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OUR ATTITUDE TOWARD PEACE QUESTION

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Introduction.

What the Japanese people are now most concerned about is this: When is a peace treaty going to be made? What will be settled by a peace treaty?

The time for the conclusion of a peace treaty depends both upon the international situation and upon the attitude of the Japanese. In a message issued on May 3, 1949, the second anniversary of the new Japanese Constitution, General of the Army Douglas MacArthur said:

"The Allied purposes enunciated at Potsdam in many essential respects have been fulfilled, and you have worked diligently and faithfully to discharge your surrender commitments. That Allied forces still occupy your native soil is thus by no means due to fault of yours since the inception of the Occupation, but rather to events and circumstances elsewhere beyond your capacity to influence or control."

Thus, a Japanese peace treaty is "overdue", as General MacArthur has also said on another occasion. That it has not yet been made is due to the objective circumstances prevailing in the rest of the world.

These objective circumstances we should keep fully in our mind. As is well known, the United States, in July 1947, proposed that a Japanese peace treaty be drafted by a two-thirds majority of the Far Eastern Commission nations

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(numbering 13). The Soviet Union countered by urging that the treaty should be drafted by the Four Big Powers, and insisted upon their right of veto. The world is now divided into Western and Eastern forces. Owing to their conflict, it is unpredictable when the nations concerned may possibly reach an agreement of views concerning how and with what contents is a Japanese peace treaty to be concluded. No less than five long years having already elapsed since the cessation of hostilities, we desire earnestly that no further time be lost in enabling us to return to the community of nations and to cooperate positively for the promotion of peace. No nation which really loves peace on earth could fail to help Japan realize this sincere desire on her part. If there should be a country which does not want Japan to become democratic in the true sense of the word, it would in practice be impossible for her to see peace restored with that country. If a peace treaty were not to be made until such a country agreed to participate, when would it become possible for us to recover our independence? There are nations which are prepared to recognize Japan as qualified to be on an independent basis of equality to them -- thus prepared are, we believe, the majority of about 50 nations with which Japan is, legally, still in a state of war. We desire to conclude a peace treaty with them as soon as

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possible, so that we can contribute more positively to the establishment of world peace, working hand in hand with those peace-loving nations.

It will soon be five years since we accepted the Potsdam Declaration. During this long period, Japan has been under occupation and control by the Allied Powers. The path trod by her the while has been outlined in "The Transition of Postwar Japan" issued recently by the Public Information Division, Ministry of Foreign Affairs. It is believed that this statement has made clear how far, with the expansion of a "de facto peace" during the last two years, Japan has been able to regain her sovereignty, both internally and externally, and to attain her economic reconstruction, under the guidance and assistance of the Allied Powers, especially the United States. But let us take note that there are certain limits to this "de facto peace". It is true that, as far as our relations with the United States go, the "de facto peace" is likely to be progressively expanded without a hitch, but other nations are not necessarily inclined to come into step with this mode of procedure. Indeed, there seems to be a pretty strong feeling that Japan should not be accorded an independent position, especially in regard to her external relations, until she has been re-admitted into the international community with the conclusion of a peace treaty.

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Accordingly, there remain serious impediments in the way of restoration to international economy, or trade development, which are at present of the utmost importance to Japan. Some people have expressed the view that we should now be satisfied with a "de facto peace", instead of a formal peace treaty. In saying so, they forget the fact that, valuable as is a "de facto peace" to us, it is subject to certain limitations. Nothing is more desirable to us than that no time is lost in the conclusion of a peace treaty and in our reinstatement as a member of the international family. Not until this is done can we, as a full-fledged nation, share the responsibility for furthering the peace of the world.

What things are to be settled, and how, in that comprehensive instrument called a "peace treaty"? The peace treaty that may be concluded will form the basis of shaping the destiny of Japan for many a year to come. Therefore, we should grasp at least a general idea of its possible import, and then take seriously the question of peace.

1. What is a Peace Treaty Made for?

Let us first consider what is to be provided for in a peace treaty, especially one following a great war like the last World War.

