

(1) Territories.

A concise and clear expression of the Allies' intention as to the disposition of the Japanese territories is found in the "Basic Post-Surrender Policy for Japan," as decided upon by the Far Eastern Commission on June 19, 1947. There it, is stated: "Japan's sovereignty will be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor outlying islands as may be determined."

The cession of a territory will give rise to the problem of nationality of the inhabitants concerned. In the case of Japan the Japanese nationals in the East Asiatic areas, as a general rule, have been repatriated to the homeland since

the termination of the war. Therefore, no serious issues are expected in particular. However, there still remains the question of determining the status of those who are resident in Japan but have their native places in the ceded territories. The cession of a territory will also involve complicated questions on succession to public properties and other financial and economic rights and obligations. A set of rules to dispose of them will be required.

(2) International Treaties.

What has become of the various international treaties and conventions of which Japan was a party before the war? A peace treaty will give an answer to this question. The peace treaty for Italy does not give any provisions for such international treaties and conventions as those for the protection of copy right and patent, which are open for any nation to participate, but takes the stand that <sup>those</sup> such treaties and conventions will automatically regain their validity. It, however, provides that such rights and interests of Italy based on special treaties and conventions, as her special interests in China and her rights in the mandated territories, shall be abandoned. It is understood that bilateral treaties, such as treaties of commerce and navigation concluded between Italy and each of the Allies, are abrogated as a general principle, but that an abrogated

treaty may be revived by any of the Allies, if she so desires, by giving a notice to that effect within six months after the peace treaty takes effect.

(3) Disposition of Political and Military Relations Resulting from the War.

With the enforcement of a peace treaty, an armed force having the character of an occupation force will no longer be there. The state of occupation as it has been will come to an end. This has nothing to do with the possibility of an armed force, other than an occupation force, still remaining in Japan to carry out some other purposes. At all events the Japanese sovereignty will be restored, and, as a matter of principle, Japan will regain her own footing as an independent state.

Japanese prisoners of war and detainees who still remain abroad at the time of conclusion of a peace treaty will be repatriated at the earliest opportunity. As to war criminals, it was the practice before the recent war to discontinue the procedure with the conclusion of a peace treaty. However, under the provisions of the peace treaty for Italy, she is under obligation to apprehend and deliver war criminals even after the peace treaty comes into force. In consideration of the War Eastern Commission regarding the handling of

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of the fact that in the case of Japan the trials are almost completed, and also of the decisions and recommendations of the Far Eastern Commission regarding discontinuance of trials of major war crimes and completion of those of minor ones, it is expected that the only remaining question of importance will be how the penalties are to be executed on those convicted.

Notwithstanding the evidences we possess that there are numerous Japanese still retained in the Soviet territories, the Soviet Government declares that the repatriation of Japanese has been brought to a finish. The Soviet Government also maintains that the trials of war criminals should be continued, and insists on bringing Tenno to trial.

#### (4) Reparations and Other Claims.

The Potsdam Declaration provides: "Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind." According to the earlier U. S. policy for Japan of September 22, 1945, and the Basic Post-Surrender Policy for Japan as decided upon by the Far Eastern Commission in June, 1947, it is understood that the payment of Japanese reparations will be made through removal of facilities found in Japan, delivery of newly-produced goods, and disposition of overseas properties. However, as an enormous amount of overseas properties of Japan has been disposed of by the Allied by now

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this time and as a sizable quantity of equipments has already been removed, it is argued in some quarters that any additional <sup>inspection</sup> ~~amount~~ of reparations may be dispensed with in the peace treaty for Japan.

Next comes the question of restoring the so-called looted properties -- properties taken out of Japanese-occupied territories during the war by force or intimidation -- to the respective countries, and of restituting the properties of the Allied nationals found in Japan since before the war to their owners. It should be noted, however, that, acting on the instructions of the Occupation authorities, restoration or restitution of properties has been carried out to a considerable extent by this time.

