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The Honorable Aichiro Fujiyama
Minister of Foreign Affairs
Ministry of Foreign Affairs
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Dear Mr. Minister:

I want to let you know that I read your article in Contemporary Japan entitled, "The Late Mr. John Foster Dulles and Japan" with a great deal of interest.

It was very kind of you to pay such tribute to my brother and I deeply appreciate your writing about him as you did.

With kindest regards.

Sincerely,



SIGNED

Allen W. Dulles
Director

O/DCI [redacted] :bak(18 Nov. 59)

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A Review of Far Eastern Affairs

VOL. XXVI



NO. 1 AUG.

1959

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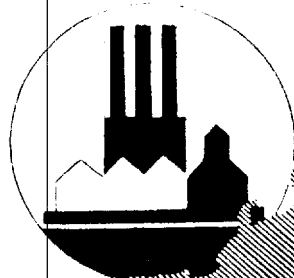
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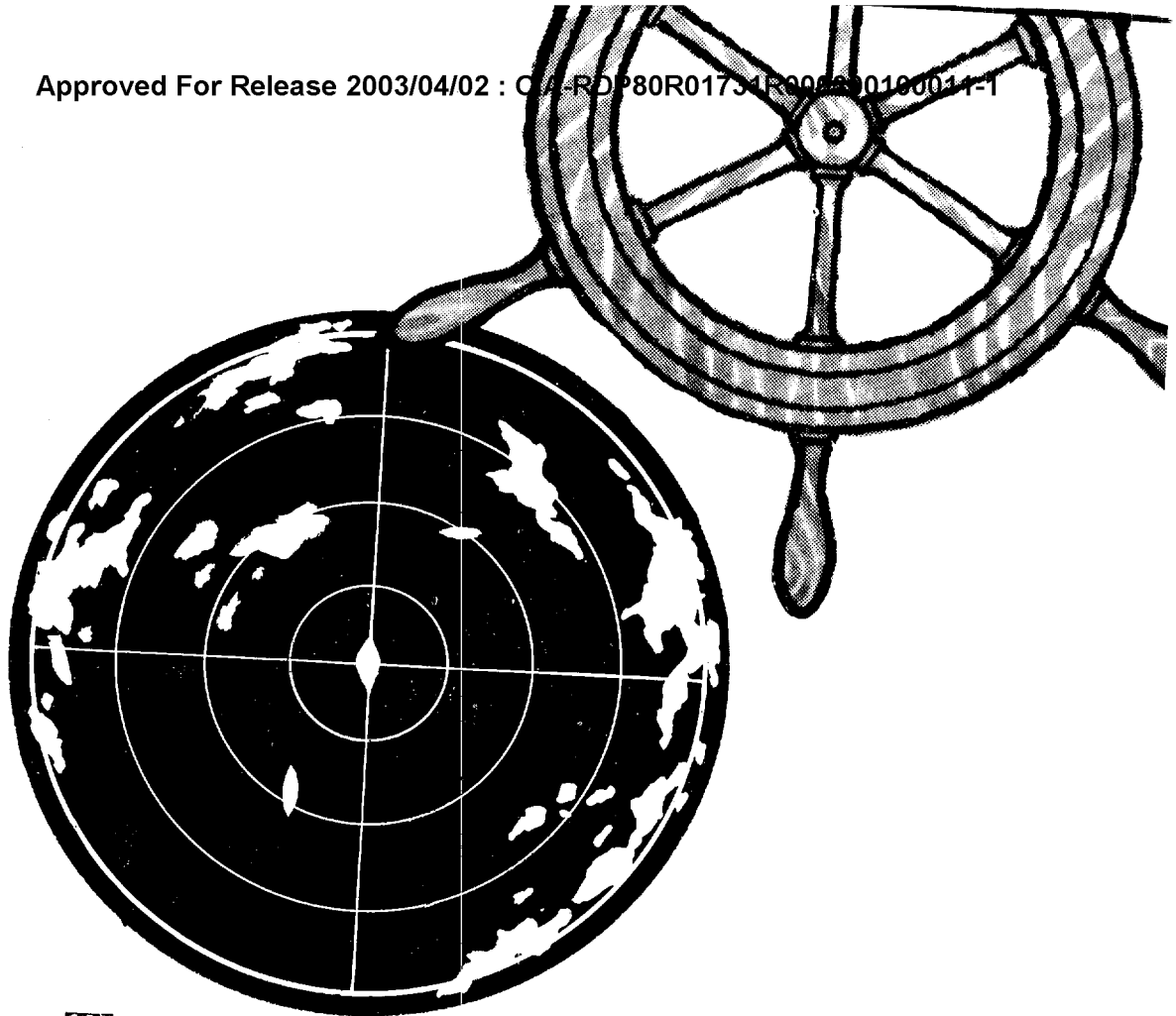
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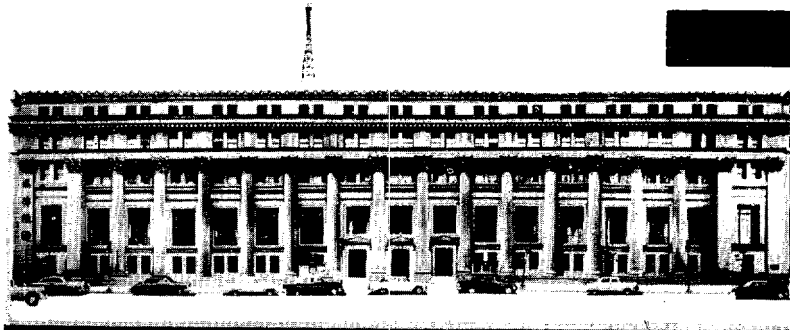
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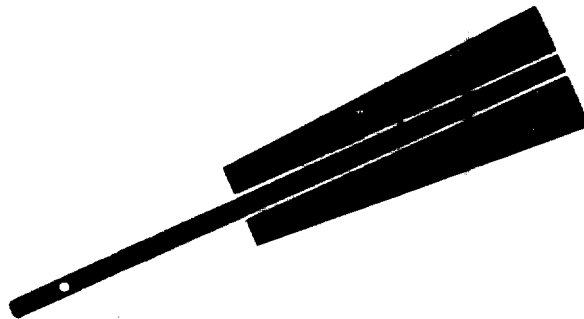
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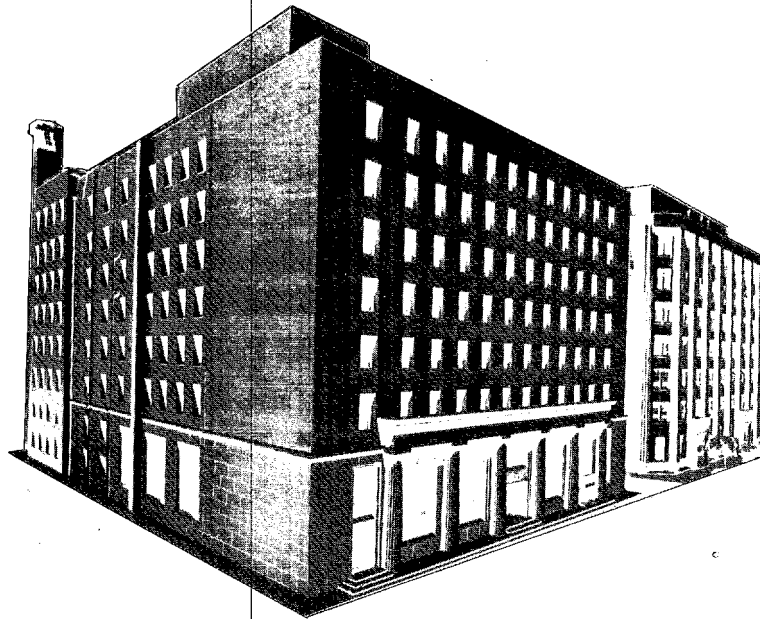
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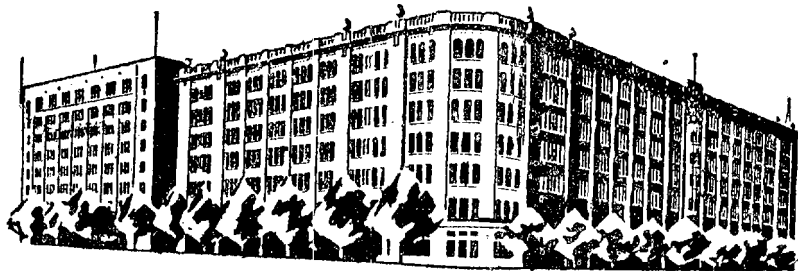
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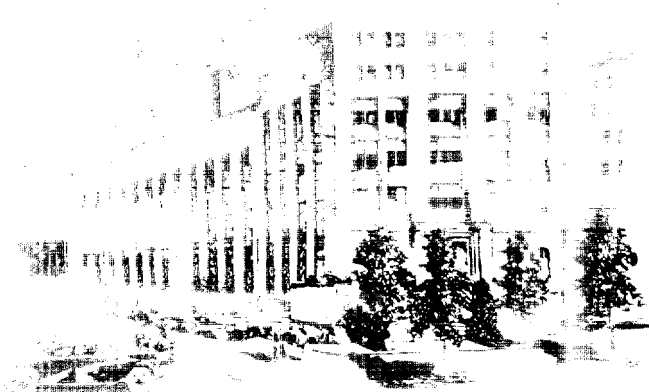
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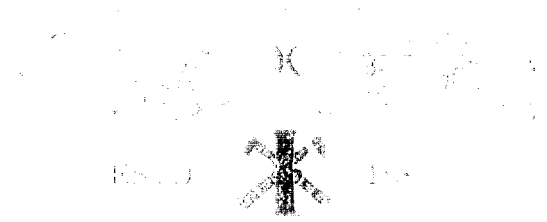


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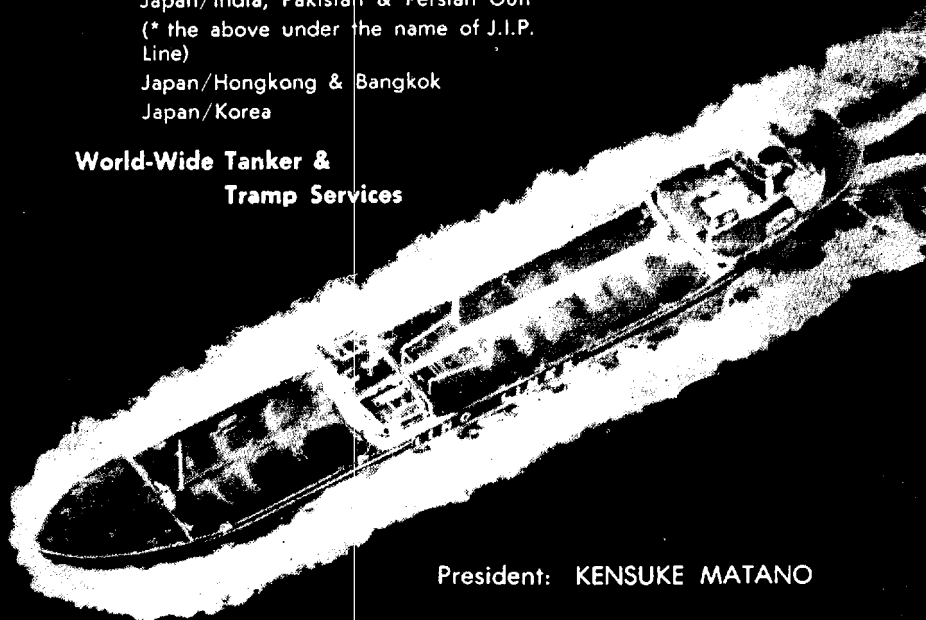
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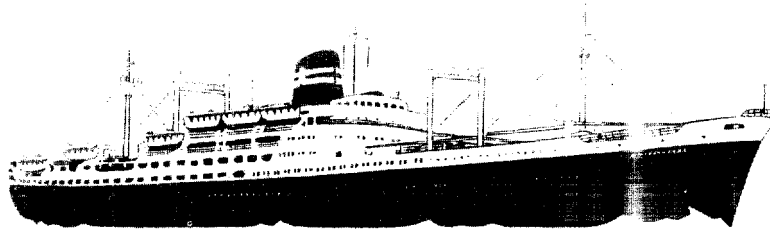
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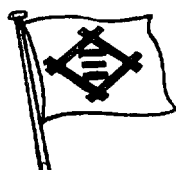
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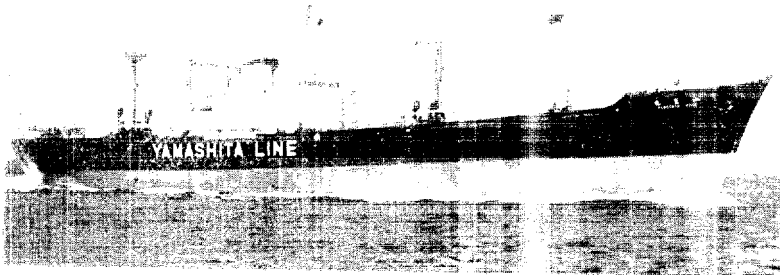


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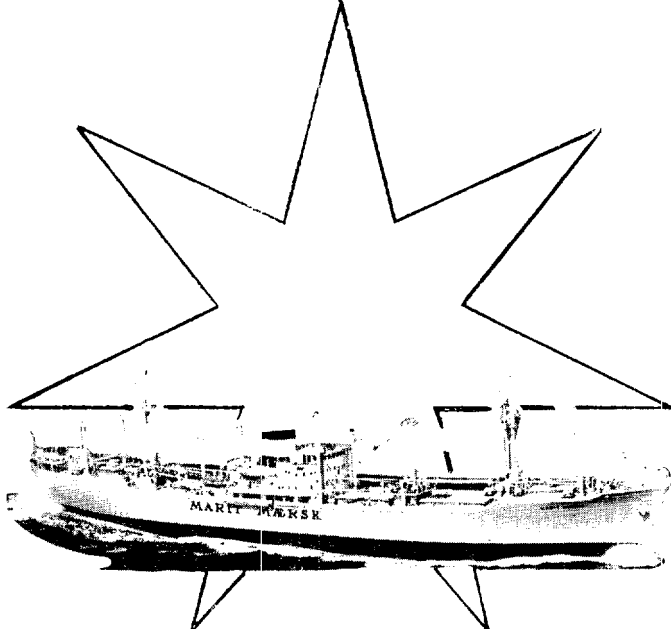

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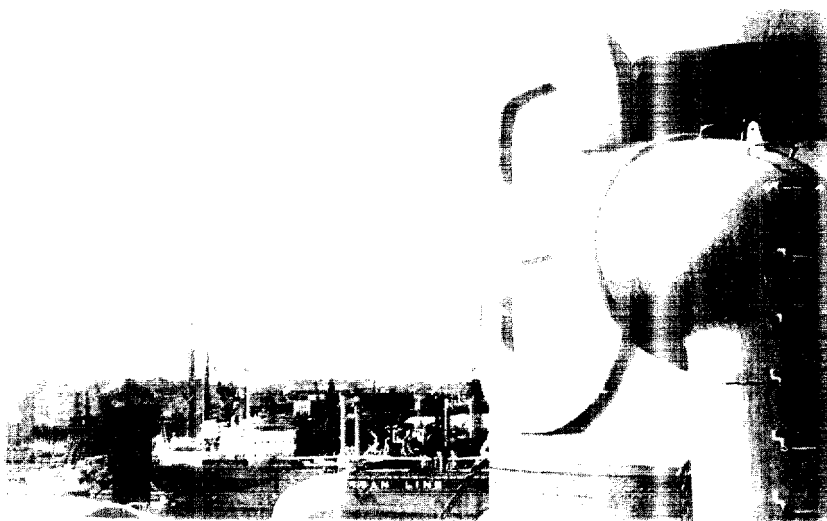
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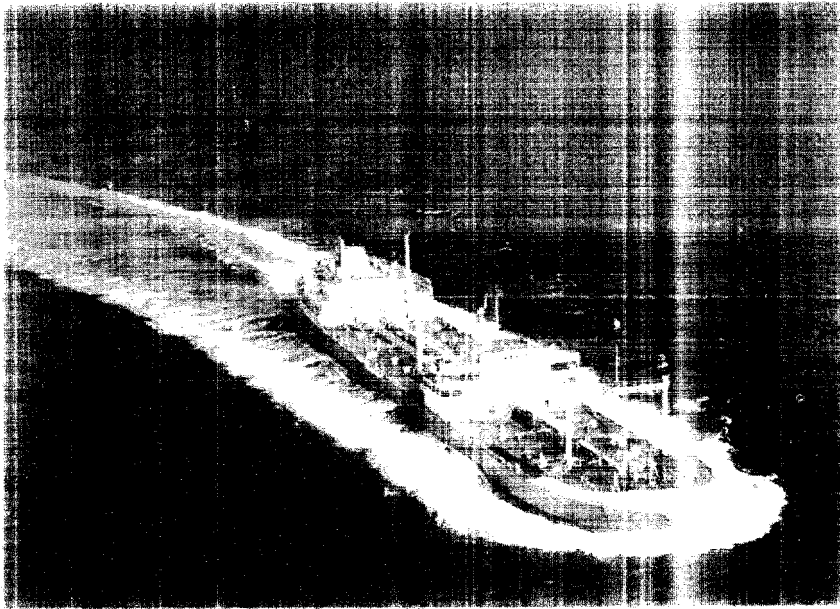
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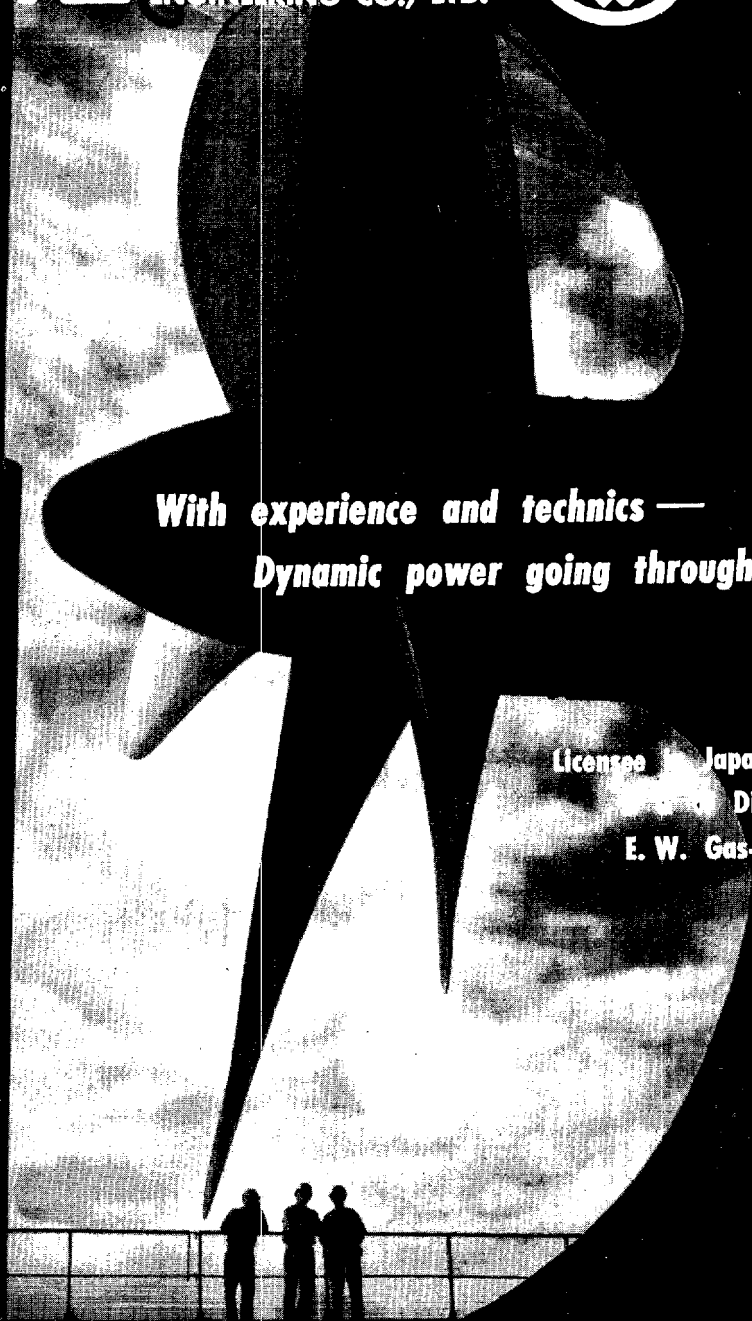
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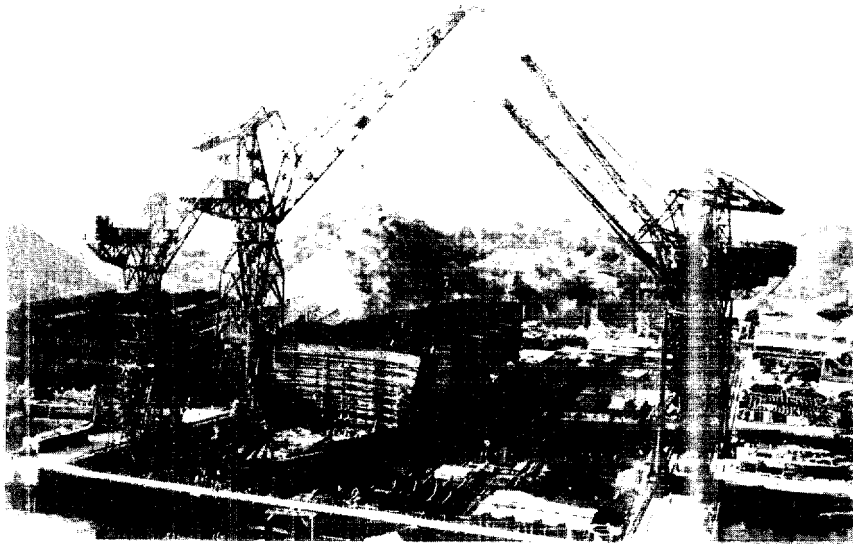


