in its different aspects without taking a prejudged position. This view I wish to urge especially because it does not seem that the need, while it exists, is of such an urgent character that it does not permit a reasonable period of time for studying this question and discussing it, particularly with reference to the aspect of armament, and also of course in regard to the contacts which would necessarily be created between the proposed Maritime patrol guard and the nationals of my country, for example, and the other United Nations. That is a matter which need also be studied in its bearing—how far such contacts could be created without giving rise either to friction or to incidents. In other words, my Government is in favor of having an opportunity to study the effect and bearing of this law and, in order to do so, perhaps a reasonable period of delay would be necessary. Therefore, so far as the New Zealand proposal is worded now, it seems to us merely a postponement in order to have that opportunity to which we also attach importance. And therefore, Mr. Chairman, we are in favor of the New Zealand proposal, ^{without prejudice to} ~~the~~ the definite position which my Government may take on the other aspects

of the question.

GEN. MCCOY: Well, may I ask, Mr. Ambassador, whether this procedure that you outline from our experience would take a very considerable time. Do I understand that you are in favor of a policy decision of this Commission governing the whole question? Of course, it doesn't make any difference when we make that policy decision, if we do.

I have put before you the opinion of my own Government with certain information and other information, if necessary, but personally, just speaking as one of you around the table as a matter of your consideration, it goes back to our early sessions where there were certain differences of opinion developed as to policy and implementation. However, early in our procedure--our sessions--the Constitution of Japan was passed establishing a responsible form of government which was to be--hoped for--the school to bring into the Japanese nation and people a way of handling governmental problems very much as they were handled in most of the countries around the table, especially in those of the British Empire where there was a responsible form of government. There is a responsible form of government in Japan and has been functioning apparently reasonably well--progressively better--and under the very close eye, and sympathetic eye, of the Supreme Commander. Certainly he has not publicly taken issue with the Diet--with the responsible Government of Japan; neither have we. They have passed quite a number of laws under their own responsibility under the Constitution. In that Constitution it provides, you might say in general terms, a ? stewing war followed by a distinct statement to meet many of the points that have come up at issue here, that there shall be no Japanese army or navy. That has been interpreted very strictly by the Supreme Commander in establishing the civil police on land and this gradual build up in the law of a responsible government, having

in mind the very definite new order in Japan as stated in the Constitution and as watched and supervised by all concerned on the spot. So that you have an Act of a responsible Government which I would think would be very wrong for an international body sitting here to interfere with unless it contravened our power, either in our present policy as largely defined in the disarmament paper and any policy paper that we might pass if we didn't like this law. But I certainly, in appealing to you, gentlemen, from democratic countries, the implications that would be aroused if this Commission would intervene in the making of laws of the Japanese Diet. It manifestly would result in eleven nations, with the long period that it takes us to get together and express our united policy, quite impossible for a democratic government such as is now existing in Japan under a democratic constitution to carry on. So that, although my Government hasn't expressed itself in these lines, I do express my own opinion very decidedly, and it is in the general policy of my Government as expressed in the fact that this Commission can at any time, if it feels that an act of the Japanese Diet is in contravention of the policy of this Commission, pass a policy governing and controlling.

Are there any other comments on this important problem which involves not only the question of the natural establishment of a form of coast guard under supervision and under the policy of this Commission? And I am assured not only by the Supreme Commander but also by officers who have been in Japan recently that the law very carefully comes under the former policy decision of this Commission, especially so with regard to armament.

I happen to know that when the thing was first considered of a marine patrol--there has been a marine patrol for a considerable period--this is gradually transferring it from the direct supervision and operation of the occupying navies. As a matter of fact I think that only the British and ourselves have been concerned in the actual

marine affairs connected with not only the navy but with such matters as mine-sweeping and policing the waters, et cetera. There is still a patrol in the straits by the American and British Navies. This is simply a next step in the progressive formation of a government under our Terms of Reference and the Terms of Surrender. The status quo is not supposed to carry on forever after the surrender. There were very broad and reasonable and wise provisions under which this Commission and the Supreme Commander have acted, and it has worked, and there is no "mares nest" in this affair at all. The United States Navy is not going to permit any shadow of infringement on future security or the establishment of a future Japanese Navy under any guise.