First, a peace treaty makes clear the mutual termination

of the war. With this, the state of war, brought about by a declaration of war, legally ceases to exist, and peacetime international relations are resumed. With that, the vanquished nations, especially after a Great World War like the last one, are for the first time given permission for restoration to the international community.

Second, a peace treaty determines the terms of peace. Its principal contents are concerned with the terms on which peace is to be concluded. The terms of peace vary according to circumstances. But, broadly speaking, they provide for the continuance or alteration of the status quo ante bellum; or for an adjustment of the formerly existing relations which have been disturbed by the war; or for a settlement of the problems arising directly from the war. In still other cases, such conditions are laid down as are necessary to enable a vanquished nation to participate in the establishment of international peace as a member of the family of nations in the future.

In the Italian Peace Treaty, such provisions for various purposes are embodied under a number of separate heads such as Territory; Government; War Criminals; Land, Sea and Air Forces; Withdrawal of Allied Troops; Recovery, Restitution or Disposal of Claims, and Property and Other Rights,

Arising from the War; General Economic Relations; and Settlement of Disputes. This structure of the Italian Peace Treaty closely resembles that of the Versailles Treaty.

B. Termination of War and Restoration of Peace.

At present there are about fifty countries which are legally in a state of war with Japan. It is necessary for these countries and Japan to make clear that the existing state of war should be terminated and that peace-time relations should be restored. This purpose is clearly mentioned in the preamble of the Italian Peace Treaty and of the Versailles Peace Treaty.

In connection with the peace problem "Declaration of the termination of state of war" is now often proposed. This may be interpreted as a means of effecting the above-mentioned termination of state of war and of restoring peace-time relations, with reservations of settlement of the peace terms mentioned below. As a result of this declaration, the defeated people will no longer be treated as enemy in the victor countries, and diplomatic and consular relations will be restored. But in the case of Japan who is under occupation and control of Allied Powers, the effect of the declaration on the phases of occupation and control will be determined according to decisions to be made among the Allied Powers. Moreover, as Japan is not under occupation of America alone but of all Allied Powers, there must be, first of all, consultations and consensus of opinion among them as to whether the termination of state of war will be

declared, and if so, what effect the declaration will bring on the phases of occupation and control. This involves a problem which is as difficult in its nature and its degree as when a peace treaty is concluded. In West Germany the war-state termination declaration has been discussed officially since last autumn, but it has not yet been materialized. This may be accounted for by such circumstances as mentioned above. This is the case of West Germany which is not eligible for a party to conclusion of a peace treaty because the country is divided into East and West. It is, therefore, considered that Japan should be prepared to conclude an early peace treaty with any country if and when it is possible to do so.

3. Terms of Peace.

Needless to say, a peace treaty is to be concluded in the future, and so far nothing definite has been heard about it. But there is a precedent of a peace treaty concluded after the World War II, and there are also the Potsdam Declaration setting forth clearly the principle of how to deal with Japan, the instrument of surrender, and other official documents of Allied Powers. After nearly five years' occupation and control, it is becoming clear what kind of Japan the Allied Powers have been trying to

build and are building at present. Moreover, there are lots of information from abroad. Putting all of these together, we find it not impossible to conjecture the terms of peace to a certain extent. A peace treaty with Japan, in particular, will be concluded mostly on the basis of fact accomplished and it is considered that the treaty will be a comparatively simple document. Of course, this is a supposition and there is no knowing the details. Adviser to State Department Dulles who visited Japan recently wanted to know wishes of the Japanese for the peace problem. But in principle, a peace treaty is to be determined not by consultation with Japan, but by consultations among the Allied Powers who desire to restore peace-time relations with Japan. As seen in the case of the Peace Treaty with Italy, terms of peace are determined not by negotiations between the Allied Powers and a defeated nation, but by negotiations among the Allied Powers alone. Consequently, the final decision is apt to become a political compromise among the Allied Powers. Japan's terms of peace will, therefore, be affected greatly by whether or not Soviet Russia will participate in the peace conference.

So much for introduction, now let us explain as objectively as possible what will be the contents of a peace treaty with Japan.