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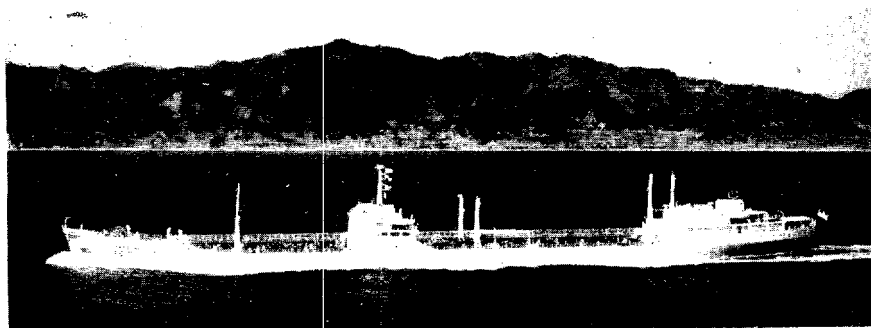
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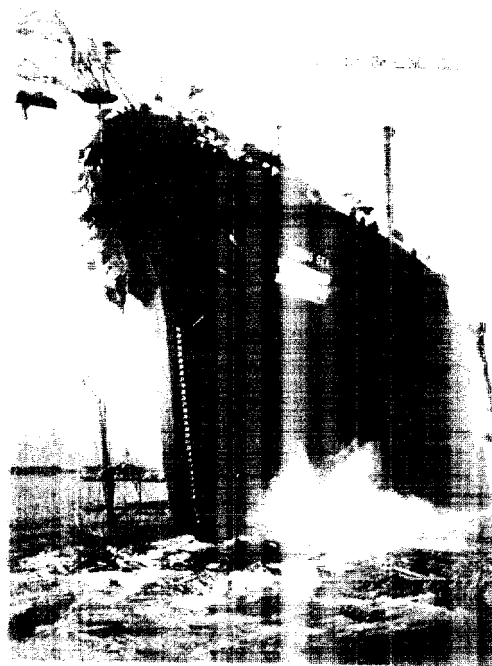
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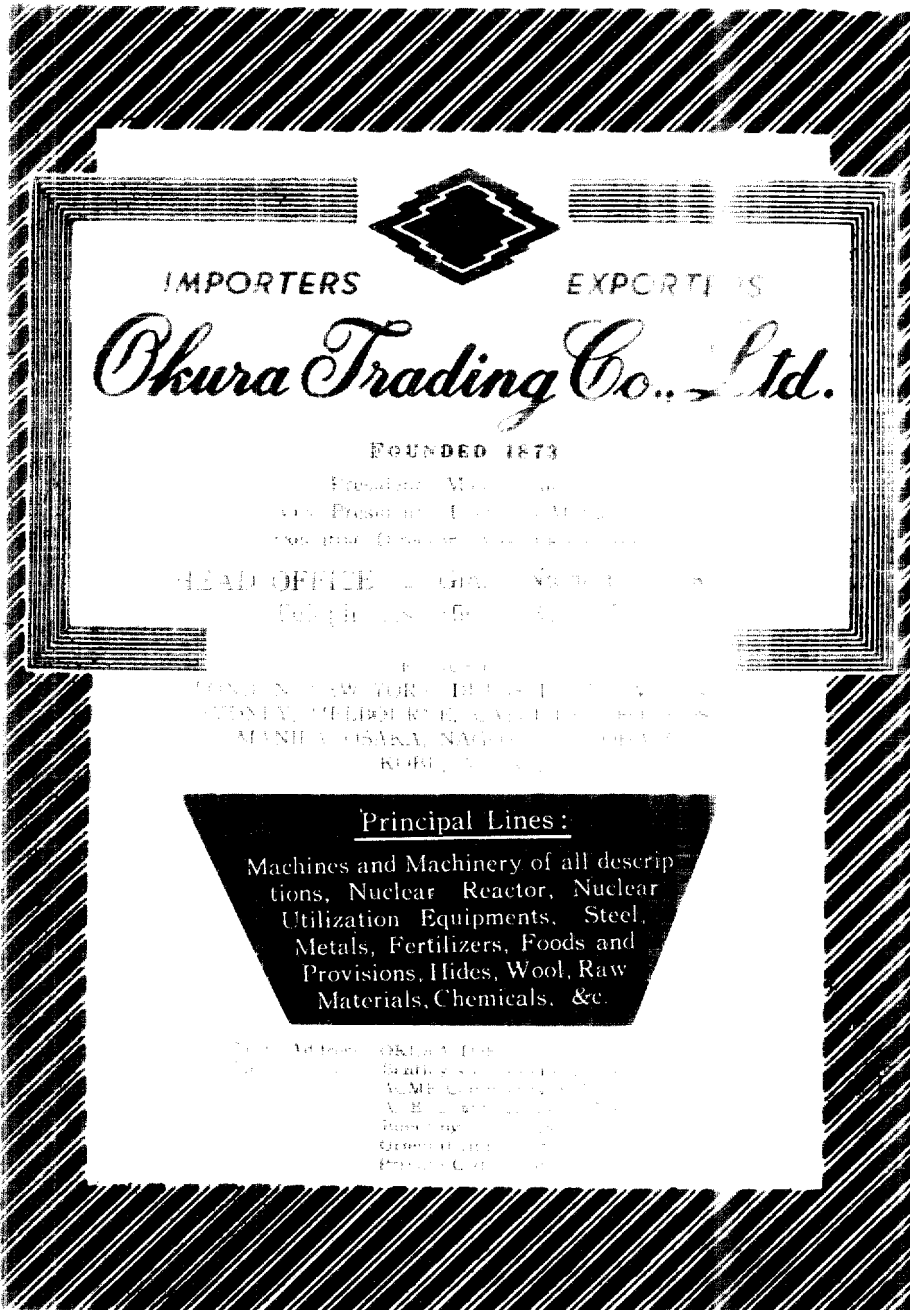
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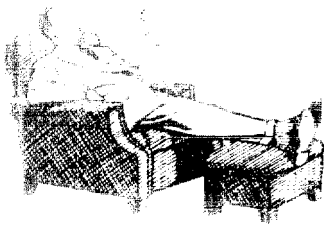
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tgent, and that he had a fine voice; and it
to fin **Asahi Shimbun Agents** to
ouse. It made him raise his voice and e
that he was even creating a disturban

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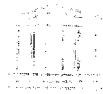
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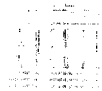
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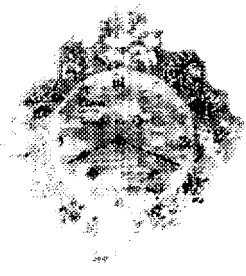
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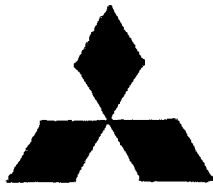
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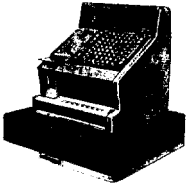
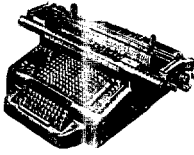

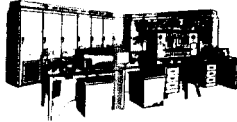
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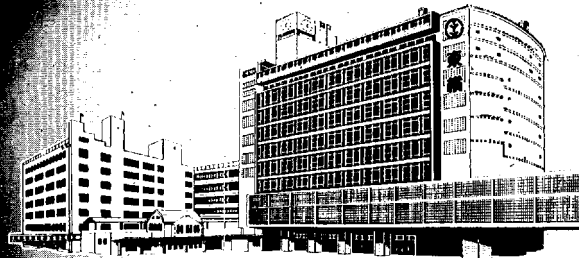
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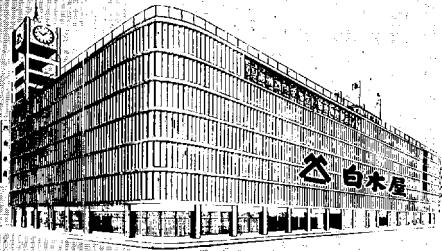


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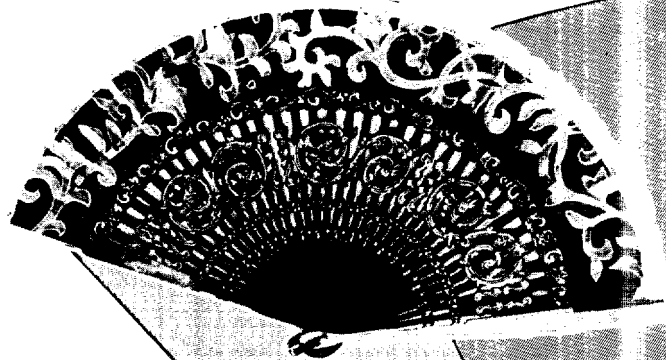
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CONTENTS

The Late Mr. John Foster Dulles and Japan.....	<i>Aiichiro Fujiyama</i>	1
International Understanding— An Individual Responsibility... <i>John D. Rockefeller III</i>		5
Japan's Share in Economic Co-operation... <i>Hayato Ikeda</i>		14
Agricultural Development in Asia..... <i>Yoshiji Togari</i>		33
Elections and Cabinet Reshuffle..... <i>Fumio Ikematsu</i>		50
Organized Labor in Present-day Japan (Part II).....	<i>Iwao Ayusawa</i>	66
Japan's Foreign Relations (Part XII)...	<i>Kosaku Tamura</i>	82
Study on Religious Juridical Persons Law (Part III)...	<i>William P. Woodard</i>	96
<i>Sensu</i> —Japanese Folding Fan.....	<i>Florence Wells</i>	116
Japan's Periodicals—Extracts: Hideo Wada: <i>Trend in Local Autonomy</i> — <i>Katsumi</i> <i>Matsumoto: Crisis for the House of Councillors</i> — Kenzo Takayanagi: <i>Tug-of-War over Article IX of the</i> <i>Constitution</i>		131
Book Reviews: Irene B. Taeuber: <i>The Population of Japan</i> — <i>Paul</i> <i>W. Schroeder: Axis Alliance and Japanese American</i> <i>Relations</i> — <i>Charles E. Tuttle Company: Japan: Theme</i> <i>and Variation—A Collection of Poems by Americans</i> — <i>Paul Reps: Zen Flesh, Zen Bones</i> — <i>Saburo Ienaga:</i> <i>History of Japan</i> — <i>Yojuro Yasudo: Munakata</i> — <i>Norine</i> <i>C. Reecc: The Cultured Pearl, Jewel of Japan</i> — <i>Ichitaro Kondo: Painting, 6th—14th Centuries</i>		146
Chronicle of Current Events: January 1 — June 30, 1959.....		160
Documentary Material: Trade and Payments Agreement between Japan and the United Arab Republic Signed at Cairo, November 8, 1958—Treaty of Commerce and Navigation between Japan and the Federal People's Republic of Yugoslavia Signed at Belgrade, February 28, 1959—Convention between Japan and the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Res- pect to Taxes on Income Signed at Copenhagen, March 10, 1959—Accord de Réparations entre le Japon et la République du Viet-Nam Signé à Saigon, le 30 Mai, 1959....		167

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1959

THE LATE MR. JOHN FOSTER DULLES AND JAPAN

By AIICHIRO FUJIYAMA

WITH THE RECENT PASSING OF JOHN FOSTER Dulles, the late United States Secretary of State, not only the United States but the world lost a stalwart champion of freedom and democratic ideals. We in Japan especially feel his loss keenly, for we have indeed lost a true and understanding friend whose zeal and energy made possible our country's return to the family of nations following the last war.

As the architect of the Treaty of Peace with Japan, he displayed to the fullest his prowess as an able and astute negotiator. Upon his appointment by President Truman in May, 1950, as Special Representative of the President, with the rank of Ambassador, to negotiate the Japanese Peace Treaty,

CONTEMPORARY JAPAN

he devoted a year of concentrated effort towards adjusting the differing views among the various nations, especially those in Asia. He came to Japan on three different occasions during this period and made several trips to the capitals of Southeast Asia. It was on one of his visits to Japan that I had the privilege of meeting him for the first time. The efficient and methodical manner in which he carried out his mission left a deep impression on me.

Mr. Dulles' concept of a "peace of reconciliation" finally bore fruit with the signing of the Peace Treaty in San Francisco on September 8, 1951, by forty-nine nations. It was acclaimed as Mr. Dulles' "master handiwork." With the coming into force of the treaty on April 28, 1952, normal relations between Japan and the United States, as well as other nations, were resumed.

Mr. Dulles' role in international affairs, especially in relations with Japan, did not begin with his work on the Japanese Peace Treaty. In 1919, he was a young but brilliant counsellor to the American Commission to Negotiate Peace at the Versailles Conference, in which Japan took part as one of the Allied Nations. It was then that he gained valuable experience in the conduct of international conferences and problems related to post-war settlement.

It was not mere chance that rocketed Mr. Dulles into prominence in the field of international affairs. His family background and environment were ideal to prepare him for the task that lay ahead. His grandfather, John Watson Foster, who served as Secretary of State from 1892 to 1895 in the Administration of President Harrison, is said to have groomed his grandson for a career in the conduct of international

Article re John Foster
Dulles

THE LATE MR. JOHN FOSTER DULLES

affairs. I might mention that this eminent grandfather later became an adviser to the Chinese Government under Li Huang-chang and attended the signing of the Treaty of Shimonoseki ending the Sino-Japanese War in 1895 in that capacity. His uncle, Robert Lansing, was Secretary of State in the Wilson Administration and signed the so-called Ishii-Lansing Agreement of November 2, 1917, concerning Japan's special interests in China.

Thus, Mr. Dulles was destined to follow in their footsteps and became Secretary of State immediately following the inauguration of President Eisenhower in January, 1953, thus assuming leadership in the conduct of American foreign policy. His first task in placing Japanese-American relations, in particular trade relations, on a stable and friendly basis was the signing of the Treaty of Friendship, Commerce and Navigation on April 2, 1953, thereby restoring treaty relations between the two countries, which had been disrupted since January, 1940.

Japan also owes much to Mr. Dulles for his initiative and constant support in making possible Japan's admission, by a unanimous vote, to the United Nations in December, 1956, and later, in October, 1957, her election to a seat on the United Nations Security Council as a non-permanent member.

Through personal contacts with Mr. Shigeru Yoshida, then Prime Minister, in November 1954, and Prime Minister Kishi in June, 1957, when they visited the United States, Mr. Dulles laid the groundwork for a new era in Japanese-American relations based on co-operation and partnership.

As Foreign Minister, I also had the opportunity of meeting with Mr. Dulles when I visited Washington

CONTEMPORARY JAPAN

in September, 1957. We discussed various problems of mutual interest. At that time, I was most impressed by his deep grasp of the problems confronting Japan, in particular his understanding of Japan's vital concern in foreign trade and the position of her economy as a basic factor in the stability of the Far East. Exactly a year later, in 1958, we met again and had a very fruitful exchange of views on the situation in the Taiwan Straits and other international questions. On this occasion, Mr. Dulles agreed wholeheartedly to conduct talks in Tokyo on the revision of the Security Treaty through diplomatic channels in order to make necessary adjustments to the treaty in accordance with new developments in the situation and the aspirations of the Japanese people. He stressed that, by so doing, Japan's security would be insured and the relations between the two countries would be placed on a basis of stability and mutual trust.

At the official funeral services for Mr. Dulles on May 27, this year, which I attended on behalf of the Japanese Government, it was brought home to me in sharp relief that a great statesman had passed away. He may have been looked upon by many as a controversial figure, as a man lacking in flexibility. But even his most bitter critics are unanimous in acknowledging that he was a man of principle whose unstinting devotion to the high ideals he championed commanded admiration and respect. This, I believe, is a high tribute to his greatness. No one can deny that he served his country at great personal sacrifice and that he worked untiringly for peace and freedom. His name will go down in history as one who dared when others wavered.

INTERNATIONAL UNDERSTANDING— AN INDIVIDUAL RESPONSIBILITY

By JOHN D. ROCKEFELLER III

THE IMPORTANCE OF INTERNATIONAL UNDERSTANDING has been strongly and repeatedly impressed upon me in recent years. Since 1946, I have been fortunate to have traveled widely, especially in Asia where I have visited almost every country. My travels leave me with two main observations. One I find most heartening; the other unfortunate, even tragic.

The first is the gratifying realization that a solid basis for understanding between East and West does exist. It is to be found in the mutual aspirations and the strong kinship of ideals that the people of Asia share with the people of the West. It is to be found beneath our surface differences of language and dress, custom and belief, even race and religion. It is to be found in the recognition of the common humanity of all men, in the knowledge that at heart all men share a wide range of mutual hopes, fears, and desires.

People in all parts of the world believe in the dignity of the individual. Men desire justice, and wish to live under a rule of law that dispenses justice equally among individuals and nations. They are striving to attain equality and believe in their right to choose their own form of government. War

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is universally feared and dreaded, and people long for peace, a peace that will allow them to develop their lives and their nations in a safe, orderly, and productive manner. And all over the world man is seeking to improve the lot of himself and his family—to achieve a better and fuller life.

Upon this broad common ground of shared aspiration, I have found that the peoples of East and West are being drawn together. I found that many nations in their struggle to gain independence drew hope and inspiration from America—from its history and its heritage of freedom. I have found that they have looked to America for sympathetic understanding and help during these difficult transitional years because of a feeling of kinship and common purpose. A friend who over the years has traveled widely in South America once told me that in many humble homes there he would see a photograph of Franklin D. Roosevelt, who was then our President, in a revered place alongside the religious symbol. When my friend indicated that, as an American, he felt honored by such a tribute, one farmer explained that he and his people felt Mr. Roosevelt “cared” that America “cared” about them and their problems. My travels tell me that people believe that America, as a friend and partner, still “cares.”

And yet—and this is the second, and a distressing, observation of my trips—I cannot help but sense today a feeling of doubt and disappointment among some people as to whether America really does understand and appreciate their aspirations and hopes for peace, freedom and a better life.

I find that many people fail to understand why my country places so great an emphasis upon arma-

RESPONSIBILITY FOR INT. UNDERSTANDING

ments and security pacts, why we appear more interested in holding back communism than in helping the people in their efforts to attain a better life. I find that many wonder why our economic aid programs are directed so purposefully to countries where the threat of communism seems strongest. And I find that many are puzzled by the seeming contradiction of American foreign policy that appears at one time to oppose colonialism and at another time to defend it.

It is true that my country is putting heavy emphasis upon its armed strength, true that one objective of our economic aid program is to check communism, and true that some of our policies appear contradictory. The doubt about America that these actions cause comes from a lack of understanding of the difficult postwar role of responsibility into which the United States has been cast. We, the Americans, are the principal source of strength if the defense of the free world becomes necessary. We believe that the forces which oppose us respect only strength. Therefore, we are convinced that we must maintain our strength, not because we believe in rule by force, but so that we may gain time to work positively for a lasting peace and a better world. American resources for foreign assistance being limited, there appears to many of our people a special urgency about assistance programs to help in the restraint of communism. Our global responsibility gives us obligations to both our traditional friends and allies in Europe and to our new friends in Africa and Asia. This duality of interest sometimes makes our policies seem contradictory to those who have not shared our problems of the past fifteen years.

Misunderstanding of the reasons behind America's

CONTEMPORARY JAPAN

attitudes and actions becomes serious when it causes other peoples to doubt if America still "cares" about them and about their problems. They may rest assured that the American people do care—and care deeply. The same high ideals that have lifted and inspired freedom-loving people in other countries remain alive in the hearts of the American people—as strong, as real, as vital as they were 183 years ago when the United States of America declared its own independence.

The depth of the present tragedy of misunderstanding is the extent to which it retards progress toward fulfilling the mutual aspirations of the world's peoples. For the villains in this tragedy, we must look beyond governments and propagandists. Misunderstandings are like weeds. They need not be sown, they spring up and flourish merely for want of someone willing to root them out. And, so in seeking the villains, we must look to ourselves, to all and each of us who by our daily actions, or lack of action, allow misunderstanding to spread and flourish.

It is we, the individual citizens who comprise our democratic societies, who must undertake the task—or, rather create the opportunity—of building a true and lasting understanding among the nations of East and West. And yet how easy it is for us as individuals to evade this responsibility! We can readily say that the problems are too great or too complex, the end results beyond our competence. But we must remember it is the accumulation of our individual daily actions that counts. So often these actions have an influence that reaches out far beyond our immediate environment. It is what we do as parents, as voters, as businessmen, as workers in

RESPONSIBILITY FOR INT. UNDERSTANDING

civic and social organizations, as holders of public office, that in the last analysis determines our national policies. The higher the position of leadership we hold in our democratic institutions, the greater becomes our responsibility to act so as to further our democratic ideals, and to present them properly to an ever-watching world.

Today, as never before, free society is on trial in the eyes of the world. The momentous question to many is whether a free democratic society can fulfill the aspirations of its people. The jury is comprised of hundreds of millions of people throughout the world who have newly come, or are coming, to independence. Their decision, one of the most important and far-reaching that men have ever been called upon to make, will be based on their observation of our actions, of our individual actions.

So important is international understanding that there are few other fields where we can discharge our personal responsibility to greater effect. The pertinent question today is how we as individuals can play a positive role in building this understanding. There are, of course, countless ways, but I would suggest three.

First, we must remember that the basis of all understanding is knowledge. So let us both, the peoples of East and West, increase our individual and collective efforts to learn more about each other. We must be well-informed about each other's culture and pattern of life, accomplishments and problems, needs and aspirations. Otherwise, we are certain to make many mistakes in our relationships with each other, and thus sow the seeds of new misunderstanding. Our divergent backgrounds, history, geography,

CONTEMPORARY JAPAN

resources, religions, and customs may make our views of such things as democracy, communism, or even individual freedom seem strange to one another. In many respects we citizens of East and West regard each other as virtual strangers. But we are strangers only because we are unacquainted, and unacquainted only because it is but recently that we have really begun to know one another.

With respect to America, I think the obvious unbalance between what we know of Europe and what we know of Asia indicates how great an educational task lies before us. For example, many of our young people learn about the civilizations of Europe; but few indeed are acquainted with the great civilizations of the East. French, Spanish, and German are taught in almost every high school; but an American would be hard-pressed to find a school, other than a large college or university, where his children could learn Japanese, Chinese, and Hindi. Japan is to be commended for the greater degree to which the minds of her young people are directed towards Western culture and language. America would do well indeed to put an equal emphasis on the East.

Understanding, by its definition, means knowledge. And knowledge can be neither gained nor given by decree, no more than understanding can. It can only be produced by our earnest individual efforts.