So that it gets down to the important question, of which there is a difference of opinion, and an honest one, that I have noticed come up on many occasions between New Zealand and the United States--I think we've usually agreed on the results, but we have disagreed on what is policy and what is administration and what is certain powers that is inherent in the Supreme Commander. Now we haven't had this question up of what is inherent in the legislature or Diet of ~~the~~ Japan under the Constitution before. I think it is the first time that that problem has been raised, but it should be considered reasonably. I know that Mr. Powles has, no doubt under instructions from his Government, proposed a policy paper which he thinks is the best way of meeting it, which my Government does not. And, of course, a certain amount of weight ought to be given by all of you, I think, to the fact that we still remain largely the responsible authority for carrying out these gradual services that were formerly and for a considerable period under a combined military and naval supervision and by the use of Japanese army and navy officers. That has ceased. In this new service that has been very carefully watched. There are no career officers being used in this particular

service or will be. There is a large reservoir of maritime people in Japan. They don't have to man large Japanese maritime fleets any more--thank heaven--so that there are plenty of sailors in this case for the operation of these small ships.

Now the United Kingdom brings up the problem of tonnage and speed and there, I think, I am not prepared just off-the-bat to take issue or give much information about that. I am told that all these boats that are now being used, and in the near future, are all slow-speed boats and very small ones. I think there were some three or four that were up as high as 12 knots and over a thousand tons--something of that sort. The United Kingdom calls attention to the fact that in the law there are provisions for larger ships and speedier ones, but that is in the dim distant future. I am informed that this whole naval Allied work in Japan--the division of ships and the setting aside of these ships, et cetera--has been handled very successfully without any question at all on the part of any of the eleven Powers concerned or the four Powers that shared in the division of the ships. So that I think probably the local development of this police force is well known to your own representatives there.

MR. NAGGIAR: Mr. Chairman, I thank you very much for the explanation you just gave us on the question of armaments and the nature of the vessels. There is one point on which I would like to have more information.

I raised in my explanation just now as regards substance--

GEN. MCCOY: As regards what?

MR. NAGGIAR: The substance of the question--the fact that we will have a Japanese coastal patrol created by a Japanese law and there is no treaty of peace between France and Japan. That means that all those question--contact between French vessels and Japanese police--coastal maritime police--that were dealt with in

the past by treaty between France and Japan will have no legal foundation because we cannot consider as a legal foundation a Japanese law. It's a fact that there is no treaty of peace, and you just said that now we are faced with a democratic Japanese Government, but these Japanese Government has no more treaty with the Allied Powers. So we will be faced, if things go on like that in the future, by Japanese laws dealing with the interests of Allied nationals without the consent of the proper Allied government, which consent can only be given either through a peace conference--

GEN. MCCOY: Well that has been the case of course up to this moment too.

MR. NAGGIAR: Yes.

GEN. MCCOY: And there is, I believe, a French ship there under your naval command and a French mission to watch after the interests of French nationals.

MR. NAGGIAR: Yes, that is true; it will be a question of fact but not a question of legality. The only legal foundation for such a case will only be with the consent of the government--not only the watchful action of the French liaison in Tokyo. Every power had a number of treaties with Japan dealing with all kinds of matters and now we still legally are at war with Japan. There is no peace treaty. So, in my opinion--of course I am not prepared to fight for it--but it appears to me that the only way at the present time to have the consent of the government concerned will be through the Commission.

GEN. MCCOY: Yes. Well the Commission is perfectly at liberty to pass a policy decision. What my Government has taken issue with is not a policy decision but a delaying position--you might say a holding up a constituted government operating under the policy of this Commission until we at this distance make sure that the law is not in contravention with the policy of the Commission. That is transferring our slow motion in this Commission to a government that has got to act both in a sense of a civil government there

and of a military government.

MR. NAGGIAR: If it was an action by the Allied Commander on the coastal patrol question, then there would be no legal point. If, for instance, American naval forces decide, what they have done up to now, to police coastal waters in Japan, then we have nothing to say.

GEN. MCCOY: Well I am told--

MR. NAGGIAR: But it is the Japanese Government that is different.

GEN. MCCOY: I am told that the American and British naval patrol still continues and that these--

MR. NAGGIAR: Well that is all right.

GEN. MCCOY: And that these police boats are very little boats in the sense of being confined strictly to coastal waters, whereas the patrol, that is, the international patrol, so called, is out in the straits. Most of these problems apparently have occurred, that is, with regard to smuggling and the unlawful arrival of Koreans in Japan has been in small boats across the straits. The naval patrol apparently hasn't been able to stop it. Now they are getting fortified by small boats along the coast. There are a number of international problems of course that will come up, but I think those largely will be decided still by the naval commander on the spot working with the naval representatives of the Powers in Japan.

My attention is called to the authority of Maritime Safety Board to enforce Japanese law and to make arrests, search, and seizures in cases involving illegal traffic is under supervision and subject to final approval of SCAP.