Under the terms of the Italian peace treaty, it is understood that, with the payment of reparations and restoration or restitution of Allied properties, such damages caused to the Allies and their nationals on account of the war as are attributable to Italy will be considered as having been paid in full, and that, on the other hand, Italy will surrender her claims she may possess on the Allies in connection with the war.

The Soviet Union has never been heard to have expressed her concrete views on the reparations to be exacted from Japan.

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However, in the course of negotiating peace with Italy and other nations, the Soviet Union has always been insistent on receiving a large amount of reparations from every vanquished nation. Other Allies had to make concessions to the Soviet demands simply in order to have a peace treaty concluded. The Soviet demand for a tremendous amount of reparations is posing one of the numerous difficulties in the way of a peace treaty for Germany. Her merciless financial demand forms the last stumbling block for a peace for Austria, which is only one step short of conclusion. Here it should be recalled that the Soviet Union, who, pretending that quite an amount of Japanese properties in Manchuria which she carried away to her own territories amidst the confusion in the immediate post-war period were "war trophies," has ever been refusing to include them in the reparations account and is pitted against the U. S. and other Allies.

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(5) The making of Japan into a peace-loving democratic country

The present system under which Japan's state affairs are administered under directions of the Supreme Commander for the Allied Powers with her sovereignty restricted by the Commander, will be abolished as soon as a treaty of peace to be concluded between the Allied Powers and Japan comes into effect. In short, Japan will become an independent country in so far as domestic and diplomatic affairs are concerned. However, it is necessary, if her position as an independency is to be restored, to guarantee in some way that Japan will revive as a peace-loving democratic country and that there will be no fear of her constituting again a menace to the peace of the world.

As guarantee of a similar nature, there are provisions in the Treaty of Peace with Italy ensuring the fundamental human rights and prohibiting the reformation of racialism. It is considered that in the case of Japan too, provisions will be enacted in a treaty of peace, preserving for future the fruits produced so far by the efforts for demilitarizing and democratizing Japan.

On the economic side, it appears that apart from the measures for ensuring the demilitarization and democratization of Japanese economy, the Allied Powers appear to be softening gradually their attitude of directly restricting Japan's

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economic development, following their policy of allowing Japan independent economy. Even with regard to shipping and private aerial service, consideration appears to be given to the question whether or not Japan will be allowed to carry on these enterprises to such an extent as may be necessary for her economic independence in so far as these do not become a menace to other nations from the military point of view.

In the above connection, we should know, in the first place, what is democracy as interpreted by Soviet Russia. The Soviet way of interpretation of democracy supplies a reason why they take up the "tenno" system as one of the items related to the question of peace. It should be noted that Soviet Russia maintains the immediate evacuation of the U.S. forces from Japan. Furthermore, they are pointing out in sober earnest the danger of Japan's renewed aggression in future. Soviet Russia seems to be trying to make Japan into a country most suitable for the establishment of the Soviet form of democracy. They once advocated the recognition of unrestricted development of Japan's non-munitions industry by the Allied Powers. At the same time, however, they did not forget to add the prohibition of munitions industry. It should be mentioned that an important question in this connection is what is the extent of

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munitions industry or what kinds of industries come under this category.

(6) Guarantee for fulfilment of treaty of peace

In treaties of peace, provisions are enacted in some instances for the measures of supervision and for guarantee occupation in order to ensure the faithful execution of provisions of treaties by defeated countries. In the Treaty of Peace with Italy, it is simply stipulated that American, British, French and Soviet Ambassadors stationed at Rome will take steps, not later than 18 months after the coming into effect of the treaty, to give guidance, technical advice and clarification in order to ensure the quick and effective enforcement of the treaty. With regard to Japan, there are countries who advocate more strict supervision.

Soviet Russia protests against the view expressed by Gen. MacArthur that Japan has faithfully observed the Potsdam Declaration. Accordingly, enacted in a treaty as to the conclusion of which no veto can be used by Soviet Russia, the establishment of strong power of supervision is expected.