Second, we must bear in mind that learning *about* each other is no more important than our personal and national need to learn *from* each other. Our civilizations both East and West, are rich in art and culture, religion and philosophy, literature and science. If we but direct ourselves to these resources,

RESPONSIBILITY FOR INT. UNDERSTANDING

we can enrich our individual lives, as well as those of our children.

Even greater than these personal rewards are the incalculable benefits that await mankind if the combined knowledge and talents of East and West can be applied to the enormous challenges of our age. The problem and potential of population growth, the momentum of whole new continents towards economic development, the adventure of space exploration, the discovery of new sources of energy and new cures for disease, all these offer problems as well as promise. To avail ourselves fully of the opportunities they present, we must apply to them the total intellectual, scientific, cultural, and spiritual resources of all our peoples. We must give freely of our learning and our culture, to the betterment of life in both East and West.

Here again we should not be daunted by the size and complexity of the task before us. It is for us to make a beginning. For example, we can encourage our governments and businesses to give greater support to mutual cultural relations; we can make a most effective approach to greater understanding if we can create more opportunities to see, hear, and enjoy each other's artistic and cultural achievements. Language, race, and distance are no obstacles to the appreciation of art. The arts, because they speak of man's innermost feelings and hopes, have meaning for all men. They, better than any other medium, express the common humanity of us all—the firm basis upon which understanding must rest.

The twin efforts of learning *about* and learning *from* each other call for conscious and continuing individual effort. Nonetheless, the effort is vastly

CONTEMPORARY JAPAN

rewarding, and basically essential to understanding.

Third, we must bring to our relationship with one another an honest frankness—the frankness of friends that permits no misunderstanding. Let us speak and act with unreserved sincerity, admitting fault where fault exists and explaining it as straightforwardly as we can. Let us ask candid questions so we can better know each other's point of view. Let us, in short, speak and act frankly and openly together as equal citizens of the world community.

True and lasting friendship, we must remember, does not require a complete identification of thought. It does demand that our views be honestly held and frankly expressed. It should be expected, and even welcomed, that true friendship may at times cause us to speak out in opposition to one another's view. It is the true friend who is quick to offer frank advice, even if he knows this will offend his friend. The true friend cares more about the welfare of the other than about surface civilities. The true friend is not afraid of dispute, because he knows dispute will pass but friendship will endure. This is the kind of friendship based on understanding which the peoples of East and West must work to achieve. It is a friendship best described by a homely American saying: "A friend is a fellow who knows all about you—and likes you anyway."

So I offer these three approaches for building a better understanding between East and West—first, gain a greater knowledge of each other; second, mutually profit by each other's cultural and intellectual heritage, and third, achieve in all our relationships an honest frankness, the frankness of friends.

The momentous time in which we live adds to our

RESPONSIBILITY FOR INT. UNDERSTANDING

individual responsibility for understanding. History and this shrinking world have united the destinies of Asia and America. We stand together at a fateful crossroads, facing perils and opportunities almost beyond imagination. We need each other for inspiration, for strength, for friendship.

With understanding, all else becomes possible. Understanding will allow us to resolve the difficulties that are bound to arise even between friends. And understanding will allow us to realize to the maximum the opportunities we shall have to fulfill the dreams and ideals of our people. Then, let understanding be the aim of our mission, so that together we can build the world of peace and promise to which both East and West aspire.

Gist of the speech delivered by Mr. John D. Rockefeller 3rd at the meeting of the America-Japan Society, Tokyo, March 9, 1959.

JAPAN'S SHARE IN ECONOMIC CO-OPERATION

By HAYATO IKEDA

ECONOMIC CO-OPERATION, A NEW FEATURE IN international economic relations, has come to play an exceedingly important role in international economy, as it purports specifically to promote a mutually beneficial economic relation between advanced industrial countries and the countries which have not yet been fully industrialized.

Moreover, it is of vital importance, with a view in particular to promoting mutual welfare and friendly relations, to offer whole-hearted co-operation to the neighboring Asian countries, who, still young in their national history of independence, are today striving earnestly in their epochal endeavor to build up their economy.

In order to meet this requirement, Japan, during the last few years, has adopted some positive measures for expediting economic co-operation. In this connection, a marked advance was witnessed in 1958, when successful induction was made of foreign development programs, and budgetary appropriations for economic co-operation were considerably increased. This was a matter for congratulation, as it enabled Japan to undertake, during the same year, the establishment of *yen* credit with India, as well as the conclusion of agreements on economic co-opera-

JAPAN'S SHARE IN ECONOMIC CO-OPERATION

tion with the United Arab Republic, economic and technical co-operation with Laos and Cambodia, co-operation with the Philippines in its enterprise of Marikina dam construction, and so forth. Now, by making brief, analytical survey of the present conditions of economic co-operation in diverse fields of investments, loans, technical and financial co-operation, the present writer will venture here to envisage future prospects of such economic co-operation.

SOME PHASES OF ECONOMIC CO-OPERATION

1. *Investments*

Foreign investment, when inducted into an underdeveloped country in a manner adaptable to its economic development, will contribute largely to the development and utilization of natural resources, as well as to the progress of industrialization and multiple economic development in that country. With an advanced country which makes such investment, it serves to open way for the effective use of accumulated capital, and to secure the import of vital natural resources. Japan's postwar foreign investments, of which the first instance was undertaken for Okinawa in 1951, have, ever since then, increased almost annually, reaching in aggregated total 229 instances, with the sum amounting to \$61,503,000 before January 1, 1959. Of these instances, 149 covering \$14,630,000 represent private investments made to trading corporations in various countries, with the United States leading. The investments in production industry, which totalled \$3,000,000 in 1954

CONTEMPORARY JAPAN

and 1955 respectively, rose to \$8,726,000 in 1956, rising with a yet sharper upward curve to \$15,542,000 in 1957 and to \$15,221,000 in 1958. The favorable trend in Japan's foreign investments continued throughout 1956, a boom year with a notable expansion in export; and despite a recession in domestic economy in 1957, the same trend continued through that year and well into 1958. The continued favorable trend might be ascribable to the fact that, since foreign investment contracts require much the longer time for negotiations, those which materialized in 1957 included a large number of the contracts of which negotiations had been started in 1956. It is, however, more largely attributable to the fundamental reason that foreign investment is conducted with a view to overall economic development, and on the basis of such requisites of permanent nature as the expansion of export trade, the stability in importing vital natural resources, and so on.

When classified by region and by the type of industry, the larger portion of investments made in North America goes to the mammoth project of developing Alaskan pulp industry; the Central and South American investments number 30 with the sum amounting in total to \$32,661,000, followed by the 43 instances of investment made in Southeast Asia with \$4,432,000. A marked predominance allowed to the Central and South American investments over those in Southeast Asia can be explained by the fact that, in Central and South America, foreign investment encounters hardly any restrictions, but is met with favorable conditions provided under the United Nations' industrial development program; whereas, most of the Southeast Asian countries have not yet

JAPAN'S SHARE IN ECONOMIC CO-OPERATION

adopted the proper legislation for the induction of foreign investments, or even sufficiently effective measures to provide for remitting profit shares, refunding the capital, or paying the necessary guarantee. And they do not, under the regulations currently in force, permit Japanese investors to hold a majority of shares. Furthermore, these Southeast Asian countries, independent only since the termination of World War II, are still definitely under the influence of the general tendency, antagonistic toward foreign investment and strongly colored with nationalism. The Central and South American countries, having achieved independence as early as in 1820, are all of them in favor of and fully prepared to receive foreign investments.

2. *Loans*

Loans are granted in the form of funds or the equipment necessary for industrial development; and usually a refund consists of products of the industry thus developed, such as, for example, ores, lumber, etc. Loans granted to enterprises in various countries amount in total to \$50,658,000, covering 53 instances, including \$28,984,000 to North America, \$5,118,000 to Central and South America, and \$16,236,000 to South Asia. Of the loans granted to North America, the development of Alaskan pulp industry has claimed \$28,605,000; and the Central and South American loans include 5 instances in textile industry amounting to \$1,080,000, 2 instances in mining industry amounting to \$1,347,000, and 19 instances (15 in Brazil, 1 in Argentina, 1 in Peru and 2 in Uragay), with \$2,648,000, granted through

CONTEMPORARY JAPAN

the Japan Emigration Promotion Company to various emigration enterprises. In Southeast Asia, loans are granted with priority accorded to the Philippines, where the undertaking of joint enterprises is not permitted. For funds and equipment supplied to develop an industry, the products thereof are imported to Japan at reduced import rates. Major Japanese investors in this connection are Kinoshita Company in iron mining; Mitsui Mining and Smelting Co. and Mitsubishi Metal Mining Co. both in copper mining; and Marubeni-Iida Co. in *lauan* industry development; the total sum invested amounting to \$7,460,000. Besides this, \$6,924,000 are invested in the development of mining in Goa and Malaya. Particularly, in the case of loans to Goa, which was the first instance among Japan's postwar overseas enterprises, a remarkably close co-operation has been maintained between Japan's Kokan Mining Co. and Goa's Chowgule Co.

3. *Technical Assistance*

As of January 1, 1959, the instances of technical assistance rendered by Japan totalled 118, including 90 for Southeast Asia still on a low technical level. India and Formosa together have received most of such assistance: India, on account of its five year plan currently in progress with the goal set at industrial leadership in Southeast Asia; and Formosa, because of its eager aspiration to achieve selfsufficiency in view, particularly, of national defense. In fact, however, both India and Formosa possess industrial capital worthy of receiving such technical assistance

JAPAN'S SHARE IN ECONOMIC CO-OPERATION

as Japan can offer.

Central and South America have so far received technical assistance only in 16 instances, due to the fact that most of the countries in that region, having assimilated American or West-German advanced technology, now maintain a considerably high technical level. Furthermore, there are many joint enterprises established in that region, with Japan holding the larger portion of shares. Those enterprises are more or less closely affiliated with some of the major Japanese enterprises at home, so that technical assistance need not follow its ordinary procedure.

When classified by the type of industry, the instances of technical assistance are grouped in 21 for fishery, 17 for machine industry, 15 for mining, textile, and electric industry.

4. *Capital Co-operation*

The year 1958 witnessed a long stride taken in capital co-operation. In this connection, special mention must be made of the *yen* credit accorded to India, agreements concluded on economic and technical co-operation with Laos and Cambodia, an accord reached on economic co-operation with the United Arab Republic, and so forth.

(1) *Yen Credit for India.*

India is one of the most important markets for Japan's export of industrial commodities. Therefore, the adoption of a special financial plan for India has been under consideration since the middle of 1957, partly in order to assist in the achievement of its

CONTEMPORARY JAPAN

five-year plan, and partly to expedite Japan's export to that country. Following Prime Minister Kishi's visit to India and Indian Prime Minister Nehru's visit to Japan in May and October respectively in 1957, the plan finally materialized into an agreement reached by Japan and India in February, 1958, providing that the former accord a *yen* credit of ¥18,000,000,000 to the latter over a period of three years. The establishment of *yen* credit—a precedent, indeed, of epochal significance—has opened a new field for Japan's economic co-operation with South-east Asian countries.

Available commodities under this *yen* credit agreement are equipment for railways, power generation and transmission, dam construction, and the mining and processing of coal and iron ore; vessels; harbor equipment; industrial machinery (including plants for manufacturing rayon, pulp, chemical fertilizer, caustic soda, etc.); machine tools; and other commodities agreed upon by the Governments of the two countries. The recipients designated are the Government of India, its state-controlled enterprises, state governments and private enterprises. In case the recipient is the Indian Government, no guarantee is required on the security. When it is either a national enterprise, or a state government, a guarantee must be supplied by the Indian Government; and when a private enterprise, a joint guarantee is required of the State Trading Corporation and the Indian Government. The rate of interest is determined case by case on the same level as that charged by the World Bank.

Considerable delay was caused in determining the pertinent proceedings, due to the discovery made

JAPAN'S SHARE IN ECONOMIC CO-OPERATION

some time after of the facts (1) that the state government, under the internal law of India, could not be party to a foreign credit contract, and (2) that the State Trading Corporation, as it was, could not be instrumental in offering a guarantee.

The designation of items was also delayed by the adjustment required on the part of India. Subsequently, negotiations were reopened in October, 1958, as a result of which the two countries have approved as an expediency (1) that in case a state government or a private enterprise wishes to obtain *yen* credit, the Indian Government receives such credit, and transfers it to the original applicant; and (2) that the credit should be made applicable to such items as power generating plants (¥6,000,000,000), vessels (¥5,000,000,000), coal washing plant (¥2,400,000,000), telephone equipment including cables (¥2,800,000,000), steel products (¥1,800,000,000), etc.

Besides the *yen* credit, Japan at the first meeting of the creditor countries agreed to furnish India with an additional credit grant of \$10,000,000. The items determined under this credit agreement include power generation equipment, transformers, textile machinery, rubber machinery for manufacturing conveyor belts, viscose, tire-cord plants, rayon plants, etc., priority being accorded to items for which the Indian Government has already issued import licenses.

Up to now, the *yen* credit utilized has amounted to only ¥2,160,000,000 and the additional credit to ¥1,700,000,000.

CONTEMPORARY JAPAN

(2) Economic and Technical Co-operation with Laos and Cambodia.

Since Laos and Cambodia waived their claim for war indemnity payment, Japan, by way of returning their friendly gesture, has decided to offer economic and technical co-operation, free of any obligation, to these countries. The negotiations in this connection, initiated at the end of 1958, were brought to a satisfactory conclusion this year, providing for a grant of ¥1,000,000,000 for Laos to be used in co-operation with that country in constructing water-works and bridges in the capital of Vientiane; and a ¥1,500,000,000 grant for Cambodia for establishing an agricultural training center (with farming implements and a travelling clinic), a cattle breeding center, and so forth. The agreements, which were reached early this year, provide for the following proceedings much in the same way as reparations payment: the Japanese Government will sanction and issue export licenses on contracts concluded with the Government of Laos or Cambodia; the payment for such contracts will be made by the Japanese Government, out of the Reparations Payment Special Account in the national budget, to Japanese enterprisers through the banks designated by the Government of Laos or Cambodia.

(3) Economic Co-operation with UAR (Egyptian Region).

The agreement on economic co-operation, which was concluded and signed by Japan's Minister of International Trade and Industry Takasaki and

JAPAN'S SHARE IN ECONOMIC CO-OPERATION

UAR's Minister of Industry Sidky on the occasion of the latter's visit to Tokyo in September, 1958, set the first precedent in Japan's economic co-operation with the countries in the Near East. Under this agreement, Japan will export to UAR \$30,000,000 worth of cotton weaving machinery, can-manufacturing and canning plants, sugar plants, etc., on terms of payment far more advantageous to the payee than those of deferred payment. With the addition of a \$17,000,000 credit set for the import of diesel cars, the credit amounts in total to \$50,000,000. In connection with this agreement, mention must be made of the following: (a) its conclusion required only one month, whereas the settlement of deferred payment in individual cases usually requires at least six months; (b) the payment terms within the credit line are more tolerant than those set for deferred payment; and (c) the Japanese Government took interest in individual contracts, and rendered invaluable service in bringing them successfully to an early conclusion.

(4) *Yen* Credit for Paraguay.

Along with the negotiations currently in progress for increasing the number of Japanese emigrants, mostly farmers, to Paraguay, negotiations for the establishment of *yen* credit for that country have been settled. Japan agreed to render a credit in term of *yen* to furnish Paraguay with 13 river vessels, amounting in value to ¥1,350,000,000; this is a worthy project of economic co-operation, serving, at the same time, as a measure most appropriate to the emigration promotion policy. In this

CONTEMPORARY JAPAN

conjunction, an emigration agreement was signed on June 23, 1959 between Paraguay and Japan, providing for the emigration of 85,000 Japanese over a period of 30 years.

Furthermore, the technical co-operation agreement recently signed with Iran, providing for the promotion of technical exchange between that country and Japan, has opened a way for the dispatch of Japanese experts to the Near East, and for receiving, in return, a group of technicians from that region.

More recently, on the occasion of President Garcia's visit to this country in December, 1958, Japan agreed to accord economic co-operation to the Philippines in the latter's projects of constructing Marikina Dam and telecommunication system in Manila, on the terms of deferred payment, such as are provided for under the reparations payment agreement concluded with that country.

5. Technical Co-operation

Japan's technical co-operation has so far been carried out by means of receiving technical trainees from overseas, dispatching experts abroad, and establishing technical training centers in various foreign countries. Both the reception of foreign trainees and the dispatch of Japanese experts are executed on either government or private basis. Regionally speaking, technical co-operation is accorded mostly to Southeast Asia, in conformity with the provision made in the Columbo Plan. The establishment of technical training centers overseas, a co-

JAPAN'S SHARE IN ECONOMIC CO-OPERATION

operative measure favored by many advanced countries, was undertaken by Japan only so recently as 1958.

(1) Receiving Foreign Technical Trainees.

Foreign technical trainees are received by the Japanese Government through the following four routes: namely, the Colombo Plan, the United Nations' programs, the International Cooperation Administration (ICA), or at the request made by the government of each respective country.

The number of foreign trainees received by Japan increased from 38 in 1957 to 88 in 1958. When classified by the route through which they were received, the increase in those two years was from 11 to 22 under the Colombo Plan, 1 to 6 under the United Nations' programs, 17 to 31 through the ICA, and 9 to 29 at government request. The increase is ascribable partly to the high, all-round appreciation of the technical co-operation in this specific field and partly to the increase in the budgetary appropriations which made it possible during the period of 1957-58 to improve and expand hitherto unsatisfactory training facilities.

When catalogued by the kind of industry, 40% of these foreign trainees were engaged in agriculture and fishery, 19% in iron and steel industry, and the remaining 41% in various other industries.

As to the expenses incurred in this connection, the Japanese Government pays all the expense covering the sojourn, travel, and training of the trainees received under the Colombo Plan; but in the case of trainees received under the other three plans, the expense incurred by their sojourn and travel is paid.

CONTEMPORARY JAPAN

by either the United Nations, the ICA, or the government of each respective country, while Japan is responsible for only their training expense.

To make an overall survey of the trainees who came to Japan through various private routes is almost impossible; however, their number is estimated to be 73 in 1954, 96 in 1955, 118 in 1956, 70 in 1957, and 20 during the first six months of 1958, their aggregate total for the past five years being estimated as 377. They were mostly sent to Japan by their respective governments in connection with the import of various plants. In future, Japan should provide more systematic and better-planned means to encourage the coming of technical trainees from abroad.

(2) Dispatch of Japanese Experts.

The Japanese experts dispatched abroad in 1957 and 1958 were 25 and 12 under the Japanese Government's sponsorship; 21 and 11 under the Colombo Plan; one each at the request of the foreign government; and one in 1957 only, under the United Nations' program.

These experts were dispatched abroad mostly for the purpose of imparting skilled knowledge in home industry, such as doll making, toy manufacturing, bamboo crafts, pottery, and so on; or to offer highly advanced technical knowledge, such as is required in research work in mining. The decrease in the number of dispatches was caused mainly by the requirements being almost always for experts in possession of highly advanced technological knowledge, or of skilled experience, so that it was by no means

JAPAN'S SHARE IN ECONOMIC CO-OPERATION

an easy task for Japan to make selection of proper men in the respective fields of industry.

Through private channels, however, as many as 2,389 experts were dispatched overseas during a five-and-one-half-year period from 1954 to June, 1958. Of these, 71% was accounted for by experts in mining and manufacturing industry, who accompanied the export of various plants, and took charge of the installation, operation and management of equipment.

Meanwhile, the aspirants for overseas dispatch who registered at the Economic Co-operation Center of the Japan Chamber of Commerce and Industry increased to 700 within a short period of 10 months after the inauguration of the Center in May, 1958. Of these registered experts, 10 have already been dispatched to India, Pakistan and Brazil. The services of this organization should be improved in such a manner as to increase the number of registered experts, as well as of the contracts successfully concluded, and, at the same time, to stream-line its liaison work with competent government offices.

(3) Technical Training Centers.

A new method of according technical co-operation through the establishment of a training center, complete with equipment and expert instructors, has of late become a common practice among advanced countries. Japan, having decided in April, 1958, to establish a technical training center in Howrah area, West Bengal, dispatched an inspection group to the area and entered into negotiations immediately with India. As a result, an agreement was concluded with

CONTEMPORARY JAPAN

India on the establishment of a technical training center in the said area for developing iron foundry and electrometer manufacture, with Japan furnishing necessary equipment valued at ¥30,000,000 and dispatching expert instructors. West Germany has already achieved a marked success in this field of technical co-operation through establishing, jointly with the Indian Government, a technical training center in Okhla area, New Delhi, with equipment worth 6,000,000 rupies and 12 experts dispatched from its own country. Since India lacks in experienced competent technicians, this type of co-operation will contribute greatly to the development of her industry, and incidentally to the achievement of her five-year plan. Not only that but also the recipients of training at such an institution will eventually become a mainstay among the experts and technicians of that country; then their judgement founded on intimate knowledge of Japanese machinery, it is hoped, will assist in promoting Japan's export trade to some extent. Thus, viewed from the standpoint of trade promotion, Japan has decided to establish a similar kind of training center in Malaya, to be followed by the establishment of similar institutions in Thailand, Pakistan, Ceylon, Iran and so on.

JAPAN'S POLICY FOR ECONOMIC CO-OPERATION

1. In the face of the current mounting enthusiasm for world-wide economic co-operation, as described briefly in the foregoing, the most imminent question today will be how to prepare a practicable plan for utilizing a possible ¥5,000,000,000 Southeast Asia

JAPAN'S SHARE IN ECONOMIC CO-OPERATION

development fund. In 1957, Japan proposed an international establishment of such a fund, but the plan has not yet materialized. Meantime, Japan, by way at once of reasserting her proposal, and making an investment in international co-operation (equivalent in value to, and transferable, later on, to the Southeast Asia development fund upon its establishment), has set up a fund of ¥5,000,000,000 and deposited it in the Export-Import Bank of Japan at the end of October, 1958. It is, therefore, not at all inopportune to begin a study now to ascertain the manner in which such a development fund can be utilized most effectively in economic co-operation with Southeast Asia. First and foremost in importance is the development of unexplored natural resources in this region, such as iron ore, petroleum, non-ferrous metal ores, etc. This kind of natural resource development will not only contribute greatly to the economic development of producing countries, but it will also secure for Japan a stabilized import of vital raw materials at favorably low rates. Thus, the utilization of funds in this line must be considered the best and most advantageous.