MR. NAGGIAR: In the bill, or where is that--in the Japanese law?

GEN. MCCOY: This is a statement of General MacArthur in reference to the bill. I will read it:

"The authority of Maritime Safety Board to enforce Japanese law and to make arrests, search, and seizure in cases involving illegal traffic is under supervision and

subject to final approval of SCAP."

So that I think in that case the representative of the Allied Powers would be in touch with the SCAP authorities, which means the naval command in this case probably.

MR. NAGGIAR: But, may I inquire--is the decision of the Commander in Chief or the Supreme Commander?

GEN. MCCOY: This is an information reply from SCAP with reference to the bill.

MR. NAGGIAR: Would it be considered as an amendment to the Japanese bill?

GEN. MCCOY: Well he just states that the authority of Maritime Safety Board to enforce Japanese law and to make arrests, search and seizure in cases involving illegal traffic is under supervision and subject to final approval of SCAP.

MR. NAGGIAR: Then, if we consider that goes with the Japanese bill, most of my objection has no foundation, I mean, in the consideration of legal matter.

MR. POWLES: Mr. Chairman, may I make a remark or two on that issue.

When the matter was originally raised in the Steering Committee, I pointed out that there was this possibility which has been so very well elaborated by the French Ambassador this morning of contacts between Japanese and foreign nationals under circumstances which might be very unfortunate, and I then asked whether some information could be obtained with reference to that and I believe that it was a result of that inquiry of mine that this message from General MacArthur was produced at a later meeting of the Steering Committee. Now I would like to make it clear that what you have just read from, sir, is--I think that you well know is so--a message from General MacArthur to an organ of the United States Government here which has been made by courtesy of your Government available to the Commission. So that it's a statement of the Supreme Commander's,

one might say, intention. But it does--

GEN. MCCOY: Well, actually this has been in force right along.

MR. POWLES: But, sir, it does not have any legal effect. I referred to that particular aspect of it again in the statement I made at the last meeting of the Commission where I said that I was not aware of the existence of any directive to the Japanese Government which would put into effect that statement of the Supreme Commander, and I am still not aware of any directive to that effect. It may be perfectly true, and I think it is true, that up until the present time Japanese water police or coastal patrols, in so far as they have been used, have operated under the direct command of the Supreme Commander, in other words, they have been used in the sense of a sort of auxiliary water police operating under the Supreme Commander's naval forces. But, as the French Ambassador, in my opinion, quite correctly points out, this law which has been passed completely changes the situation in that it establishes an essentially Japanese organization under Japanese law, deriving its authority from the legislative processes of the Diet just to do this very thing, and while one may be well aware that there will be coordination in practice between the Supreme Commander's naval authorities and the Japanese coastal patrol, yet there is no directive, as far as I am aware, or no provision which directs those particular patrols to operate under the supervision and control of the Supreme Commander and I think that that is an important issue which still yet has to be examined. Of course we don't have the text of the law as passed. All we have is a draft bill as submitted to the Diet.

GEN. MCCOY: I made inquiry if the final act has come, and it has not as yet, although it was sent, I think, ten days ago by air mail, but is not yet available. It will be as soon as it can.

MR. MAKIN: Mr. Chairman, I have followed the debate with intense interest and I feel very concerned after the point has been so capably elaborated this morning, and particularly do I see the grave dangers that there can be by reason of regarding decisions by a Diet which has no matter how you may regard it from the standpoint of its democratic setup--has possibly powers to be able to set up an organization of patrol. The position is this, that this becomes extremely difficult for countries which were required to suffer at the hands of the Japanese, with all of their brutality and all of their savagery, that these people ought to be given an opportunity of exercising a control of a patrol that can search, that can stop, that can arrest, and question even people that are a part of an Allied force and whom they as an enemy are supposed still to be under our authority and our power. The position is this that it can be very, very embarrassing that a country defeated in war, which was regarded as the aggressor, is now capable of being able to exercise a power before a peace treaty has been made--before they have gotten back to the ordinary normal conditions of life which make them at least and their law respected in the eyes of other peoples of the world--these people are to be afforded an authority capable of exercising restraint or search, possibly upon any one of the nations that today is supposed to have a supervising power over the affairs of Japan. It seems to me to be an extremely wrong and difficult position and certainly to my country it's one of grave concern, to think that it is regarded that this form of government that has been set up in Japan is to be allowed to exercise authorities in government in which it is regarded as rather an unfortunate thing if this Commission should seek to delay its law to be able to review it, to see whether it is consistent with the views that we would wish. I would like to know who is governing Japan. Is it the Japanese Diet or is it this Far Eastern Commission?