(7) Normalization of international communications

As will be seen from the foregoing, the freedom of Japan will be restricted to some extent by a future treaty of peace, but on the other hand, she will be able to associate with

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other countries on an equal footing again by securing an independent position in the family of nations. As it is difficult, as matter of fact, to restore the communication relations with all the Allied Powers based on the treaties of commerce and navigation immediately after the coming into effect of a treaty of peace, in the treaty it will be necessary to provide for the basis for normal international communications during the period before the complete restoration of communication relations. In the Treaty of Peace with Italy it has been stipulated to extend mutually unconditional most favoured nation treatment and indiscriminate treatment in trade during 18 months after the coming into effect of the treaty. If similar provisions are made in a treaty of peace with Japan, the country whose existence solely depends on the development of trade, will be able to have a bright future, it being possible at the same time to settle the question of unequal treatment given to this country now in trade.

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Closing Remarks.

When will a Peace Treaty be concluded, and what will be the terms and conditions of such treaty? These are the two points of deepest concernment to the Japanese people today, and a brief commentary on them has been attempted above. It has also been tried to furnish information of basic importance which all Japanese ought to have concerning the various questions popularly discussed in different circles as well as on papers and magazines in these days with regard to the matter of universal peace.

What is of primary importance to us Japanese now is to grasp unmistakably the objective situation of international affairs and study carefully the correct course of Japan based on such international situation. The conclusion we have come to is that we should have a Peace Treaty concluded at the earliest possible opportunity with such countries as would recognize Japan as an independent country on an equal footing, and that the conclusion of such a treaty is not impossible. Some people say that a "de facto peace" or the "proclamation of termination of state of war" would be the interim measure best suited to the existing situation of affairs, but the former, however beneficial it might be to us, cannot but be subject to a certain limitation, which is, in a sense, being already reached externally, and

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therefore such a measure should not be preferred. As regards the latter measure, too, it would necessitate among the Allied Powers negotiation and adjustment of opinions accompanied by difficulties of practically the same nature and hardly less great than in the case of concluding a regular Peace Treaty, because of its relationship to the question of occupation and control, and this point, it is desired, will be duly appreciated.

Lastly, what we must keep in view in connection with a Peace Treaty is the matter of "assurance of security" of Japan. In an ordinary kind of Peace Treaty, it would suffice to provide for the assurance of security of victorious countries by precluding the possibility of defeated countries threatening international peace again. But the present situation of international affairs makes it necessary to provide in some form for the assurance of security of Japan, which is completely disarmed, in order to enable it to continue its existence as a peaceful nation in the divided world. Universal peace is impossible without protecting Japan from aggression, nor can Japan continue its peaceful existence without universal peace. Indeed, the peaceful existence of Japan and that of the world are inseparably connected with each other now.

In his speech of January 12, 1950, U. S. Secretary of State Acheson declared that "the defeat and the disarmament

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of Japan has placed upon the United States the necessity of assuming the military defense of Japan so long as that is required, both in the interest of our security and in the interests of the security of the entire Pacific area ... .. there is no intention of any sort of abandoning or weakening the defenses of Japan," etc.

Again, Mr. Dulles, Adviser to the U. S. Department of State, who visited Japan recently, stated that, with regard to the peace question, an abstract argument was meaningless, the only thing in need being such a peace as would serve to assure security, and that the peace question would be desirable to be studied, not in the interest of Japan alone, but from the standpoint of international cooperation.

The points stressed by those personages are worthy of our most careful reflection, and we find therein distinctly enough the principle of seeking the security of Japan in the assurance of security in connection with a Peace Treaty and on the basis of international cooperation. What is of fundamental necessity for the security of Japan, which has renounced all arms, is that each and every member of the people should be unshakably resolved to observe democracy thoroughly and to the last. And moreover, such resolve ought to mean that to support through thick and thin the democracy of the world. In order to receive from other democratic countries the benefit of assured security based

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