2. Since most of the Southeast Asian countries are suffering from a shortage in foreign currency holding, Japan should render as much co-operation as possible by according *yen* credit, or some other means of furnishing credit. An exhaustive categorical study should be made in this conjunction on the prevalent economic condition abroad, viewing it by market as well as by country. She may, then, be able to distribute credit with priority offered to the best advantage to the countries she considers most important. By so doing, she will be able to

CONTEMPORARY JAPAN

contribute to the economic development of other countries, and, at the same time, to promote the stabilization of her own economy.

3. With a view to encouraging the dispatch of Japanese experts abroad, measures should be taken by the Government to advance their travelling expenses, to supplement the proceedings followed under the Colombo Plan with a more efficient system, to improve the function currently assigned to the Economic Co-operation Center of the Japan Chamber of Commerce and Industry, to ensure the living of the dispatched experts after their return from abroad, and so forth. In fact, the experts dispatched to Pakistan have lately submitted requests in respect particularly to the last measure quoted above, namely, the establishment of a co-operative system for them, the application of a health insurance system to their families during their absence, and so on.

A new pattern in technical training will be the establishment overseas of a pilot firm of small-and-medium scale industry workers. As is done at a technical training center, instructions will be given to the overseas trainees by expert members of this group at the firm. Their manufactured products will be sold in the market; and after the expense for its establishment is covered by the proceeds from their production, the pilot firm, with necessary equipment and all, will be released for public sale. Moreover, the profit accruing from the enterprise and sale of one pilot firm will make it possible to open another of a different type, or of the same type in some other area.

4. In view of the fact that a majority of the trainees from abroad are desirous of acquiring

JAPAN'S SHARE IN ECONOMIC CO-OPERATION

knowledge and skill mostly connected with small-and-medium scale industry, it will be advisable to establish an overall center covering all the types of small-and-medium scale enterprises, so that the trainees may receive training there in a manner more efficient and systematic than when they are trained at individual enterprises.

5. Ties with neighboring Asian countries must be strengthened, in line particularly with the world-wide trend in favor of the establishment of economic blocs. Such ties, when based on an indefatigable study of commodity circulation and multiple trade settlement, will, beyond doubt, assist in forming an Asian Common Market in the very near future.

6. There are in Japan today some twenty consultative organizations for promoting economic co-operation with other countries, *viz.* the Japan Consulting Institute, the Association for International Technical Co-operation, the Overseas Construction Association of Japan, the International Engineering Consultants Association, etc. However, these organizations exist independently, having neither connection nor contact among them. Such a situation naturally calls for the establishment of a liaison committee of their own, or of a central organization, to keep them in close contact with one another, and eventually to promote efficiency in their work of co-operation.

7. Although a number of inquiries have already been received regarding the possibility of establishing joint enterprises of small-and-medium scale industry abroad, cases are yet but few where this kind of plan is successfully carried out. The failure to meet such requirements abroad may be attributed partly to the inadequate system currently in existence, and

CONTEMPORARY JAPAN

partly to the insufficient work done in the line of public relations. It is generally recommended that function of this nature should be assigned to the Economic Co-operation Center of the Japan Chamber of Commerce and Industry; as this organization, as mentioned previously, conducts research on such enterprises of small-and-medium scale industry as are desirous of dispatch overseas, and takes charge of their registration, assistance and public relations, etc.

When all these diverse plans for economic co-operation are developed steadily in close connection with one another, economic co-operation will eventually serve as a mighty link of epochal importance in future international relations — the relations based on mutual welfare and prosperity.

AGRICULTURAL DEVELOPMENT IN ASIA

By YOSHIJI TOGARI

OF THE SEVEN REGIONS OF THE WORLD, NAMELY Europe, North and Central America, South America, Asia, Africa, Oceania and USSR, Asia forms the largest agricultural bloc in the nominal sense that it possesses the most extensive farming area, with almost one-half of its population engaged in agriculture. Nevertheless, when its agricultural production is computed in terms of per-unit yields, Asia, together with Africa, ranks the lowest in the world's list of agricultural productivity, except in the production of yams, sweet potatoes, or soybeans.

This low agricultural productivity in Asia is attributed largely to the fact that the larger part of its area was left uncultivated for a long time, while the people on it continued to live in an impoverished state under the colonial policy of the Western Powers. It is true that liberal investments and advanced technique, when coupled with cheap labor, succeeded in boosting some specific crops, such as rubber, sugar cane, coconut, tea and so forth. However, these enterprises were carried out with the exclusive aim set at expanding the trade of the ruling nations, but never for the purpose of promoting the agricultural industry for the welfare of the native population. To be more explicit, the British colonial policy en-

CONTEMPORARY JAPAN

couraged the production of tea in Ceylon, rice in Burma, cotton and jute in India, and rubber in Malaya, with a view to stimulating British trade in this region through inter-exchange of such agricultural commodities. The result is that none of these countries, upon acquiring their long-cherished independence, has actually become independent, in so far as agricultural production is concerned. Moreover, under the colonial policy, priority was accorded to the cultivation of such agricultural products as were deemed of high commercial value, with the result that the production of the foodstuffs necessary for the population was left in complete negligence. For such reasons, many countries in Asia have not yet attained self-sufficiency in their food production; they are still, today, heavily dependent on imports of foodstuffs from outside. (Tables I and II)

TABLE I. THE WORLD'S CULTIVATED AREA
BY MAJOR CROPS
(Unit: 1,000,000 hectare)

	World	Europe	C. & N. America	South America	Asia	Africa	Oceania	USSR
Grains	681.5	72.8	102.0	25.9	303.8	48.3	5.4	123.3
Pulses	42.4	5.3	2.8	3.2	28.3	2.9	—	1.3
Oil seeds	99.1	2.6	20.4	6.5	53.5	9.1	1.1	6.9
Recreation crops*	7.3	2.6	1.2	0.2	1.6	0.2	—	1.5
Textile crops	39.0	1.3	7.3	3.6	19.4	3.4	—	4.0
Potatoes	30.0	9.3	1.1	1.2	6.4	2.8	—	9.2

Note: * marks figures for 1953; no figures for later date are available.
Source: *Yearbook of Food & Agricultural Statistics, 1957*, FAO.

AGRICULTURAL DEVELOPMENT IN ASIA

TABLE II. THE WORLD'S CROP YIELDS

(Unit: 100 kg. per hectare)

	Rice (Paddy)	Wheat	Barley	Maize	Millet	Soy- bean	Potatoes	Sweet Pota- toes
World	18.6	11.6	13.6	17.2	6.8	11.7	143.5	90.5
Europe	42.3	15.8	21.5	15.5	9.4	—	163.0	121.4
N. & C. America	25.4	14.5	16.1	24.7	13.5	14.4	178.2	45.8
S. America	17.9	11.9	11.9	12.4	9.0	8.6	56.7	85.2
Asia	18.5	8.6	11.1	11.8	6.5	10.2	70.2	102.8
Africa	14.6	8.2	7.0	9.8	—	—	75.1	73.5
Oceania	29.1	11.8	13.2	17.6	13.7	—	116.9	—
USSR	21.5	9.3	9.6	10.7	—	5.4	86.0	—

Note: Figures for USSR are for 1934-38.

Source: *Yearbook of Food & Agricultural Statistics, 1957*, FAO.

1. *Need for Agricultural Development and Production Increase*

In fact, those countries are even yet exceedingly young in their national history, having achieved independence only after the end of World War II. In the initial stage of their liberation and independence, they invariably set their aspirations high on planning for industrialization. Now that the first heat of their sanguine expectation has somewhat cooled off, they are awakened to the unassailable reality that such industrialization as they have aspired to could never be achieved, unless a solid, extensive foundation be prepared through the effective modernization of their agricultural industry, which is the foremost in importance of all the primary industries. Now, in full realization of this fact, they have come to show greater concern over agricultural development.

As it has been already mentioned, most of the

CONTEMPORARY JAPAN

countries in Southeast Asia and in the Near East are, in spite of the fact that they are primarily agricultural countries, markedly behind in agricultural technique and methods. It is but natural they should turn to Japan, their neighboring country, for guidance and precedents, knowing that the latter has achieved a remarkable advance in both the technique and methods of her agricultural industry within the short space of time since the Meiji era. On the other hand, those countries are good customers for Japan's foreign trade, as they import from Japan several times more than they export to this country. A large number of their nationals have been visiting Japan annually since the end of the last war for the purpose of study and inspection. There is something more in this than the mere attraction of Japan's advanced industrial condition—possibly the feeling, so to speak, of neighborly reliance maintained by them. If so, let Japan meet their reliance by offering them whole-hearted co-operation, be it in the agricultural or any other field of industry.

Most of these Asian countries have been receiving large amounts of financial aid from advanced countries; and due to that fact, they may interpret Japan's offer of co-operation in terms of financial, or material aid. In this connection, Japan, being still in the course of postwar rehabilitation, may not be free to meet their expectation, although she wishes to offer the best help available within her own capacity. On the other hand, Japan can, and feels entirely free to, offer her technical co-operation to an unlimited extent. Fortunately, these countries and Japan have much in common, in so far as the scale in agricultural industry is concerned. (Table III)

AGRICULTURAL DEVELOPMENT IN ASIA

TABLE III. AREA CULTIVATED BY FARMING HOUSEHOLD IN ASIAN COUNTRIES

India	Less than 2 ha.—67%; more than 10 ha.—4.5%
Pakistan	West Pakistan 2~3 ha.; East Pakistan 1 ha.
Iran	1~2 ha.
Afganistan	2~4 ha.
Ethiopia	5~10 ha.
Ceylon	0.5 ha.
Burma	Land-owner farmer 3 ha.—68%; resident land-owner 7 ha.—7%; non-resident land-owner 14 ha.—25%
Indonesia	Less than 0.5 ha.—70%; 0.5~1.0 ha.—25%; 1~2 ha.—3%; 2~5 ha.—1.5%; more than 5 ha.—0.5%.
Cambodia	Less than 1 ha.—48%; 1~2 ha.—19%; 2~3 ha.—11%; 3~4 ha.—6%; 4~5 ha.—3%; 5~10 ha.—4%; more than 10 ha.—1%
Japan	0.8 ha.

Note: Figures are estimates by the author.

Already, a large number of Japanese experts have been dispatched to these countries to render valuable assistance in agricultural development. There is yet much room left for improvement, if co-operation of this kind is to be rendered more effectively, and to the better advantage of recipient nations. With that in view, the Japanese agricultural mission, headed by Roving Ambassador Seiichi Tobata, the then Professor of the University of Tokyo, was dispatched at the end of 1958 to conduct a survey of the agricultural conditions in the major countries in Southeast Asia and the Near East. The present writer, who was a member of that mission, will now proceed to outline the nature of the co-operation which Japan can offer to advance the agricultural development in this region, making reference, in particular, to the results obtained by the recent survey mission.

CONTEMPORARY JAPAN

2. *Rice Cultivation*

Rice is the most important of all the staple foodstuffs required by the Asian population. The history of rice cultivation can be traced far back to a time some 4,000 years ago. The cultivation of rice originated in some land between South China and Bengal; thence it made its way westward into Europe and America, and eastward into China and Japan. Today, high-yielding rice cultivation is seen in some European countries, namely Italy, France, Spain and Portugal; whereas rice cultivation is still limited to a primitive scale in most of the Asian countries, with the exception of Japan, Korea and Formosa.

Varieties of rice plants are numerous; they are characterized by different hereditary constituents suited to divergent environmental requirements. In other words, rice plants, when transplanted to a new area, lose some of their hereditary constituents, and, with the surviving hereditary elements, transmute themselves into a new kind of species, one most adaptable to the new environment. The differentiation of species has naturally promoted the propagation of rice cultivation; and artificial improvement and selection of species further expedite the propagation. Thus, there are today tens of thousands of different varieties of rice in the world.

The numerous species of rice can be classified broadly into two, the Japonica and the Indica types. The differentiation into these two types took place when rice cultivation spread northward. The Japonica type of rice plant comes on the ear under

AGRICULTURAL DEVELOPMENT IN ASIA

the climatic condition of high temperature and shorter day-length. When this type of rice variety is cultivated in low latitude areas, it will head before its vegetative growth is completed, and, as a consequence, no satisfactory harvest can be expected. Most of the Indica varieties are not susceptible to climatic conditions, so that they come into ear in a proper course of time, even under different climatic conditions.

The Indica type of rice variety, when compared with the Japonica type, has higher absorptivity, since it has long been cultivated in the areas where little or no fertilizer is applied. When manured, this type will absorb too much fertilizer, and will fall prostrate, or become more susceptible to insect damages. In most of the Asian countries, where the application of fertilizer has not yet become practicable, the Indica varieties are, for the time being, better suited for cultivation.

A potent reason for low agricultural productivity in Asia, among many others, is the fact that cultivation is carried out with no application of fertilizer. For yielding 20 bushels of unhulled rice per one acre, the land requires 15 kg. of nitrogen. Since natural nitrogen contained in the soil is not enough to get good yield, its shortage must be compensated for with fertilizer. However, minute care must be taken in applying fertilizer when growing Indica varieties, for these varieties absorb ammonium sulphate just as quickly as nitrogen; the application of 100 lb. of ammonium sulphate per acre (equal to one-third of its average application for the Japonica type) will cause them to fall prostrate. The application of fer-

CONTEMPORARY JAPAN

tilizer, therefore, requires as much study and attention as the selection of rice species.

3. Japanese Methods and Technique for Rice Cultivation

In fertilizing the Asian lands, Japan can offer assistance of great value, for instance, through exporting fertilizer to other Asian countries, and co-operating with them in the project of constructing fertilizer plants. The only set-backs in this connection are that Japanese fertilizer is just at present more highly priced than that produced by other advanced countries, and that Japan has not yet surpassed Western countries in the technique of fertilizer production. Nevertheless, there is always a vast field of activity open for Japan's fertilizer industry and for its experts as well as technicians to take part in the great project of fertilizing the land of Asia.

Furthermore, Japan leads the world in rice-growing technique and methods. Her superiority has resulted from far-reaching land survey and untiring fertilizer application tests. She can, therefore, assist and co-operate with other Asia nations in these fields. First of all, in order to increase their rice production, the cultivation of Japanese paddy-rice is strongly recommended. The Japanese paddy-rice varieties, though not suitable to all the Asian countries, can meet most of the vital requirements; so, with its superior properties, it will contribute largely to the expansion of agricultural production in Asia. (Table IV)

AGRICULTURAL DEVELOPMENT IN ASIA

TABLE IV. AGRICULTURAL PRODUCTION
BY ASIAN COUNTRIES

(With Japan's production taken as 100)

	Rice	Wheat	Barley	Maize	Other Grains	Peas & Beans
India	32	34	34	35	—	—
Pakistan	34	39	26	54	29	—
Iran	37	44	42	89	—	—
Iraq	38	28	38	38	79	—
Afganistan	36	50	34	—	—	—
Egypt	129	111	92	107	230	128
Ethiopia	—	—	—	75	—	—
Ceylon	33	—	—	35	38	—
Burma	38	14	—	50	20	—
Thailand	33	—	—	71	—	—
Indonesia	40	—	—	54	—	—
Malaya	50	—	—	63	—	—
Cambodia	28	—	—	35	—	—

Source: *Yearbook of Food & Agricultural Statistics, 1957*, FAO.

In order to impart the notable properties of Japanese paddy-rice to other Asian varieties, the Japonica and the Indica varieties must be crossed. The hybridization is not simple, but not impossible. In fact, the United Nations' Food and Agricultural Organization (FAO) has sponsored a project of this nature at a laboratory in India. Since the world's recognition has been accorded to Japan for her indefatigable effort to improve rice species by means of repeated crossing and selection, her experience, as well as technical knowledge in this line, will be indispensable in the project of increasing rice production of other Asian countries.

The application of fertilizer and the selection of rice varieties are both basic requisites, but not all the requisites, for rice cultivation. Equally important are the technical measures needed to fight against

CONTEMPORARY JAPAN

pests and diseases ruinous to rice crops. Japanese farmers spray parathion against rice-borers, and ceresan lime dust against rice blast. The practice of using insecticides requires some technical knowledge of various agricultural chemicals; their misapplication will cause irreparable damage to agricultural crops. For that, the farmers in Asian countries are advised to resort to the safer methods of enlisting the aid of natural enemies to exterminate noxious insects and diseases of rice plants. Again, on this specific subject, Japan has made an assiduous study for years past; and whatsoever knowledge, technique and methods she has acquired are at the service of rice cultivators in other Asian countries.

A sort of physiological disease, known by the name of "mentic," has been plaguing the growth of rice plants for some time in Malaya, Indonesia, Ceylon and some other Southeast Asian countries. The mentic, like the similar disease of *akiochi* (under-nourishment) or root-rot in Japan, is caused by the shortage of oxygen in the soil. In this case, the application of ammonium sulphate, containing sulphuric acid, will aggravate the condition. Japan's study of these diseases is far-reaching and advanced, with counter-measures most effectively worked out. As the first of the counter-measures, irrigation works are suggested; but, as make-shift measures, the application of fertilizer containing no sulphuric acid, such as nitro-lime or ammonium chloride, or the building of ridges, or the draining of the fields, will greatly reduce the extent of damage caused by these diseases. Japan's advanced knowledge and methods in this connection will be unquestionably useful in reducing the rice-plant diseases in all the areas of

AGRICULTURAL DEVELOPMENT IN ASIA

Asia.

As the application of fertilizer stimulates the growth of weeds, the methods of weeding constitute another important factor in rice cultivation. Of the three different methods of weeding practised largely by Japanese farmers, *viz.* hand-weeding, the use of weeders, and the application of weed-killers, the second method, the use of weeders, is recommendable, for some practical knowledge is needed in applying agricultural chemicals for the purpose. Now, the use of weeders requires check-rowing. This is the method of growing rice plants, which the Japanese farmers have adopted from ancient times. Check-rowing is almost necessary for the uniform growth of rice plants. The use of modern agricultural implements has of late necessitated the widening of distance between the rows, and the placing of rice plants closer to each other. In this way, the roots of rice plants are free to spread between the rows, and can absorb fertilizer better and longer. This type of check-rowing, if adopted, will prove to be definitely advantageous in unfertile land or in land where fertilizer has been sparingly used, as is the case with most of the Southeast Asian countries.

Japanese rice-cultivating ability is often criticized as being nothing but dense planting and exorbitant application of fertilizer. This criticism, although it has some truth in it, does not do justice to Japanese farming, which involves divergent advanced techniques indispensable for fighting lodging, insect damage, rank weeds, the root-rot disease, *akiochi* and so forth. In addition, Japanese farmers use every possible discretion in adapting rice-planting to environmental conditions. They do not always adhere to dense

CONTEMPORARY JAPAN

planting; when land, seeds, and so on, can meet all the requirements for a vigorous plant growth, they adopt sparse planting. When there exist some factors arresting the growth of plants, they carry out dense planting. In cold areas, they adopt methods to stimulate the growth of young seedlings, whereas they devise means to slow down the growth of seedlings in warm areas. In some specific areas which are exposed to frequent typhoon damage, early-maturing, medium-maturing and late-maturing rice varieties are combined, or planting periods are adjusted, so as to minimize the possible damage. They take especial care in applying the fertilizer best suited to the land. In warm areas, they use mainly coarse organic fertilizers, such as compost and barnyard manure, granular or compound fertilizers. When planting seedlings in cold areas, they even make an effort to raise the temperature of water in paddies by means of changing the position of irrigation water gates, or using water warmed through extending the length of an irrigation water-way. Such techniques as these, fully developed and tested by Japanese farmers may be used to most excellent advantage in the rice cultivation of any other country in Southeast Asia and the Near East.

4. Land Readjustment

However beneficial technology may be, the land is the basic factor in rice cultivation. That the land must be kept in the best condition is the primary requisite for agricultural industry. In this respect, the readjustment of land and roads, and the improve-

AGRICULTURAL DEVELOPMENT IN ASIA

ment of irrigation facilities are equally important. It is encouraging to learn that the United Nations' FAO and the ICA (International Cooperation Administration) attach priority to this kind of project, as well as to the construction of dams. Japan cannot assist financially in this matter, but is able to offer her valuable technical co-operation and assistance in abundance. Land readjustment has made remarkable progress in Japan through many years in the past; and yet it is far from satisfactory today. Therefore, Asian countries are advised to persevere in this endeavor until the goal is finally reached.

In regard to upland farming, Japan has no specific technique, other than careful selection of varieties and application of suitable fertilizer. Geologic diversification in Asia may not permit farmers in other Asian countries always to adopt the Japanese fertilizing technique, yet much room is left for them to study and experiment in this. In places where cattle raising is carried on, the barnyard manure, or compost, is used mostly for cash crops, such as cotton, jute, vegetables, fruits, and so on. Now, if the application of a mixture of barnyard manure and chemical fertilizer is adopted, it will undoubtedly increase production in upland farming.

Another important requisite for upland farming is preservation of the soil; methods must be studied to prevent erosion, and contour or terrace farming may become necessary. Importance may be attached also to the cultivation of forage crops, which are useful in enriching land, as well as in improving cattle raising.

In vegetable cultivation, of which Japan is justly proud, her highly advanced technique and methods,

CONTEMPORARY JAPAN

such as adopted of nucleus seed-increasing, will be of great help to farmers in Asian countries. In sericulture, tobacco cultivation and tea production, as well as in the manufacture of agricultural implements, Japanese technique will undoubtedly contribute to the increased production in these spheres of Asian agriculture.

5. *Agricultural Education*

The majority of peasants in Asia are inured to poverty. Under-nourished and weak, they are too enervated to work with zeal. In order to increase agricultural productivity, they must, first of all, eat more and work harder.

Unlike Japanese farmers who are granted government subsidies for their enterprises, such as the construction of irrigation works, or land readjustment, the farmers in other Asian countries must carry out their enterprises without government aid. Should sufficient government protection be provided, they would settle down in peace and enjoy their work.

Meantime, some supervisory organ might be established with government fund to encourage the induction of advanced agricultural technique from abroad, and to carry out the more systematized application of such imported technique and methods. Meantime, the intellectual faculties of the farmers may be improved through the propagation of agricultural education throughout Asia.