Now I feel that we have a perfect right to be able to delay just as long as we feel it should be delayed any item of legislation that may be attempted to be enacted by the Japanese Government, so that we can see as to whether it infringes any of the rights of security that we should command or whether it in any way offends against the rules and laws that we would seek to have governing Japan at this time. And until such times as a peace treaty has been effected I feel that we must exercise that authority of closely supervising whatever may be the laws that the Japanese Diet may seek to effect either in respect to matters affecting those matters particularly in regard to those matters which affect their relationships with people who are external to their own shores. And in that respect I do hope that the suggestion as made by the New Zealand representative will certainly be recognized as a very important aspect of supervising and exercising that oversight to the decisions of the Japanese Diet, which I think is essential until such times as a peace treaty has been effected with this country.

GEN. MCCOY: Well, I join you in your feelings but I don't in your reasoning, Mr. Ambassador. In the first place, you speak of this Commission governing Japan. It does not govern Japan.

MR. MAKIN: Mr. Chairman--

GEN. MCCOY: Pardon me. The Supreme Commander governs Japan, representing the Allied Powers, both by the Terms of Surrender and under all of the policy decisions of this Commission. He has ample authority under supreme authority where the Emperor and the Japanese Government are subject to his authority--not to this Commission except as to policy. I think that you must understand, sir, that the Supreme Commander is governing Japan and the Japanese Emperor and the Diet, et cetera--not this Commission. Under the Terms of Surrender the Japanese Government is obliged to obey any order of the Supreme Commander. Consequently, whatever the provisions of the Japanese law,

the Supreme Commander has legal authority to control the situation.

MR. MAKIN: That, sir, is this not a very definite item of policy, the question of a patrol which is likely ultimately to infringe in regard to naval commitments?

GEN. MCCOY: You can control it by a policy decision--not by needling the Supreme Commander.

MR. MAKIN: I have no desire to needle the Supreme Commander, but it is a question of knowing just exactly our own rights in this matter.

GEN. MCCOY: Now I call your attention to another thing, Mr. Ambassador. It's just a matter of record. If you go back to the record of the Canberra Conference, they were willing to establish a Japanese Government last year, and it's still functioning in view of the fact that the peace conference has not been able to meet. The policy of the Canberra Conference has not been able to be carried out. In the meantime, and pending that, we have to carry on under the Terms of Surrender and under the policy provisions of this Commission.

Now I add one thing more in the sense of the position of my Government. There has been an assumption which has underlain, I think, this pending paper and some of the other comments, that it is absolutely essential that the Far Eastern Commission should pass a policy decision before this particular act goes into effect. The views of the United States are quite the contrary. There is no reason why the Far Eastern Commission, if it deems that a policy decision is necessary, should not pass one after the act goes into effect. The position of the United States Government, and that has been quite consistent, when we were discussing the laws implementing the Japanese Constitution, this same question came up. The position of the Government of the United States is that a policy decision by the Far Eastern Commission passed after a Japanese act goes into force is governing and controlling.

Now I am perfectly willing to explore the situation further on your part, but I don't think that in the way of opinion I can offer anything more on behalf of the United States representative, speaking as such.

MR. POWLES: Well, Mr. Chairman, I think that I would be correct in calling attention to the fact that the particular proposal which is before the Commission has no reference whatever in its form to any legislation either passed or pending before the Japanese Diet. All that the policy proposal states is that the Japanese should not operate or set up a coastal patrol or coast guard service until such time as the Far Eastern Commission has had opportunity of considering the matter. And I, sir, would to a very large extent be prepared to agree with you that around this table we are not concerned with the acts of the Japanese Diet as such. What we are concerned with is what [REDACTED] happened in Japan, and the purpose of the proposed policy this morning is merely to ensure that events will not occur in Japan in such a way that possibly in the future steps may have to be retraced. If, and I am sure it's true, and I am sure we all agree, the Far Eastern Commission is competent to pass a policy decision on the matter, by which I take it that in saying that the United States representative means a decision which prescribes the nature and extent to which this coastal patrol might or might not be permitted to operate—in other words, it's a decision which would set out certain matters of substance relating to the coastal patrol, we all agree we are perfectly entitled to pass such a policy decision. On the other hand, we are also, I think, in fairly general agreement that the passage of such a decision by the Far Eastern Commission would take a fairly long time. Under those circumstances, it seems that the most reasonable and sensible thing to do is to pass a decision of policy to the effect that it is the Far Eastern Commission's policy that nothing in this respect be done until we have had time to consider the matter. And I quite fail to