If Asian countries consider it necessary to develop themselves as agricultural states, they must, at least for some time to come, attach primary

AGRICULTURAL DEVELOPMENT IN ASIA

importance to the education of their farming population. Indubitably, European or American agricultural education can teach Asians much; however, since Japan and other Asian countries have much in common, especially in respect to the size of their capital and the land available, Japanese agricultural education is considered more adaptable to other Asian nations. Where production needs must be raised in limited areas by means of intensive cultivation and the most effective use of land, the Japanese agricultural technique serves the purpose almost to perfection.

Conclusion

Agricultural colleges and research institutes have been founded in most of the Asian countries. With the adoption of advanced technique in their experimental cultivation they have succeeded in raising the crops 2-3 times higher than the average crops harvested by ordinary farming households. In rice cultivation, the application of chemical fertilizer, as well as the check-rowing, is widely practised in a manner very similar to the Japanese way of farming. Despite such a development, production by the average farming households still remains low.

Judged from the study made on the recent inspection tour of the prevalent conditions in 13 Asian countries, the present writer attributes this unfavorable development to the poor follow-up of the extension of useful technique and methods among farmers in general. In other words, most of these countries have an almost perfect system set up for extension, except that proper activity and zeal

CONTEMPORARY JAPAN

are lacking in the actual extension work. This defect, however, can be amended, when the experts and research workers are made to realize the greater importance of such technique and methods as are certain to be practicable among average farmers, and when the extension workers become sufficiently trained to convince the farmers of the efficiency of the new mode of farming.

Taking such facts into consideration, Japan's technical co-operation should be conducted with emphasis laid upon assistance in the training of those extension workers. For that specific purpose, the best measure to be suggested will be a dispatch of a group of Japanese experts in the different fields of seed selection, cultivation, soil and fertilizer, prevention of insect and disease damage, use of farming implements, etc., to the training centers in various Asian countries, so that these experts may instruct extension workers both in knowledge and in experimentation of advanced technique and methods. The grouping of experts to be dispatched may depend on the conditions prevalent in the recipient countries. For instance, in Ehtiopia and Afghanistan, the focal point of instruction must be placed on experimental training, whereas in Pakistan, actual training is more needed than experiment. Later on, this course of training may be expanded to cover seed improvement, irrigation, sericulture, cattle raising, and so forth.

Meanwhile, government officials and experts of Burma, Thailand and Indonesia may be invited to inspect Japan's modern farming, and an exchange of agricultural experts and technicians may be organized between this country and Egypt, as well as India. It is urgently necessary to maintain close co-ordina-

AGRICULTURAL DEVELOPMENT IN ASIA

tion by all such means among some countries of considerably advanced agricultural conditions in order to increase mutual interest in augmented agricultural production in Asia.

ELECTIONS AND CABINET RESHUFFLE

By FUMIO IKEMATSU

THE PRESENT YEAR, 1959, IS MARKED IN JAPAN AS the year of elections. The unified local elections were held throughout this country on April 23 and 30, followed by the election on June 12 for one half of the members of the House of Councillors. The unified local elections consisted of elections for 20 prefectural governors, members of prefectural assemblies, heads and assembly members of cities, towns and villages, selecting in all some 48,000 public officials for local legislative posts. The term of office for the members of the House of Councillors is 6 years, one half of the total number of its members being elected every three years periodically. Returned to the House in the recent election were 127 members, 52 from the national constituency and 75 from the local constituencies.

Both the local elections and the election for the House of Councillors being the first of their kinds since the two-party politics went into practice, the focal point of interest lay in ascertaining how the adoption of the new political system would be reflected in the elections, and to what extent the Social Democratic Party, under the new system, would succeed in narrowing the margin between itself and the Liberal-Democratic Party. The outcome of the

ELECTIONS AND CABINET RESHUFFLE

elections, however, revealed the fact that the power of the two major political parties infiltrated all the elections so extensively that it even gave rise to the fear lest the autonomous nature of local administration, as well as the specific character of the House of Councillors, should be imperilled by the upheavals of political contention. Then, contrary to the general pre-election speculation, the Socialists' advance was arrested, to the extent that they barely secured one-third of the seats in the House of Councillors, allowing thus the Liberal-Democratic Party to win the security of a majority. Likewise, the Socialists' defeat was made evident in the results of the gubernatorial and local elections. As a consequence, the Kishi Cabinet, though falling out of favor in public opinion, came to enjoy its security, won not on its own merit but through the regression suffered by the opposition party.

1. *Local Elections.*

Of the local elections, the focal point of public interest lay in the gubernatorial elections in Tokyo, Osaka, Fukuoka and Hokkaido, where the Socialists were believed to have been ensconced in well fortified grounds. There, the Socialists were routed from their seats, with the exception of a lone victory in Fukuoka won by Taichi Uzaki, Socialist candidate, over the former Liberal-Democratic governor reportedly involved in political scandals. In Tokyo, Independent Ryutaro Azuma, physician by profession, President of the Amateur Athletic Association and Japanese representative of the IOC, with the full support of

CONTEMPORARY JAPAN

the Liberal-Democratic Party won 1,820,000 votes, defeating Socialist sponsored Hachiro Arita, former Foreign Minister, by a notable margin of 170,000; while, Gisen Sato, formerly State Minister and Director of the Defense Agency in the Liberal-Democratic Cabinet, won the election in Osaka, defeating Tadayoshi Obata, Social Democratic candidate by a narrow margin of 23,000. The gubernatorial post of Hokkaido, held by the Socialists for the past nine years running, was won for the first time since the end of the last war by a Liberal-Democratic candidate, Kingo Machimura.

The political alignment of newly elected 20 prefectural governors is 4 Liberal-Democrats, 8 conservatives, 1 Social Democrat, 2 progressives and 5 independents. When they are added to the 26 governors who had remained in their posts, the political alignment among them shows 32 conservatives versus 6 socialists with 8 independents. (Table I)

TABLE I. GUBERNATORIAL ELECTION
April 23, 1959

	Elected	Pre-Election Strength
Liberal-Democrats	4	3
Social Democrats	1	2
Communists	0	0
Minor Parties	1	0
Independents	14	15
Total	20	20

Note: The total number of gubernatorial governors is 46, of which 26 remained in posts at the time of the election.

The 14 independents and 1 minor party member in the table above include 8 conservatives, 2 progressives and 5 others.

Source: Election results in this article are those released for publication by Election Administration Section, Autonomy Agency.

ELECTIONS AND CABINET RESHUFFLE

Ordinarily, local election campaigns are conducted with the focal point set on the welfare of local communities, and in conformity with the basic principles of local autonomy, so that the candidates do not wish, in most cases, to make public their affiliation, if any, with political parties. In the recent elections, however, the headquarters of both the Liberal-Democratic Party and the Social Democratic Party played active parts with such enthusiasm as has never been witnessed before. The Liberal-Democratic leaders, headed by Prime Minister Kishi, were all out in the front line, while the Social Democratic Party mobilized all its members under the leadership of its Chairman, Mosaburo Suzuki.

The final tabulation of the elections for prefectural assemblies registers an increase of Liberal-Democrats from 1,200 to 1,597, of the Social Democrats from 426 to 565, and Communists from 10 to 12. In sharp contrast to this increase among the politically affiliated assembly members, the number of both the independents and the members of minor parties decreased noticeably from 977 to 582. This decrease in the number of non-partizan representatives evinces the fact that the practice of two-party politics has made its way even among local communities. Apprehension is expressed on the current tendency lest the vigorous political struggle, thus reflected in local communal life, should finally interfere with the proceedings of local administration, such as the construction of school buildings, the repair work of river banks, and so on. (Table II)

CONTEMPORARY JAPAN

TABLE II. PREFECTURAL ASSEMBLY ELECTION
April 23, 1959

	Elected	Pre-Election Strength
Liberal-Democrats	1,593	1,200
Social Democrats	561	426
Communists	12	10
Minor Parties	71	120
Independents	419	857
Total	2,656	2,613

Note: The 419 independents are estimated to include 279 conservatives, 84 progressives and 68 others. The pre-election number of independents (857) included 542 conservatives, 142 progressives and 173 others.

That the Liberal-Democratic influence, let alone its strong hold over farming, forestry and fishing villages, came to assert itself even in large cities and mining areas was made manifest in the line-up of recently elected heads and assembly members of cities, towns and villages. The influence of the Social Democratic Party has hitherto been likened to an "inverted pyramid," mainly for its having an insecure narrow foothold among local communities, in spite of its significant occupation of one-third of the seats in both Houses. However, through the recent mayoralty election, the tapering base of that inverted pyramid, it seems, was somewhat broadened, as the number of socialist and progressive mayors increased from 21 to 39, over against an insignificant increase from 126 to 127 gained by the conservatives. A similar tendency for the increased Social Democratic influence had been observed in the prefectural assembly election in some prefectures, of which a good example was presented in Fukuoka, where the socialist candidates won a notable victory

ELECTIONS AND CABINET RESHUFFLE

over their conservative rivals. Nevertheless, the percentages of votes won in the prefectural assembly election were 65.1% for the conservatives and 29.2% for the socialists. As for the election for city assemblies, the total number of elected members approximates 10,000 including 1,300 Liberal-Democrats, 1,000 Social Democrats, 169 Communists, and some 8,000 independents, of which an overwhelming majority are avowed conservatives. Again, the marked advance achieved by both the Liberal-Democratic and the Social Democratic members, above the predicted 600 and 500 respectively, indicates the widely penetrating influence of the two major political parties among local communities. (Tables III and IV)

TABLE III. MAYORALTY ELECTION

April 30, 1959

	Elected	Pre-Election Strength
Liberal-Democrats	21	21
Social Democrats	16	5
Communists	0	0
Minor Parties	0	0
Independents	138	147
Total	175	173

Note: 138 independents include 16 supported by the Liberal-Democratic Party, 14 by the Social Democratic Party, 5 by both Parties, 90 non-affiliated conservatives, 8 progressives and 5 others.

TABLE IV. CITY ASSEMBLY ELECTION

April 30, 1959

	Elected
Liberal-Democrats	1,885
Social Democrats	1,197
Communists	208
Minor Parties	74
Independents	8,112
Total	11,476

CONTEMPORARY JAPAN

2. *Election for the House of Councillors.*

The election for the House of Councillors took place almost a month after the local elections. The voting percentages in the local elections were unprecedentedly high, with 79.5% achieved in the gubernatorial election on April 23. In the election for the House of Councillors, however, it fell to 58.8%; this unexpected fall by 20% in voting percentage within less than one month—a problematical issue in itself—could possibly be attributed to the fact that the public, keen as they were on the familiar ground of local elections, failed to show interest in the election that followed at a month's interval. Or, it might be ascribable partly to the fact that the election coincided with the busy season among agricultural communities, and partly to the fact that the platforms of the two contesting political parties were by no means clearly presented to the public. Or, it was more likely that this fall in voting percentage was caused by the doubt which the public entertained about the system of the House of Councillors, and also by the complicated proceedings of election involved.* Anyhow, of the total number of eligible voters, estimated at 53,520,000, more than 22,000,000

*At the time of local elections held on April 23, the number of eligible voters was 49,762,112 (including 23,824,356 men and 25,937,756 women); those who went to the polls numbered 39,551,805 (19,161,328 men and 20,390,477 women), registering the average voting percentage at 79.48%. In the election for the House of Councillors held on June 2, the voting percentage was 58.74%, with 31,436,851 (16,022,117 men and 15,414,734 women) voting out of the total number of eligible voters registered as 53,516,487 (25,610,986 men and 27,905,501 women).

Source: Election Administration Section, Autonomy Agency.

ELECTIONS AND CABINET RESHUFFLE

failed to go to the polls, in spite of the fact that vigorous encouragement activities had been launched by the competent authorities.

A few words may be necessary to explain the doubt with which the general public regards the House of Councillors. The House was nominally established as a supervisory organ in the national legislative structure. Nevertheless, the members returned to the House through the elections in the past have been mostly the representatives of trade unions of nation-wide influence, or those elected with the support from either bureaucratic or industrial organizations of national importance, with the result that the House of Councillors has now assumed the coloring of, so, to speak, an assembly of vocational representatives. For that reason, the confrontation of interests there has grown more and more conspicuous, followed by a political struggle more violent than that seen in the House of Representatives. In the initial stage of its founding, the House of Councillors was expected to have its members elected from among men of learning and experience with unassailable national reputation. As it is, the House seems to have lost the power to carry out its original function to "check and balance" the legislative procedure.

However, any reform in the system of the House of Councillors requires constitutional revision, and such constitutional revision is hardly possible under the current political situation. Furthermore, the electoral procedure currently in force to select just one candidate out of 120 or more in the national constituency is not at all a duty to be fulfilled easily by the average voter. This, in all probability, constituted the direct cause for the exceedingly low

CONTEMPORARY JAPAN

voting percentage registered in the recent election for the House of Councillors.

In summary, the results of the election for the House of Councillors indicated a decisive victory for the Liberal-Democratic Party, disclosing the Social Democrats' regression as being far worse than it was ever imagined. In the local constituencies where the conservative influence was predominant, the Liberal-Democrats won 49 out of the total 75 returns, while the Social Democrats managed to secure only 21; the members of the uncompromising Ryokufukai decreased to 2, and the independents to 3. Most notable in this connection was the complete defeat suffered by the Socialist candidates in Tokyo, where a female member of the Sokagaku-kai, a non-political religious organization, won the largest number of votes, followed closely by Fusae Ichikawa, veteran suffragist; and the two Liberal-Democrats took the remaining third and fourth posts, while the three Social Democrats topped the list of unsuccessful candidates.

In the national constituency even, where the Socialists ordinarily held fairer prospects, the total number of 52 members elected included 22 Liberal-Democrats, 17 Social Democrats, 4 Ryokufukai members, 1 Communist, 1 minor party member and 7 independents. When their strength is computed by the number of votes won, the Liberal-Democrats and the conservatives held the higher ranks in the list, Masabumi Yoneda, former Vice-Minister of Construction, heading the list with 940,000 votes; whereas the top vote-winner among the Socialist candidates ranked only tenth in the same list. (Tables V and VI)

ELECTIONS AND CABINET RESHUFFLE

TABLE V. ELECTION FOR HOUSE OF COUNCILLORS
June 2, 1959

	Constituencies			New Strength	Pre-Elec- tion Strength
	National	Local	Total		
Liberal-Democrats	22	49	71	132	127
Social Democrats	17	21	38	85	78
Ryokufukai	4	2	6	11	20
Communists	1	0	1	3	2
Minor Parties	1	0	1	1	0
Independents	7	3	10	18	13
Total	52	75	127	250	240*

*Including 10 Vacancies.

TABLE VI. VOTES WON IN THE ELECTION FOR
THE HOUSE OF COUNCILLORS

June 2, 1959

	Number of Votes	Percent- age	Percentage in 1956 Election
Liberal-Democrats	12,119,711	41.20	39.7
Social Democrats	7,794,900	26.50	29.9
Ryokufukai	2,381,997	8.09	10.1
Communists	551,823	1.88	2.1
Minor Parties	753,246	2.56	2.1
Independents	5,817,938	19.77	15.5
Total	29,419,615	100.00	100.0

When the newly elected members are added to the members retaining posts, the Liberal-Democratic members, with an increase of 5 over the pre-election strength, total 132, representing a stabilized majority in the House, whereas the number of the Social Democratic members, increased by 7, is 85, holding the one-third barely capable of preventing the motion for the constitutional revision, far short of the mark of 100 forecast confidently by the Socialist Democratic

CONTEMPORARY JAPAN

Party itself before the election.

Over against the increase of Liberal-Democratic and Social Democratic members in the House, mainly on the strength of two-party politics, the independents and the Ryokufukai members decreased in number considerably (even when those elected for vacancies are taken into calculation). These election results indicate that the campaigns carried out by the central and regional offices of the two major political parties left no room for non-partizan candidates. Since the recent election for the House of Councillors was regarded, in a way, as significant as an interim election, the failure on the part of the Liberal-Democratic Party to secure a majority would, in all probability, expose the Kishi Cabinet to a rebuttal from the anti-Kishi faction, as well as to severe public criticism, and thereby create political instability of no small concern. So vitally important was the last election that the Government and its party devoted their utmost efforts to the campaign, taking great discretion in every possible way; for instance, in adjusting the candidates' assignment, they went so far as to refuse official recognition to the former cabinet members. They mobilized some 160 organizations to counter the labor front of the Social Democratic Party.

There is no question that the Liberal-Democratic Party scored a vital point in its choice of election strategy. The Socialist regression was largely attributable to the fact that the majority of the nation has lost confidence in the character and policy of the Social Democratic Party. Shortly before the election, the Party's Secretary General, Inejiro Asanuma, then visiting Peiping, stated in a joint communique that

ELECTIONS AND CABINET RESHUFFLE

“American imperialism” was “a common enemy” to Japan and Communist China. This statement awakened a doubt amongst the public lest the Social Democratic Party, though flying its old banner of neutrality, might not be seeking rapprochement with the Communist bloc.

Regarding the controversial issue of revision of the Japan-U.S. Security Treaty, the Social Democratic Party assumes a foolhardy attitude, insisting on its complete abolition, while the general opinion today is inclined to acknowledge such justifiable revision as is necessary to render this treaty, concluded under the Occupation, more adaptable to the current condition of the country. Moreover, the Party fails to offer any convincing answer to the question of national defense which will arise following the abolition of the treaty.

The unanimous opinion of the public is that the victory won recently by the Liberal-Democratic Party is not a victory in the true sense of the word, but an outcome incidental to the weakening in the Socialist camp, and that the Party, taking that fact into consideration, should refrain from resorting to any dictatorial actions. The fact is evident in the unexpected emergence into prominence of the Sokagaku-kai, a religious body adhering to the Nichiren sect, which succeeded in returning 6 candidates in the recent election. Now, the representatives of this organization, including those elected previously, number 9 in total in the House of Councillors. Another noteworthy fact is that Masanobu Tsuji, who had been expelled from the Liberal-Democratic Party for throwing a threat of impeachment at Prime Minister Kishi in the Diet, and who had given up his membership in the House

CONTEMPORARY JAPAN

of Representatives on his own volition, won the third place with 680,000 votes in the national constituency in the recent election. All these and many other similar facts point to the public distrust in politics.

In short, the overall results of the election for the House of Councillors brought about little change in the balance of power alignment between the two major political parties, even though it produced adverse effects on the third power. Nevertheless, it is obvious that the House has come to assume a stronger political coloring, in addition to being subordinated to various pressure groups. With the marked decline in neutral power, the House may fall a prey to a worse political struggle than ever seen in the House of Representatives. The public, apprehensive of such an unfortunate possibility, expects the Liberal-Democratic Party to exercise discretion in recognizing and respecting the true nature of the mission assigned to the House of Councillors.

3. Cabinet Reshuffle

Immediately following the local elections and the election for the House of Councillors, where the Liberal-Democratic Party won a decisive victory, Prime Minister Kishi carried out a complete reshuffle of his Cabinet, involving the replacement of the entire Cabinet members, with the exception of the Prime Minister himself, and two Ministers, Foreign Minister Fujiyama and Finance Minister Sato, the former for the reason that the negotiations for revising the U.S.-Japan Security Treaty was not yet completed, and the latter for pursuing the same line of finance

ELECTIONS AND CABINET RESHUFFLE

policy. As almost all the members in the Cabinet were replaced, this reorganization was more like the birth of a new Cabinet rather than a reshuffle in the ordinary sense of the term.

As a preliminary step for this reshuffle, the Prime Minister planned a line-up of the three most influential members of his party, namely, Hayato Ikeda as Secretary General, Ichiro Kono as Chairman of the Executive Committee, and Eisaku Sato as Chairman of the Political Affairs Investigation Committee, of the Liberal Democratic Party. The Prime Minister failed in this endeavor, however, since these three are avowed rivals for the next premiership. Thereupon, he tried another plan, and succeeded, with assistance from Finance Minister Sato, his brother, in inviting Hayato Ikeda, leader of the anti-Kishi faction, to take the post of Minister of International Trade and Industry in his new Cabinet.

Now that the Prime Minister has worked out a successful coalition with antagonistic Ikeda, he has to forego a close alliance with Ichiro Kono, his henchman and influential leader of the Kishi, or the so-called main, faction in the Liberal-Democratic Party.

The change introduced into the line-up of the Cabinet members is significant in that it represents a change in the character of the Cabinet, as well as in the power distribution maintained within the Liberal-Democratic Party. As both Ikeda and Sato cut prominent figures in the Yoshida Cabinet once, the new Kishi Cabinet is often criticised as the sixth Yoshida Cabinet.

The leadership in the Liberal-Democratic Party is held by the aforementioned Ikeda, Kono, Sato and Miki. Not that there are no senior members in the

CONTEMPORARY JAPAN

Party, but that these four men each considers himself pretender for presidency of the Party in succession to Kishi. Now, as a result of the recent reshuffle, both Kono and Miki drifted away from the main current in the Party. The obvious change brought into the alignment of factions within the Party, however, does not necessarily signify any waning in Prime Minister Kishi's leadership.

As explained by the Prime Minister in his speech delivered before the 32nd extraordinary session of the Diet in June, no major change is envisaged in Japan's basic foreign policy, since both Foreign Minister Fujiyama and Finance Minister Sato remained in posts unaffected by the recent reshuffle. However, as Ikeda, new member of the Cabinet, asserts the importance of discretion to be exercised in working out the revision of the U.S.-Japan Security Treaty, his influence will undoubtedly cause some delay in both the signing and the ratification of such revision. He is of the opinion that the nation should be fully informed of the necessity for such revision, before its signing takes place.

The basic policy of the new Cabinet as outlined by the Prime Minister includes the aforementioned revision of the U.S.-Japan Security Treaty, the adoption of more positive economic measures, and the revision of the Election Law. Assuming that the current favorable economic trend will continue its development at the present rate, the national income ten years hence will be doubled. In order to promote this possible economic development with the goal set at the doubled national income, the adoption of some positive economic measures become a requisite for removing possible obstacles from the path of economic

ELECTIONS AND CABINET RESHUFFLE

development. This policy, though domestic by nature, must be put into execution through increased foreign trade and industry.

The revision of the Election Law, long discussed, involves a large number of problems, such as the exorbitant election funds, the over-vigorous election campaigns, etc.

Prime Minister Kishi left Tokyo on July 11 for a month's tour in Europe and Central and South America. Meantime, little change is expected to take place in the political field until next spring, when the ratification of the revision of the U.S.-Japan Security Treaty will be deliberated in the Diet, with strong opposition put up by the entire Socialist front led by the Social Democratic Party.

ORGANIZED LABOR IN PRESENT-DAY JAPAN

By IWAO AYUSAWA

IV. THE PEACE OF SAN FRANCISCO UNDER FIRE

—Continued from Vol. XXV No. 4 of *Contemporary Japan*

IN THE PRECEDING SECTION OF THIS ARTICLE,⁽⁷⁾ brief mention was made of a strong opposition raised during 1952 by the Socialist Party and the organized workers of Japan against the peace about to be concluded at San Francisco. Seven years have passed since then, but as yet the force of that opposition seems in no sense to have diminished. Efforts to amend the more disputable parts of the peace scheme were begun already in 1953 by the then Foreign Minister, late Shigemitsu. It would seem that the efforts continued by Mr. Fujiyama, Foreign Minister in the Kishi Cabinet, are bearing fruit with conclusion of a revised Security Treaty in the course of the present year (1959). Furious opposition, however, is raging throughout the islands of Japan at present. General strikes are being scheduled by the trade unions and for the moment it would seem that the exact outcome of the controversy is unforeseeable. What really accounts for the tenacity of

(7) *Contemporary Japan* Vol. XXV, No. 4 pp. 564-582.

ORGANIZED LABOR IN PRESENT-DAY JAPAN

the opposition?

As the principal party involved or interested in the peace structure of San Francisco is the United States naturally, anyone criticizing or raising opposition to it is apt to be branded as "anti-American" or "pro-communist," or even as "communist" indiscriminately. This is unfortunate if the Western world (or the United States) is wishing either that the Japanese people would become loyal defenders of democracy, or that Japan would rearm and thereby turn into an effective partner in a military alliance. At this stage of our inquiry, the following statement of a Western scholar, who has spent long years of his life in Japan and made a penetrating study of the impact of the United States' policies on Japan in the postwar period, deserves careful attention. "We should not forget," he says,

"that no matter how feasible it would be to make Japan our military ally, it probably could not be done without seriously endangering Japanese democracy. In view of Japan's strong militaristic tradition and the record of recent history in which the Japanese army played the leading role in scuttling the young and still very imperfect democratic institutions of prewar Japan, it would be too much to hope that Japan could be both a military and an ideological ally. As the former, she might render the United States valuable aid, if war were to come in the next few years; but she would unquestionably render us a greater disservice by driving the rest of Asia away from us and presumably into the other camp. As an ideological ally, she could be of inestimable value in strengthening the cause of democracy throughout Asia." (8)

Here is a choice. Which of the two alternatives does the Western world, particularly the United

(8) Edwin O. Reischauer: *The United States and Japan*, Harvard University Press, P. 43.

CONTEMPORARY JAPAN

States, propose to take? This is a pertinent question which requires a forthright answer from anyone who seeks honestly to discover the reason for the tenacity of opposition of Japanese workers' trade unions to the peace structure of San Francisco.

Prima facie, there should be no reason why any Japanese should object to conclusion of peace if the sole effect of it were to restore to Japan a status of independence or to ensure peace and security for the Japanese nation. But, as a matter of fact, opposition arose first with the discovery that the peace to be concluded at San Francisco consisted not of a single peace treaty, but of two treaties, one a peace treaty and the other a mutual security pact. After a glance over the text of the two treaties, suspicion arose in the minds of the leaders of the trade union and socialist movements, that the security pact was in the nature of a military alliance into which Japan under the Peace Constitution of 1946 could not enter. Moreover, the fear grew in the minds of those leaders that in the proposed peace scheme of San Francisco, after signature of the two treaties, the status of Japan would not be one of complete independence or equality with the United States. By entering into a military alliance with the United States, Japan, they feared, might only antagonize the great neighbors on the Asian Continent who are under the communist régime. Instead of promising more peace and security for Japan, the security pact, they feared, might only heighten the chances of Japan's involvement in future wars in the Far East.

On account of these fears or suspicions, during the month of March, 1951, already the Socialist Party voiced its objection to the proposed peace, followed by

ORGANIZED LABOR IN PRESENT-DAY JAPAN

Sohyo which adopted at its second annual convention of 1951 a declaration denouncing the proposed peace. Major national federations of workers' unions covering the basic industries of Japan adopted individually, one after another, resolutions opposing the peace of San Francisco. Despite these objections, however, the two treaties were duly signed on September 8, 1951, ratified on September 18, 1951, and entered into effect on April 28, 1952.

Main criticisms that have been raised against the Security Treaty may be summarized roughly under three or four heads. The first and chief criticism was that this imposes a military alliance which the Peace Constitution of 1946 would disallow Japan to enter.⁽⁹⁾ Irretrievable wrong can be committed by anyone in a position of authority, if in a hurry an attempt is made by him merely to silence those people who, dreading genuinely the resurgence of militarism or military spirit in Japan, oppose measures which are liable to lead to rearmament of the nation. The second criticism is that the Security Treaty is a *unilateral* or *unequal treaty*. Under the provisions of Article 1 of the Treaty, the United States *can*, but is nowhere *required* to use her troops stationed in Japan to defend Japan whereas Japan is placing her territory at their disposal with the right to set up military, air and naval bases of the U.S. troops. Whether or not to use the U.S. troops for the defense of Japan in an

(9) Whether foreign (United States) troops can be stationed in the territory of Japan without infringing the Constitution is currently under dispute. The matter came to a head in December, 1958, as the Tokyo District Court acquitted the men who had been arrested for trespassing a military base of the U.S. Force, declaring that the special penal law making such trespassing a crime was invalid, being unconstitutional in itself. The matter is now before the Supreme Court.

CONTEMPORARY JAPAN

emergency is optional to the United States. Thirdly, under the same article, the bombers of the U.S. Air Force might fly from their bases in Japan for attacking a third power without the knowledge of Japan. That would inevitably invite the enemy planes to bombard Japan, which obviously is a risk too big for Japan to take. Under such a treaty, Japan is placed under more danger than if she had not concluded such a treaty. Fourthly, the critics point out that under Article 2, the United States has the prior rights regarding the disposition of its troops, use of bases, etc. in Japan, and Japan is disallowed from according the same rights to any other country without the consent of the United States, thereby placing Japan virtually in a position subservient to the United States. Another criticism somewhat similar to this one is addressed to Article 4 by the critics. Under the provisions of this article, Japan can be kept under the disadvantages of the treaty indefinitely, because the consent of the United States is required for abrogation of the treaty.⁽¹⁰⁾

V. SOHYO'S RISE TO POWER

In their classic and monumental work on trade unionism written sixty five years ago, Sidney and Beatrice Webb, in describing the growing strength of workers' unions, were already using the expres-

(10) Recognizing the various defects in the existing treaty, Foreign Minister Fujiyama after several months of negotiation with the United States, succeeded in revising the treaty on a number of crucial points. Nevertheless, the position either of the Socialist Party or of *Sohyo* in their opposition to the treaty has remained unchanged. They are urging a total abrogation of the treaty.

ORGANIZED LABOR IN PRESENT-DAY JAPAN

sion⁽¹¹⁾ "state within state." During World War I, the identical expression in French "*l'état dans l'état*" was being used in France with reference to the syndicalist unionism. More recently, after World War II, we hear in Germany of the use of the German phrase "*Staat über Staat*" with reference to the German trade union federation DGB (*Deutscher Gewerkschaftsbund*). In the case of Germany, this might already have been true in the prewar days before Hitler. In any case, ascendancy to power of the organized labor forces, whether one likes it or not, would seem to be a universal phenomenon.

Japan is only a late arrival, relatively speaking, on the scene of modern industrialism. With the ascendancy to power of *Sohyo*, however, the time has come, or is drawing near, when its tremendous strength has to be reckoned with in its true proportions, although it may be premature to look upon this as a "state within state." In any case, because of the increasing role which *Sohyo* has begun to play in the industrial and economic relations in the years following the Korean war, due space has to be given to a description of this organization of trade unions.

The history of Japan is no less ironical than that of Europe. As already mentioned, *Sohyo* was in a sense the godchild or offspring of the American Occupation. It started with the kindly blessings of the officers of GHQ. The irony lies in that it was this same *Sohyo* which, in a year after its birth, seemed to turn round and lead national movements opposing the peace scheme of San Francisco. Some one describ-

(11) Sidney and Beatrice Webb: *History of Trade Unionism*, Revised ed. 1920; Preface p. ix (Preface written in 1894).

CONTEMPORARY JAPAN

ing the unexpected turn of events aptly used the old Japanese expression: "Instead of a lovely chicken, when hatched, it turned out to be an ugly duck."

It may be recalled that *Sohyo* (an abbreviation of the long official title *Nippon Rodo Kumiai Sohyogi Kai* or General Council of Japanese Trade Unions) was first inaugurated less than a month after the outbreak of the Korean war, on July 11, 1950, comprizing 29 unions with the total membership figure of 2,760,000. They were the unions which had been active in the movement (called *Mindo*, as explained in the previous section of this article) for democratization of trade unions since the movement started in February 1948. There were two outstanding labor leaders who were responsible for the formation of *Sohyo*, as a culmination of the industrial democratization movement. One was Minoru Takano, leader of the left wing of *Sodomei* and the other, Matsuta Hosoya, formerly General Secretary of *Sanbetsu*, or Congress of Industrial Unions, and the central figure of the *Mindo* group movement. Frictions within *Mindo* had retarded the progress of the movement till the summer of 1949, when the split occurred, as already explained, in the World Federation of Trade Unions (WFTU). When the new world organization, free of Communist influence, called International Confederation of Free Trade Unions (ICFTU) came into being as the result of that split, the time ripened at last. A number of the trade unions which had been aching to free themselves of Communist infiltration and had withdrawn from *Zenro Ren* (explained in the previous section) now took steps to affiliate with the newly formed ICFTU and also to participate in a movement to bring about some sort of unity among Japanese

ORGANIZED LABOR IN PRESENT-DAY JAPAN

trade unions under the sponsorship of the Federation of Private Railway Workers Unions which had hitherto remained neutral. All of this meant the paving of the way for the appearance of *Sohyo* on the scene.

The outbreak of the war in Korea had its immediate repercussion in Japan, first on the Occupation authorities and second on the trade unions. There was every reason now why the Occupation authorities should look with favor upon the industrial democratization movement. They were interested in giving their moral help and spiritual guidance for the formation of a national federation of democratic unions free from communist influences. They were interested in the affiliation of Japanese workers' unions with ICFTU. That was why the order for dissolution descended on *Zenro Ren*, which was the organization aiming to draw Japanese unions into the communist dominated WFTU. Quite naturally, the Occupation authorities would be interested further in seeing the working class in Japan give their support to the war in Korea, for them a war in defense of democracy.

In these circumstances, apparently nobody was more disappointed or surprised than the Occupation authorities to see the working class in Japan led by *Sohyo* rise against the peace scheme of San Francisco. During the spring of 1951, both the Socialist Party of Japan and *Sohyo* adopted the so-called Four Peace Principles,⁽¹²⁾ in the form of a slogan or slogans. The four principles advocated were:

1. "An overall peace"—to include not only the United States and the Western democracies, but the Soviet

(12) At first they were Three Peace Principles, but the Fourth was added shortly after.

CONTEMPORARY JAPAN

Union, the Peoples Republic of China and the countries under Communist régime.

2. "Absolute neutrality"—not to take sides with either one or the other of the conflicting ideologies.
3. "No military base in Japan"—not to allow any military base of any country in Japan.
4. "No rearmament"—not to rearm Japan, under whatever name, in violation of the Peace Constitution.

Although these principles were adopted both by the Socialist Party and at the Convention of *Sohyo* (March 1951) by a large majority and with great enthusiasm, the adoption was not carried out without controversy. The realistically minded men did not agree with the idealists. Some were not interested in the lofty, yet unrealistic policies. Some were "patriotic" and regarded more the national interests than the humanitarian. For these various reasons, the adoption of these slogans supplied the occasion for the split of both the Socialist Party and *Sohyo*. Those who opposed these slogans, being realists ready to support rearmament or even war, constituted a small minority of the right within *Sohyo*. They eventually withdrew from *Sohyo* and formed in September, 1951, *Minroken* (*Minshu Rodo Undo Kenkyu Kai* or Democratic Labor Movement Study Group) which in February of the following year turned into *Minroren* (*Minshu Shugi Rodo Undo Renraku Kyogi Kai* or Coordinating Committee for Democratic Labor Movement). It is this group which later in 1954 organized *Zenro*, a national labor federation as a rival of *Sohyo*, but this has always been a small minority. In other words, the main stream of organized labor,

ORGANIZED LABOR IN PRESENT-DAY JAPAN

represented by *Sohyo* since the Korean war, has been preponderant. Emergence, therefore, of *Sohyo* as a dominant force and its behavior in Japan's political or economic scene need to be studied more closely.

As regards the Socialist Party, the peace of San Francisco and the adoption of the Four Principles did give rise to a fatal cleavage in the party, dividing it into the right and left wings, but it did not actually split the party. We need only to point out that it is the left wing which has taken a rather idealistic stand and always held the majority of the membership.

VI. INDEPENDENCE OF JAPAN — ITS IMMEDIATE POLITICAL EFFECTS

Life is strangely replete with paradoxes. Throughout Asia and Africa, the nations which were under the rule of Western colonial empires until recently are discovering that life is in no sense easier or less arduous after they gained independence and freedom than before. Japanese workers might well be considered older or more mature with longer experience of political freedom and industrialism than most Asian or African brothers, but this truth of the paradox was brought home to them forcibly only by the experiences gained in the years following the independence which came during the Korean war. The lot of the Japanese workers in the years immediately following independence seemed to be particularly a hard one, because of the war in Korea. The experiences of that stage will now be reviewed briefly, from several different angles: political, economic and

CONTEMPORARY JAPAN

industrial. This will enable us to give a more or less fair appraisal of the reactions, or behavior, of the organized workers of Japan in the difficult years of trial, the years 1951-1953.

Politically, first. The peace was concluded with the signature of the two treaties, the Peace Treaty and the Mutual Security Treaty, on November 28, 1951, which came into effect on April 28, 1952, half a year after. This, as already mentioned, led to the split of the Socialist Party into the right and left wings, as it did in the ranks of labor as well. Superficially, the peace treaty signed by fifty nations served to establish peace on a firmer basis than ever. The peace-offensive of the Soviet Union was gaining momentum so that it seemed on the surface as if any chance of a major war was removed farther and farther. However, in reality, the outlook was not so bright. For, in application of the provisions of the Security Treaty, military, naval and air bases, over 490 in number, of the United States forces were being set up in the four islands of Japan. This often involved expropriation of the farmlands of the peasants who had inherited them from their forefathers. That meant hardship unbearable to those peasants in many cases, so that it led to bitter feelings and tenacious opposition, though ineffective, of the peasants who would refuse to leave their lands. They would sit down in protest on their farmlands at the very hour when the troops enter and perhaps gun shooting practice would commence. Their remonstrances would be aided by excited students and youths who oppose rearmament of Japan. Demonstrations were staged, accompanied unfortunately by incidents of violence or bloodshed at times. One might

ORGANIZED LABOR IN PRESENT-DAY JAPAN

presume, not without reason, that in these demonstrations, some communists were involved. In any case, however, recurrence of these incidents, accompanied by arrests of dozens of young people put the foreign troops in a bad light.

In the meantime, in order partly to cope with any contingencies, the Japanese government was steadily engaged in strengthening the defense potentials. What was called at the outset "Police Reserve Corps" out of shyness or modesty came to be called "Self Defense Force," being equipped, now more openly, with the instruments of warfare including the missiles of the latest design. One witnessed the progress of a process wholesale, which none would hesitate to call "rearmament" anywhere except in Japan. This was furiously contested by the Socialists and trade union leaders under *Sohyo* at every stage of its progress.

On the other hand, however, it must be recorded that the government was not failing in its effort to elaborate legislative measures to restrain the subversive and other activities of the Communists, as well as other elements which might obstruct the prosecution of the government's program toward general security and public peace. Reference has already been made to the Ordinance for Restriction of Organizations (*Dantai-to Kisei Rei*) promulgated in April, 1949, which was unpopular, being one of the so-called "Potsdam Orders."⁽¹³⁾ The reactionary program of *Gyaku Kōsu* (or reverse course) of the government is supposed to have reached its climax in 1952 when, amidst an uproar of protests, the law, unfortunately

(13) *Contemporary Japan* Vol. XXV, No. 4 pp. 577-578.

CONTEMPORARY JAPAN

most unpopular, called generally by abbreviation *Ha-bo Ho* (*Hakai Katsudo Boshi Ho* or Destructive Activities Prevention Act) was promulgated on June 21 of that year (1952). The most unpopular law in prewar Japan was *Chian Iji Ho* (Public Peace Preservation Act of 1925). The present law was known as the "postwar version" of the same law, enacted by the government after Japan's independence, making clear its anti-Communist stand. The avowed intention of this law was clear and unmistakable, but the fear in the minds of the people was its abuse, if used to curtail even normal activities of a trade union and to infringe on basic human rights.

The opposition to this legislation was unprecedented in its dimensions. Protest demonstrations were carried out on a national scale. On account of its relevance to trade unions, this will be taken up more in detail in the next section of this article. We should only mention here that despite the furor which it raised, the law was finally enacted; but the government, before the promulgation of the law, had to make a public pronouncement to the effect that: (1) the law will not unduly infringe on people's rights or liberty and (2) it will not restrict proper activities of trade unions. Because of the important nature of the legislation, the gist of the law is given below.⁽¹⁴⁾

In 1952, the year after Japan gained independent

(14) The law created *Koan Chosa Cho*, a new organ for investigation of "destructive activities." The committee set up in this bureau, called Committee of Investigation for Public Peace, will engage in investigations and when it presumes that a certain organization is a body engaged in destructive activities, the gatherings of that body may be prohibited, its activities may be stopped, discontinuance of publication of its organ may be ordered. Activities of its officers or of its constituent members may be stopped. Even dissolution of the organi-

—Continued on the following page.

ORGANIZED LABOR IN PRESENT-DAY JAPAN

status, with the coming into force of the treaties of peace and of mutual security, the government went ahead in August to dissolve the Diet in order to ensure the support of the nation in carrying out the obligations incumbent on Japan under those treaties. As already mentioned, both the Socialist Party and *Sohyo* were split on the issue of the Peace of San Francisco. The general election in October, 1952, was a test of the extent to which the nation supported the government in shouldering the responsibilities under the new peace scheme, including among others a program of rearmament of Japan. The conservative Liberal-Democratic government wished, as it was patent from all circumstantial evidences, to secure a clear two-third majority in both Houses of the Diet in order eventually to amend the Constitution and enable the rearmament of Japan, not trespassing on but within the orbit of the Constitution. On the other hand, for *Sohyo* and all organized workers under its leadership which opposed the peace scheme of San Francisco, the general election was a test of the solidarity of the progressive elements in the population of Japan. It was, therefore, a joyous surprise for them to see the unexpected advance of the Socialist Party in the Diet in the general election of 1952. In the previous general election of 1949, the Socialist Party had gained only 48 seats. This time, despite

zation may be ordered. By "destructive activities" the law means: (1) civil war; preparation, plotting or aiding of civil war; inviting or inciting of aid to be given to foreign invasion; printing, distributing, publicly displaying, communicating or broadcasting of literature or pictures which urge the justification or necessity of invasion; and (2) rioting, arson, use of explosives, disturbing or overturning of trains or tramcars, man slaughter, robbery, disturbance of performance of police duties; preparation, plotting, inciting or abetting of the above mentioned acts.

CONTEMPORARY JAPAN

the split of the previous year, the Party gained a total of 111 seats (Left wing 54, Right wing 57).⁽¹⁵⁾

Another incident, or event, which must be noted in the few years immediately following the independence under the heading of politics, or law, was the law, severely criticized as another law of *Gyoku Kōsu*, known generally by the misleadingly abbreviated name *Suto Kisei Ho* (or Strike Restriction Law) promulgated in August 1953. The real official title of this legislation is an inordinately long one which may be literally translated as a "Law concerning the Regulation of the Methods of Dispute-acts in Coal Mining and Electrical Industries." This legislation, rushed through the Diet amidst an uproar of protests, was passed by way of punishment, and reminds one of the British Trade Disputes and Trade Union Act of 1927 which was passed as a punitive measure after the general strike of 1926. Previous to this legislation, there were waves of long drawn strikes in both coal mining and in electrical industries. In view of the experiences of those strikes, the law prohibited the withdrawal, as a dispute-act, of the men stationed at posts in coal mines for safety reasons. It also prohibited that the men let the water run off at the source (dam) or that they cut off electric current as a dispute-act. Was this legislation an infringement of the constitutional right to strike or not? The question gave rise to much legalistic controversy among

(15) In the general elections of the following years, in April 1953 and February 1955, the Socialist Party continued to gain more seats, till they rose to 155 in the House of Representatives and 69 in the House of Councillors. The left wing leaders of the Socialist Party and of *Sohyo* interpret such gains as an evidence of the support of the nation, opposing both rearmament and the Peace of San Francisco.

ORGANIZED LABOR IN PRESENT-DAY JAPAN

the scholars and trade union leaders in the country. On account of the vociferous protests, the government yielded temporarily to the pressure and the law consequently went into effect only for the term of three years.⁽¹⁶⁾

To an outsider at a distance or to students of labor reading about the experience of these years in Japan some decades hence, laws of this sort would surely seem fantastic or absurd. Why laws of this nature came to be enacted in Japan must be explained by reviewing the behavior of the organized workers in the economic and industrial, as well as in the political, context of this period. That will be done in the ensuing sections of this article.

—To be continued

English texts of the major labor laws will be given in the next issue.

(16) In 1956, upon expiry of the 3 year term, however, the Diet decided not to terminate, but to retain this law for an indefinite period.

CONTEMPORARY JAPAN

payment of a fixed penalty in case of violation of the Regulation, cases to be tried in the Consular Courts and damages, not fines, to be paid to Japan.

On February 20, 1878, John Hartley, a British subject, was brought before the British Consular Court in Yokohama, on a charge made by the Japanese authorities that he had smuggled twenty pounds of opium into the port in the December preceding, importation of which had been prohibited by all the treaties as well as by Japanese laws. The Court adjudged him not guilty, on the ground that "medicinal opium" was allowed under the Tariff Convention of 1866. Storms of protest arose, not only from Japanese, but also from the foreign community. Another action was lodged against Hartley for smuggling sixteen pounds (12 catties) of opium, and this time the British Court found him guilty and punished him with a fine at the rate of \$15 per catty.

In 1879, the report of cholera in Amoy, China, caused the Japanese authorities to declare a quarantine on all vessels from that port in accordance with the Quarantine Regulation enacted in 1873. A German ship entered Yokohama and when the port authorities tried to apply the quarantine regulation to it, a German warship appeared and removed it from quarantine. The spreading of cholera in Japan was believed by many Japanese and foreigners to be due to this denial of the right of the Japanese to impose necessary quarantine upon the ships of certain Powers. Former American President Grant, who was in Japan at that time on his world trip, did not hesitate to say that Japan would have been justified in sinking the German ship.

It was possible that these unequal, unilateral

JAPAN'S FOREIGN RELATIONS

treaties might be revised in 1872, by virtue of the provision of the 1858 treaties. The American treaty had the following clause:

“After the 4th of July, 1872, (143) upon the desire of either the American or the Japanese Government, and on one year's notice given by either party, this Treaty, and such portions of the Treaty of Kanagawa as remained unrevoked by this Treaty, together with the regulations of trade hereunto annexed, or those that may be hereafter introduced, shall be subject to revision by commissioners appointed on both sides for this purpose, who will be empowered to decide on, and insert therein, such amendments as experience shall prove to be desirable.”

The revision was permissible, and yet it must depend upon the agreement of all the parties, and this agreement was not easy to secure.

What was the belief of the Western Powers at that time on this question? In July, 1864, Earl Grey brought forward, in the House of Lords, twelve resolutions on Japan, which questioned, among other things, the expediency and justice of consular jurisdiction. But Lord John Russel replied that Japanese laws were most sanguinary, that in some cases all the relatives of a criminal could be put to death for his offense. Russel seemed to think wrongly that the unwritten code of honor of the *samurai* which demanded suicide by disembowelment was legal penalty which could be inflicted on criminals. He proceeded to ask: “Is it desirable that we should abandon a plan which has now been acted upon for three centuries, in accordance with which, when we enter oriental nations, we carry with us our own tribunals

(143) July 1 in the Dutch Treaty. August 15 in the French Treaty.

CONTEMPORARY JAPAN

and our own notions of justice.”

The Iwakura Mission (1871—73)

The first suggestion of revision was made in a private memorandum submitted by Terajima Munenori, Minister for Foreign Affairs, to Sir Harry Parkes, British Minister to Japan, in April, 1871. The following significant paragraph was found in the memorandum.

“The Treaties are made entirely for foreigners coming to Japan and the only stipulation for Japanese going abroad is that a diplomatic agent may reside in the capital. In these things the same power ought to be inherent in both; and after the question has been examined, equal and concurrent powers should be the phraseology of the Treaties.” (144)

The Japanese Government resolved to deal directly and singly with the home government of the Treaty Powers and it therefore sent abroad a special mission, known as the Iwakura Mission headed by Prince Iwakura. The mission was a large, powerful one, containing no less than fifty members among whom were the ablest of the new leaders of Japan, such as Kido, Okubo, and Ito, and officials attached to it from every department of the public service.

Their objects were most plainly set forth in the letter of credence which they presented to the President of the United States upon their arrival in Washington.

(144) Jones, F. C.: *Extraterritoriality in Japan*, p. 79.

JAPAN'S FOREIGN RELATIONS

"We expect and intend to reform and improve the Treaties so as to stand upon a similar footing with the most enlightened nations, and to attain the full development of public rights and interests. The civilization and institutions of Japan are so different from those of other countries that we can not expect to reach the desired end at once. It is our purpose to select, from the various institutions prevailing among enlightened nations, such as are best suited to our present condition, and adopt them, in gradual reforms and amendments of our policy and customs so as to be on an equality with them." (145)

The Iwakura Mission left Japan in December, 1871, arriving in Washington on February 29, 1872, and was received by President Grant on March 4. Warm hospitality awaited them everywhere, and they were heartily welcomed.

At the first conference with Secretary Fish on March 11, Prince Iwakura presented a memorandum containing a summary of the most important changes which Japan desired to effect, among which were: (1) abolition of extraterritoriality upon the enactment of a national code based upon the laws of the Western Powers; (2) tariff autonomy; and (3) prohibition of landing organized military forces without permission of Japan. These desires were the fruits of the bitter experience which Japan had been compelled to taste during the past two decades of her enforced intercourse with the Western Powers.

At the second conference, two days later, Secretary Fish presented the American counter proposals which entirely ignored the all important questions of tariff autonomy and the abolition of extraterritoriality and were largely concerned with the further amplification of existing treaty rights of foreigners in

(145) *Ibid.*, p. 80.

CONTEMPORARY JAPAN

Japan.

After further exchange of views in two extended conferences, Prince Iwakura presented at the fifth conference on March 27, the Japanese draft of treaty which received the scrutinizing study of the State Department; and at the sixth conference on June 1, the American draft of a treaty in twenty-four articles and of accompanying regulations in five articles were presented to the Japanese Mission. The American plan contained no reference to the abolition of extra-territoriality, but it contained the conditional most-favored-nation clause in respect of trade, commerce, and navigation. The Japanese amendments to the American draft were made on July 10, and the seventh conference was scheduled for July 22.

In the meantime, Prince Iwakura, perceiving the possibility of concluding a new treaty with the United States, hurriedly sent Okubo and Ito back to Japan to acquaint the Tokyo Government with the progress of negotiations so far attained in Washington and to get full power to conclude the treaty. But their effort was in vain. The Japanese Government preferred to conclude treaties at a conference in Europe attended by the representatives of all Treaty Powers rather than to proceed with them one by one. The two messengers reluctantly proceeded to America again and rejoined the Mission on July 22, the day on which the last conference was scheduled in expectation of their return to Washington. The Japanese proposal for a conference was rejected by the United States, which insisted that it had "always declined to be a party to a Congress or Conference for the conclusion of any treaty of commerce or amity." Thus the negotiations for the revision of the

JAPAN'S FOREIGN RELATIONS

American Treaty was abruptly terminated, and the Mission left for England.

In his Annual Message to Congress of December 2, 1872, President Grant stated:

“Our Treaty relations with Japan remain unchanged. An imposing embassy from that interesting and progressive nation visited this country during the year that is passing, but being unprovided with powers for the signing of a convention in this country, no conclusion in that direction was reached. It is hoped, however, that the interchange of opinions which took place during their stay in this country has led to a mutual appreciation of the interests which may be promoted when the revision of the existing treaty shall be undertaken.”(146)

In the summer of 1872, the Iwakura Mission arrived in England. Sir Harry Parkes was recalled from his post at Tokyo to act as guide to them during their tour of England and earned their gratitude for the help he gave them. But they were unsuccessful in procuring the revision of the Treaties.

On January 13, 1873, Earl Granville, Foreign Secretary, wrote the following instructions to Parkes:

“Form your own direct intercourse with the Ambassadors during their stay in England and also from having been present at the interview which I had with their Excellencies you will have learned how little they had to offer in explanation of the objects of their mission and the views and wishes of their Government; and how little, in the uncertainty in which I was left in these respects, I was able to convey to them regarding the policy and intentions of Her Majesty's Government in regard to intercourse with Japan

“Her Majesty's Government desires to maintain the most friendly relations with Japan, but is not prepared, out of deference to the

(146) Richardson, J. P.: *Messages and Papers of the Presidents*, VII, p. 191.

CONTEMPORARY JAPAN

wishes of its Government, to expose the maintenance of them to risk by complying with their suggestions that the small British force still maintained in Japan, should, at the present time . . . be withdrawn, or by renouncing the security for British life and property which the extraterritorial jurisdiction now enjoyed by Great Britain in Japan is calculated to secure to British subjects." (147)

Leaving England, the Iwakura Mission visited France, Belgium, Holland, Russia, Prussia, Denmark, Sweden, Italy, Austro-Hungary, and Switzerland. But their activities were devoted to observation and studies, and no progress was made in the direction of treaty revision. They returned to Japan in September, 1873.

Though the Iwakura Mission failed in their attempt to revise the unequal treaties, their sojourn, extending nearly two years in America and Europe, was of great importance in other ways. The fifty members, many of whom were men of exceptional ability, obtained a close view of Western civilization which bore fruit on their return and made the mission an epoch-making event in the history of modern Japan. Especially did they realize the far-reaching legislative and judicial measures that would have to be undertaken before the Power would listen to the plea of Japan for the abolition of extraterritoriality, and they devoted themselves to this task with unflagging zeal. It is very important to notice the great impetus which the ardent desire to get rid of consular jurisdiction gave to the reconstruction of the political, administrative and judicial organization of Japan. Every recommendation made by the Iwakura Mission, every step taken on that recommendation

(147) Jones: *op. cit.*, pp. 81-82.

JAPAN'S FOREIGN RELATIONS

was influenced by the burning desire to secure the abolition of the extraterritoriality system.

In 1873, some Italian merchants in Japan, for the purpose of buying silkworm eggs, were much hampered by the restrictions on inland travel imposed on foreigners, and the Italian Government actually negotiated a revised treaty which had given partial judicial autonomy to Japan in return for freedom of movement for Italians within Japan. But, the rest of the Treaty Powers vigorously protested and the proposed agreement was dropped.

Terajima Munenori (1873—79)

On October 28, 1873, Terajima Munenori, Minister to England, succeeded Soejima Taneomi as Minister for Foreign Affairs, and during the next six years he devoted his efforts to the task of the revision of unequal treaties. Terajima's first experience in treaty revision was related to the pending question of travel in the interior inherited from his predecessor. Encouraged by the ill-fated Italian treaty of 1873, the foreign representatives renewed their joint attempt to secure the right of travel in the interior of Japan beyond the limits of open ports. Terajima took the attitude that Japan would be willing to admit trade and travel throughout the Empire if the Treaty Powers would surrender their extraterritorial jurisdiction.

While perceiving that the Powers were far from ready to give up their extraterritorial jurisdiction, Terajima saw a possibility of recovering tariff autonomy if the two questions were separated. Of the

CONTEMPORARY JAPAN

two evils, he thought the abolition, or at least revision, of the conventional tariff more urgent because of the strained finances and probably the easier because of the deficiencies in the Japanese judicial system as compared with the Western Powers.⁽¹⁴⁸⁾

In 1875, therefore, Terajima verbally proposed to the Treaty Powers that the existing treaty restrictions upon the rightful autonomy of Japan to impose reasonable duties upon foreign imports should be removed, on the condition that Japan would agree to abolish all export duties and to open new ports. Informal conversations followed throughout 1875 and 1876 between Terajima and foreign representatives. The proposal was rejected by all European Powers, especially by Great Britain whose spokesman in Japan was Sir Harry Parkes. Terajima, however, found in John A. Bingham, American Minister to Japan, an ardent supporter. Bingham considered the Terajima proposal "so reasonable, so just, and so much in the interest of Japan and in no sense hurtful to the rights of any one of the Treaty Powers," and urged the State Department that the United States "should be the first to say that this proposition is accepted."⁽¹⁴⁹⁾

On June 8, 1876, Terajima proposed to the Washington Government through Minister Yoshida to begin negotiations, but Secretary of State Fish was

(148) Richardson: *op. cit.*, p. 288.

In his annual message of December 7, 1874, President Grant proclaimed: "It is hoped that negotiations between the Government of Japan and the Treaty Powers, looking to the further opening of the Empire and to the removal of various restrictions upon trade and travel, may soon produce the results desired, which can not fail to inure to the benefit of all nations."

(149) Akagi, R. H.: *Japan's Foreign Relations*, p. 91.

JAPAN'S FOREIGN RELATIONS

opposed to separate negotiations and insisted upon the "cooperative policy" with European Powers. Minister Yoshida went so far as to suggest that a new treaty should be concluded to take effect conditionally when all the Treaty Powers gave assent.

In March, 1877, with the inauguration of President Hayes, William Evarts succeeded Hamilton Fish as Secretary of State. Secretary Evarts, in accepting Minister Bingham's view, decided in favor of separate negotiations and informed the Japanese Government to that effect. Unfortunately, the Satsuma rebellion which broke out in January, 1877, diverted the attention of the Tokyo Government to the suppression of the revolt. The Washington negotiation started in the middle of January, 1878, and it proceeded so smoothly that an agreement for the cancellation, so far as the United States was concerned, of the Tariff Convention of 1866 was speedily reached by the end of June, and a new Convention was signed on July 25, 1878. The Japanese Government, in turn, agreed to open Shimonoseki and one other port to citizens and vessels of the United States for residence and trade, and also to remove the export duty on goods shipped to America. As to the extraterritorial right, no concessions were secured by Japan, since the new Convention kept intact "the first three sentences which are comprised in the first paragraph of Article VI of the treaty of 1858," which stipulated that "Americans committing offences against Japanese shall be tried in American consular courts, and the guilty shall be punished according to American law." Furthermore, the coming into force of the new Convention was made contingent upon the conclusion of a similar treaty with "all the other Treaty Powers"

CONTEMPORARY JAPAN

which numbered sixteen at the time.

In his annual message of December 2, 1878, President Hayes stated:

"The Japanese Government has been desirous of a revision of such parts of its treaties with foreign powers as relate to commerce, and, it is understood, has addressed to each of the treaty powers a request to open negotiations with that in view. The United States Government has been inclined to regard the matter favorably. Whatever restrictions upon trade with Japan are found injurious to that people can not but affect injuriously nations holding commercial intercourse with them. Japan, after a long period of seclusion, has within the past few years made rapid strides in the path of enlightenment and progress, and, not unreasonably, is looking forward to the time when her relations with the nations of Europe and America shall be assimilated to those which they hold with each other. A treaty looking to this end has been made, which will be submitted for the consideration of the Senate." (150)

The success of the new American-Japanese Convention now entirely depended upon the outcome of the negotiations with other Treaty Powers, among which Great Britain had the most influential voice. Indignant Parkes wrote on January 5, 1879: "The object of the Americans is, of course, transparent—they wish to lead the Japanese to believe that they are willing to meet their wishes, and, if unable to do so, it is because other nations, notably England and Parkes won't enable them to do so." American Minister Bingham transmitted to the State Department a confidential statement handed to him at the Japanese Foreign Office of a conversation at the British Foreign Office between Sir Julian Pauncefote and Mr. Stuart Lane, of the Japanese Legation

(150) Richardson: *op. cit.*, p. 496.

JAPAN'S FOREIGN RELATIONS

in London, in relation to the Convention of July 25, 1878. Sir Julian spoke of it as "contrary to all usage" for the United States to act secretly and independently in such a matter.

Acting upon the advice of Mr. Smith, American councillor of the Japanese Foreign Office, the Japanese Government attempted to deal separately with the various other Powers, but their negotiations fell through in London, Paris, and St. Petersburg. Thus the new American-Japanese Convention of 1878, though approved by the Senate and the ratifications were duly exchanged, became a dead letter and with it the Terajima plan for the revision of treaties.

Thus, in the first decade of the long struggle, the Japanese Government suffered defeat on both fronts, judicial and tariff privileges of the Treaty Powers remaining intact. But the Japanese were only biding their time to deliver a fresh and more determined onslaught.

—To be continued

STUDY ON RELIGIOUS JURIDICAL PERSONS LAW

By WILLIAM P. WOODARD

V

—Continued from Vol. XXV No. 4 of *Contemporary Japan*

Authentication

AUTHENTICATION (*NINSHO*) IS CERTIFICATION OF the regulations by a competent authority. Authentication means that an applicant is eligible for incorporation as a religious juridical person, that the required procedures have been duly observed, and that the regulations are properly drawn up. Authentication does not in any sense constitute government "recognition" (*ninka*) in the sense of approval. It is the regulations and not the organization that are authenticated. Since all amendments to the regulations also have to be authenticated, and since the authentication process in connection with establishment, amendments, merger and voluntary dissolution is essentially the same, it is well that those concerned thoroughly understand the procedures described below.

Having drawn up the regulations and given the appropriate public notice, including a gist of the regulations, at least one month in advance (Art. 12-3), an applicant for incorporation must then submit to the competent authority a written application, two copies

RELIGIOUS JURIDICAL PERSONS LAW

of the proposed regulations, letters of acceptance from both the person who is to be the official representative and from a majority of the persons who are to be officers, and documents certifying (1) that the applicant is a religious organization within the meaning of Article 2, (2) that the required public notice has been given, and (3) that the person presenting the application is authorized to do so. (Art.13).

An application for incorporation is a request for authentication of the regulations, that is, the articles of incorporation. (Art. 12-1) This is the first legal step necessary in order to incorporate; the second is registration.

Authentication is a relatively simple process for local organizations which are a part of already established denominations and sects; but it can become a rather complicated process, if the applicant is a new organization and the competent authority objects to or has doubts about whether or not it should become a religious juridical person. It should be noted, however, that the main purpose of the complicated process in the Law is not to embarrass the applicant, but to prevent capricious action by the competent authorities in refusing to permit incorporation without sound reasons and without carefully examining the documents and the qualifications of applicants.

These protective provisions reflect the feeling of anxiety at the time that, following a period of relative license under the Religious Corporations Ordinance, reaction would set in and some religious organizations might find themselves discriminated against in their efforts to become incorporated. A secondary purpose was to provide adequate safeguards within the framework of the Law, because of the inability or reluctance

CONTEMPORARY JAPAN

of religious organization to become involved in expensive and time-consuming litigation with the competent authorities in order to overcome any alleged unfairness.

Procedures by Competent Authorities

Receipt Upon receiving an application with the required accompanying documents, the competent authority must at once send the applicant a dated receipt. This requirement is intended to prevent any undue administrative delay in processing applications. The Law sets a time-limit of three months, beginning with the date of receipt of the application, within which incorporation must be permitted or denied. (Art. 14-1, 4) The necessity for this provision was demonstrated soon after the Law became effective. An applicant complained to RCR that, although application papers had been submitted, the Minister of Education had not acknowledged their receipt. The case was a delicate one, which the officials did not want to handle, but RCR intervened and a receipt was finally sent. Otherwise the application might have remained at the Ministry for months unacknowledged. Failure of the Ministry to promptly acknowledge receipt of an application is a violation of the Law. Any correction of documents must be requested subsequent and not prior to acknowledgment of receipt of an application.

Criteria There are three criteria by which a competent authority decides whether to authenticate regulations. (Art. 14-1)

RELIGIOUS JURIDICAL PERSONS LAW

These are:

1. Is the applicant a religious organization within the meaning of Article II, which defines eligibility?
2. Are the regulations in conformity with the provisions of this Law and other laws and orders?
3. Have the establishment procedures relative to public notice been observed?

Public Hearing If the answers to the above questions are not in the affirmative, the competent authority must arrange for a hearing and listen to the opinions of the applicant and any advisors who may accompany him. However, when deemed necessary, the competent authority may limit the number of such advisors to three. (Articles 14-2 and 82) This provision for a hearing was intended to make sure that religious leaders could always have legal counsel or an associate when calling on officials who in the past had so often given advise in private. Limitation of the number was agreed to because of the necessity of preventing mass demonstrations.

Minister of Education as Competent Authority
When the competent authority is the Minister of Education, if after a hearing he does not decide to act favorably, the matter must be referred to the Religious Juridical Persons Council for examination (Article 14-3) and on the basis of the Council's recommendation the Minister must either authenticate the regulations or decline to do so. RCR was assured that in such cases the recommendation of the Council is mandatory even though it is not so stated in the Law.

CONTEMPORARY JAPAN

Prefectural Governor as Competent Authority

When the competent authority is a prefectural governor, he must in the first instance decide, without reference to the Religious Juridical Persons Council, whether or not to authenticate the regulations. This procedure was adopted because it was believed that prefectural officials, being closer to the local situation, would act with care and would be reluctant to take any action which the Council might reverse in case an applicant requested a re-examination. Furthermore, it was felt that the Council should not be burdened with minor cases that could be settled satisfactorily on a local basis.

Notice to Applicant The final decision on authentication in any case must be made within a period of not more than three months from the date of receiving an application. When the decision is to authenticate, a letter of authentication and a copy of the authenticated regulations must be sent to the applicant; otherwise a letter must be sent stating the reasons why authentication is denied. (Article 14-4)

Re-examination

When authentication has been denied, an applicant may within two months request a re-examination of the application by submitting a written request to the competent authority stating the reasons why reconsideration is believed justified. (Article 16-1) Receipt of such a request must be at once acknowledged. (Article 16-2) However, if the request for

RELIGIOUS JURIDICAL PERSONS LAW

re-examination is received after the two-month period has elapsed or, if procedural or other defects, if any, have not been corrected within an appropriate time, the request shall be dismissed and the applicant so notified by letter stating the reasons, within a period not to exceed three months from the date of receiving the application. (Article 16-1 (1), 5) Otherwise, within a period not to exceed six months plus the time allowed for the correction of any procedural or other defects, the competent authority must either send the applicant a letter of authentication and a copy of the authenticated regulations or a letter stating the reasons why he cannot authenticate them. (Article 16-6, 7)

In reaching his decision the competent authority must review the case, provide an opportunity for the correction of any defects, hold a hearing, if necessary, and if he does not decide to authenticate, place the case before the Religious Juridical Persons Council. In reaching its decision the Council follows the same general procedures as the competent authority. (Article 16-2 to 4)

Administrative Appeal

When the Minister of Education as the competent authority, after referring an application to the Religious Juridical Persons Council, has twice declined to authenticate the regulations, there is no alternative open to the applicant except recourse to courts of law. In the past it was generally agreed that administrative decisions were binding and, therefore, the courts were reluctant to accept cases involving religion.

CONTEMPORARY JAPAN

To obviate the possibility of this practice continuing, Article 87 provides that "no provision of this Law shall be construed as interfering with the right to bring action before a court against disposition made by the Minister of Education or a prefectural governor under this Law qualifying it as illegal."

However, in cases where a prefectural governor as the competent authority has declined to authenticate regulations after referring the matter only once to the Religious Juridical Persons Council, an applicant may within one month from the date authentication has been denied, make an administrative appeal to the Minister of Education in accordance with the Administrative Appeal Law (Law No. 105, 1890). In such a case, if the appeal is received after the expiration of one month or the applicant has failed to correct any defects as requested, the appeal may be denied forthwith. Otherwise, before making his decision the Minister must refer the appeal to the Religious Juridical Persons Council which in turn, if authentication is not approved, must also provide a hearing for the appellant. Since only one sound reason is necessary in denying authentication, if the Council recognizes the validity of all the appellant's objections, the prefectural governor concerned must, in the manner already described, authenticate the regulations without delay. (Article 17) (Other matters related to the appeal procedure are prescribed in the Administrative Appeal Law.)

Official Pressure Forbidden

"The competent authority in making his decision

RELIGIOUS JURIDICAL PERSONS LAW

concerning authentication . . . shall not require the applicant to include in the regulations" matters not specified in the Law. (Article 14-5) This protective item was deemed necessary because of the penchant of government officials in pre-war years to adopt departmental regulations which included matters not authorized in laws and ordinances.

Registration

"A religious juridical person comes into existence by effecting registration of establishment at the place where its main office is located." (Article 15)

VI

The regulations (articles of incorporation) having been duly authenticated and registered an organization is fully incorporated. It holds the property registered in connection with incorporation and the responsible officers can conduct any necessary business in accordance with its regulations (Article 18-4), or in the absence of specific regulations by a majority vote. (Article 19) In regard to the conduct of business, the Law regulates only a few matters. These are: registration, records, amendments, merger, and dissolution. It also provides penalties.

Acts Null and Void

The penalties attached to failure to carry out the provisions of the Law are stated in Chapter X

CONTEMPORARY JAPAN

of the Law. It should be noted, however, that "acts perpetrated in violation of the provisions" for giving public notice in "regard to immovable property, which is a precinct-building or precinct . . . , or treasures mentioned in the inventory . . ." are null and void. However, "such invalidity cannot be set against" persons or third parties who act in good faith in any transaction. In other words, anyone who buys property in good faith, without knowing that in making the sale the responsible officers concerned did not observe the regulations, cannot be deprived of such property, but the responsible officers can be held responsible for making good any loss incurred due to such a violation. (Article 24)

Records

No annual or other reports are required relative to the business conducted; but an inventory of all property must be made at the time of establishment and within three months after the close of each fiscal year. Records must be kept of all actions taken and business transacted, and certain documents must always be kept in the corporation's office and be open for inspection on request by the properly constituted authorities. These documents are: the articles of incorporation, letters of authentication, a list of officers, the inventory, financial statements, documents pertaining to the responsible officers and the proceedings of other organs, if any, prescribed in the regulations, records of handling business, and any documents related to social welfare or other enterprises conducted under Article 6. The records, it

RELIGIOUS JURIDICAL PERSONS LAW

must be noted, do not relate to religious activities or religious affairs, but only to matters with which the Law itself is directly concerned; that is, property. It is important, therefore, that the general religious records and the records of the corporation be kept separate.

Amendment, Merger, and Dissolution

The basic procedures to be followed in case a religious juridical person decides either to amend its regulations, to merge with some other religious juridical person, or to voluntarily dissolve are essentially the same: (1) the provisions in the regulations of the religious juridical person concerned and in the Law relative to amendment, merger or dissolution must be observed, (2) the proposed changes in the regulations must be authenticated by the competent authority, (Articles 26, 33 & 44-1) and in some cases (3) registered before they are legally effective. The detailed procedures for these actions are prescribed separately in Chapter IV (amendments) Chapter V (merger), Chapter VI (dissolution). These chapters in the Law are not easily understood because instead of repeating the prescribed procedures each time, cross-references are made to the provisions of previous articles which in each case are amended to apply to the case in point. However, since a merger in which one religious juridical person continues to exist, and voluntary dissolution are handled as amendments to the regulations, the three actions can be discussed together and thus eliminate unnecessary repetition.

CONTEMPORARY JAPAN

Amendments

To amend regulations, which do not involve the cancellation or establishment of a denominational affiliation, the only procedural requirement is to observe the relevant provisions of the regulations of the religious juridical person concerned.

Amendments Cancelling Denominational Affiliation

However, when a religious juridical person intends to amend its regulations in order to cancel or establish a denominational affiliation, a public notice, including a gist of the proposed change, must be given "to believers and other interested parties" at least two months before applying for authentication. In case a new denominational affiliation is to be established, permission to affiliate must be received from the denomination concerned. If the present affiliation is being cancelled, simultaneous with a public notice the denomination concerned must be notified, but denominational approval of the proposed cancellation is not necessary, even though such approval is required by the regulations of the religious juridical person concerned. However, in case the denomination concerned deems the religious juridical person concerned has failed to observe other required procedures, it may report this to the Minister of Education. (Article 26-4) These unusual provisions relative to denominational affiliation are discussed in full later in the section entitled "Denominational Affiliation and Secession," so no further mention of them will be made here.

RELIGIOUS JURIDICAL PERSONS LAW

Merger

"Two or more religious juridical persons may merge to form one juridical person." (Article 32) A merger may take one of two forms: either one of the merging bodies continues to exist and the others dissolve, or a new religious juridical person is established and all other merging bodies dissolve.

The procedures for merger are relatively simple. If one of two or more merging bodies is to continue to exist, and its regulations must be amended in order to consummate the merger, the matter is handled entirely as an amendment of its regulations; that is, its regulations relative to amendment must be observed and a public notice containing a gist of the draft agreement must be given to the believers of religious organizations concerned and other interested parties. If no amendment of the regulations is necessary, then a transfer of any property by the bodies intending to dissolve by merger (Article 35-1), and registration of the fact of dissolution (Article 57) is all that appears to be required.

If a new religious juridical person is to be established, then the persons appointed by each of merging bodies shall jointly draw up regulations in accordance with the provisions of Paragraphs 1, Article 12; and as prescribed in Paragraph 3 of the same article, give public notice including a gist of the proposed regulations to believers and interested parties. (Article 35-2, 3)

In addition to the above, within two weeks of giving public notice, each party must draw up an inventory of their respective properties, including

CONTEMPORARY JAPAN

financial statements regarding enterprises, if any, carried on under Article 6, and notify any creditors publicly and individually, inviting them to present, within a period of not less than two months, their objections, if any, to the proposed merger. In case any creditors object, the amounts involved must be paid or satisfactory security provided. (Article 34)

In drafting the articles relative to merger, because they did not readily distinguish between the religious organization and its legal corporate capacity, religious leaders objected to the suggestion that the several legal bodies involved should dissolve and then simultaneously merge. To do so, they felt, would break the historic continuity of their religious organizations. Consequently, the expression "dissolution by merger" was adopted in order to make it clear that there was historical continuity.

Dissolution

A religious juridical person may dissolve itself at will at any time, but it must dissolve in certain cases, namely, the occurrence of a cause proscribed in the regulations, in case of merger when a religious juridical person does not continue to exist, bankruptcy, withdrawal of authentication as proscribed in Paragraph 1 of Article 80, a court order in accordance with the provisions of Paragraph 1 Article 81 and, in the case of a denomination, if all its local religious juridical persons go out of existence.

In case of voluntary dissolution, a religious juridical person must give public notice to the believers and other interested parties, inviting them

RELIGIOUS JURIDICAL PERSONS LAW

to present their opinions, if any, concerning dissolution within a stated period of not less than two months from the date of the public notice. Then, if any opinions are expressed, the question of dissolution shall be reconsidered in the light of these opinions, but there is no obligation to do more than consider them. (Article 44-2, 3)

Application for Authentication in case of Amendment, Merger, or Dissolution

Amendments, a merger which involves a change in the existing regulations or the establishment of a new religious juridical person, and dissolution, do not become effective until the relevant authentication has been received from the competent authority. To secure authentication an applicant must submit a written application, two copies of the proposed action, and documents certifying that (1) the prescribed procedures have been duly observed, (2) all required public and direct notices have been given and, where relevant, and (3) permission to affiliate has been received from the denomination concerned. In case a new religious juridical person is being established, a document must also be submitted certifying that the applicant is a religious organization as defined in Article 2. (Articles 27, 38 & 45)

Authentication, Re-examination and Administrative Appeals related to Amendment, Merger, or Dissolution.

The procedures to be followed by the competent authorities in cases involving amendment (Articles 28

CONTEMPORARY JAPAN

& 29) merger (Articles 39 & 40) or dissolution (Articles 46 & 47) are to all intents and purposes identical with those described above for authentication, (Article 14) re-examination (Article 16) and administrative appeal (Article 17).

An application for authentication of an amendment or the regulations of a new religious juridical person established in connection with a merger shall be submitted "under the joint signatures of the respective religious juridical persons intending to merge." If the competent authorities of the parties concerned are different, the application shall be presented to the competent authority of the religious juridical person which continues to exist or of the one that is to be established. (Art. 38-2)

Liquidators

When a religious juridical person has dissolved itself, except in case of merger or bankruptcy, unless otherwise provided in the regulations, the official representative or his substitute shall become the liquidator. In the case of dissolution by merger the property is presumably transferred to the religious juridical person which continues to exist. Dissolution because of bankruptcy is handled in accordance with the relevant provisions of the Civil Code and the Law of Procedures for Non-contentious Matters (Law No. 14, 1898). (Art. 51) In a case of dissolution because authentication is withdrawn in accordance with the provisions of Paragraph 1 of Article 80, or because dissolution has been ordered in accordance with the provisions of Paragraph 1 of Article 81, the court

RELIGIOUS JURIDICAL PERSONS LAW

appoints the liquidator. (Art. 49-2)

All officers or their substitutes, except the liquidator, in case he is an officer or substitute, retire from office upon dissolution. (Art. 49-4, 5) The provisions of Article 22 relative to minors, incompetents, quasi-incompetents, and persons under sentence of imprisonment, not being eligible to become officers apply also to liquidators. (Art. 49-3)

Disposition of Property

Residual property, except in case of merger or bankruptcy, is to be disposed of in accordance with the provisions of the regulations of the religious juridical persons concerned, and, in case there are no such provisions, to other religious organizations or to public welfare works. Any property not so disposed of reverts to the national treasury. (Art. 50) This has already been discussed in Chapter IV under "Dissolution and Residual Property" and no further comment is required here.

Date of Effect

Amendments (Art. 30) and voluntary dissolution (Art. 48) become effective upon receipt of a letter of authentication. Merger becomes effective by registration in accordance with the provisions of Article 57. (Art. 41)

CONTEMPORARY JAPAN

VII

Denominational Affiliation and Secession

No subject received greater consideration by RCR in connection with drafting the Law than did denominational affiliation and secession, yet the Law would be better, not to say simpler, if this subject were not dealt with either directly or indirectly. Denominational affiliation is a religious matter between local religious organizations and their denominational headquarters. It has its basis in a common faith and a common way of doing things. Incorporation concerns the holding and management of property and the transaction of business affairs. If a denomination has legal claims on the property of an incorporated local religious organization, its interests can be adequately protected by law; but the moral or spiritual claims, which arise from a common spiritual heritage, rest on a different foundation and have no place in the laws of a society which recognizes religious freedom and separation of "church" and state.

Nevertheless, because of the situation prevailing at the time the Law was drafted, there was no way of avoiding the subject. Consequently, an effort was made to deal with it in such a way as to be satisfactory to both the local and denominational organization, and at the same time not go too far afield from the law's primary purpose. In doing this, as already explained above, a terminology was adopted which avoided any religious implications. Thus denominational affiliation is referred to as a "comprehending"

RELIGIOUS JURIDICAL PERSONS LAW

or a "comprehended" relationship. But in the explanation which follows, the simpler and more easily understood common expressions are employed.

In the opinion of the Special Projects Officer, the Religious Corporations Ordinance had caused a great deal of unnecessary and undesirable disintegration in the religious world, particularly Buddhist; and it was his hope that the new law would correct some of the Ordinance's weaknesses and perhaps produce a greater degree of stability in the religious world than had existed in recent years. It was not possible, however, to rectify the damage already done without violating the very principles which it was RCR's mission to establish. The only thing possible was to compromise somewhat and make the best of the situation.

In order to prevent willful or capricious secession by local priests or cliques without the knowledge of their denominational authorities or the knowledge and approval of the local constituencies concerned, the Law requires not only that a public notice be given, but that the denomination concerned must be notified directly at least two months before an application is presented for authentication of an amendment cancelling a denominational affiliation. (Art. 26-2, 3) This period was regarded as sufficient to enable denominational officials to visit any constituency and assist the members or adherents, if any, who opposed the proposed secession and possibly secure an injunction against further action. Secession and a change in affiliation by temples had been frequent in past centuries so there could be no basic objection to secession in principle. Buddhist sectarian leaders had been very emphatic in saying that they objected because secessions should not be carried out without

CONTEMPORARY JAPAN

the knowledge and consent of the local supporters. Consequently, it was felt that the provision in the Law for a public notice and a notice to the denomination concerned met one of their requirements in respect to the proposed law.

In addition to this, however, the Law provides that in case any local responsible officers do not observe the regulations in respect to amendments related to the cancellation of denominational affiliation, such misconduct may be brought to the attention of the competent authority concerned. (Art. 26-4) Moreover, since any objections would most likely result in the subject being referred to the Religious Juridical Persons Council, denominational officials normally would have an additional opportunity to present their case against the legality of a proposed secession.

Another means of slowing down the secession trend at the time the Law was being drafted was the very strange provision in the second sentence of the first paragraph of Article 26, already referred to above. This states in substance that in the case of a proposed secession a religious juridical person does not have to secure the approval of its denominational headquarters even though its regulations stipulate that such approval is required. In other words, any provision in the regulations requiring denominational approval is legally invalid. On the surface this provision would seem to be intended to help or promote, rather than discourage secession; but such was not the case. RCR believed with good reason that if the proposed Law in any manner whatsoever was thought to freeze the denominational *status quo*, there would be a great wave of secessions before its enforcement. It was certain that practically every

RELIGIOUS JURIDICAL PERSONS LAW

denomination would insist on its respective local affiliated bodies inserting in their regulations provisions requiring denominational approval in case secession was contemplated; and it was equally certain that such insistence would stimulate a certain amount of secession. To avoid this, Paragraph 1 of Article 26 makes all such requirements legally invalid, while at the same time leaving the local organizations concerned with a moral obligation to consult with denominational leaders and secure their consent before taking any action.

In this manner RCR endeavored to do what it could to stabilize the denominational *status quo*; but there was also an obligation to protect the interests of the local organizations as well. The need for this was made plain at a conference at Utsunomiya where the then current draft was criticized adversely because it was contended that sectarian headquarters could always prevent secession by the simple process of removing or disciplining any clergy or laymen promoting secession. To cover this contingency a second unusual provision (Art. 78) was added, which states in substance that in the event a secession is being considered by a local temple, for example, the denomination concerned cannot for this reason and in order to prevent secession exercise its authority to remove or discipline the officers of the religious juridical person concerned for a period of two years.

As indicated above, RCR was not at all satisfied with these provisions and believed that the Law would be better if they were not in it. But because of the situation which prevailed at the time something had to be done, and thus secession was handled. A revision of the Law should eliminate all such provisions.

—To be concluded

SENSU—JAPANESE FOLDING FAN

By FLORENCE WELLS

THE ALL-EMBRACING JAPANESE WORD FOR FAN is *ogi*, derived from *aogu* (to cause a breeze); and it is written with the Chinese ideograph *shan* (扇), composed of two wings under a door, suggestive of the leaves of a door which swing back and forth. Both *hi-ogi* slat-fans and paper-covered folding fans were early sent to China as gifts and tribute, and there they were called *shan* and later *shan-tsu*. The addition of *tsu* was merely for the sake of euphony, a common practice in China; and this custom came into Japan when Chinese scribes were employed in the Heian Court, as is seen in such words as *isu* (chair). In *Inryō-ken Jitsuroku* (Daily Record of Inryō-ken) it is stated that the 100 *shan*, or *ogi*, sent as tribute to China in the 7th year of Eikyo era, i.e. 1436, were *shan-tsu*, or, as pronounced in Japanese, *sensu* (扇子). Granted that the ideograph *tsu*, or *su*, is used merely for its sound, it has, nevertheless, the commonly accepted meaning of offspring or child. And though it may be said to be based on a pun, it is undeniable that the paper-covered folding fan now commonly called *sensu* is in reality the offspring of the *hi-ogi* of earlier days. This is shown in the study of its transition.

The use of the name *sensu* did not become general until the 17th and 18th centuries, when it seems to have been used to designate fans which had

SENSU—JAPANESE FOLDING FAN

paper face and back, and not the fans with paper on one side only. In *Buke Gense Juroku* (Record of Military Regulations) we find "On April 23rd of 1646 a *sensu* and ceremonial costume were sent by the Empress Dowager to Tokugawa Ietsuna [who became the 4th Tokugawa Shogun in 1651] for his *gempuku* (the ceremony of Coming-of-Age). In *Tosei Musukokatagi* (Present-day Youth's Character), written in 1716, the fan with paper faces front and back is called *sensu*. Also in *Tosei Fuzoku-tsu* (Guide to Present-day Customs), written in 1774, we find the description of a *sensu* scented with cloves, as part of a young dandy's costume. "Their *sensu* are the clove-scented *kirei* (pretty) *ogi* (fans)."

Other early writings in which the fan is called *sensu* are several. *Shizu-no-odamaki* (Humble Spool of Thread), in 1802, tells of itinerant makers of *sensu* who call at people's houses. *Kyujutsu-sanyo* (Account of Ancient Practices), mentions sending *sensu* as gifts in special wooden boxes, the style depending upon the distance of the recipient. *Kyutsu-hisho* (Book of Archery), explains how to exorcise evil from a maternity-room by shooting a singing-arrow at a *sensu* used as a target. *Ise Sangu Meishozue* (About Noted Places in Ise), says that at a certain poetry contest a *sensu* took the place of a desk and a hollowed-out stone held the ink. *Oyudono-ki* (Book of the Bath), describes the fans presented at the Boy's Festival on May 5th as *sensu*. *Jozan-kidan* (Anecdote of Jozan), tells about the economical Lord Karasumaru Mitsuhiro, who used a three-fan *sensu-bako* (fan-box) for many years as a writing table. *Shuko-kai Shi* (Magazine of the Society of Antique Collections), 1905, contains

CONTEMPORARY JAPAN

an article in which *sensu* is used to designate a fan made by the fiancé of Taira-no-Atsumori in the 12th century; but here it is probable that the author uses *sensu* in accord with the usage of his own day. So it has come about that little by little the word *sensu* has been used more and more; until now it is the accepted word for the paper-covered folding fan.

Much of the respect accorded to the earlier *hi-ogi* has been inherited by the *sensu*, which, because of its lighter structure and less expensive production, has entered more widely into the lives of ordinary people. Finally, there seemed to be a fan for every type of person, a fan suitable for each and every occasion and activity. The party host or hostess, the sportsman, artist, poet, musician, actor, tea-master, bride and groom, house-builder, soldier, and even the business man, had his or her fan. Naturally, the fan was adjusted and transformed to meet each new use; and, in the early days, each new kind was given a special name, depending on its style, its construction, or its use. Consequently, in the ten centuries which have elapsed since its invention in the Heian Court of Japan, a bewildering variety of names have been used to designate the fan which we now call *sensu*.

At first, the folding fan had but five sticks and the rather stiff paper was pasted on one side only. Evidently its appearance was suggestive of skin wrinkled over one's bones; so it began to be called *kawa-ori* (skin folded, or pleated). In *Toka-shio* (Collection of Peach Blossom Pollen) it says, "The use of *kawa-ori* with ceremonial robes is permissible; indeed, nowadays there are many who use it in winter as well as in summer." In *Genji Monogatari* (Tales of Genji), 1020, we find this passage:

SENSU—JAPANESE FOLDING FAN

“He wondered what she thought of him; and unable to control his emotion he seized her skirt. Whereupon she hid her face with her beautifully painted *kawa-ori*.” Before long, people were calling the sticks of the fan its bones. Then someone noticed the resemblance of the fan to a bat’s wing, and jokingly dubbed it *kawahori* (a bat).

A well-known fan anecdote, probably fictitious, is told of Taira-no-Ason Kiyomori, who died in 1181. He was a proud, hard man, who tried to crush all who opposed him. But the itinerant priest, Saigyō Hoshi, cared not a whit and spoke his mind freely. Even when summoned by the tyrant he was not at all cowed. He taunted Kiyomori and reminded him that in his youth he had been nicknamed *Koheita*, meaning arrogant, or as children say “Smarty.” Kiyomori, overcome with confusion, hid his face behind his fan. Unfortunately, his aristocratic nose protruded from between the ribs of his fan, evidently a five-rib *kawa-ori*. Whereupon he was given a new name, *Hana-hiraita*. This caused much amusement because of its double meaning: “a flower has bloomed” and “a nose opens out.”

For a long time it was the custom for the Emperor to present fans to his subjects. In the ancient book *Nenchu-gyōji* (Annual Register of Imperial Affairs) there is a description of the yearly fan presentation ceremony on April 1st in the Heian period. As this was known as the first day of summer, the fans presented at that time were called *natsu-ogi*, (summer fans). At the beginning of the ceremony the Emperor was escorted to his seat behind a screen. From there he witnessed the distribution of the *saké* allowance to the palace officials and

CONTEMPORARY JAPAN

listened to their reports. After this, a first attendant or a Court lady brought a willow box containing paper-covered folding fans and set it at one side of the screen. Then a second attendant received the fans one by one and carried each to the knight who would receive it. The knight accepted it with both hands and bowed worshipfully as he took it. During the period of civil wars, this custom lapsed; but it was revived for a while during the last quarter of the 16th century, when *sensu* were given out on May 5th.

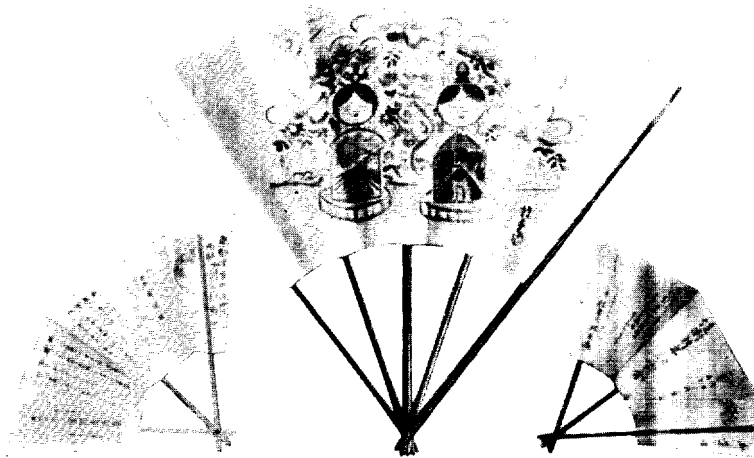
For a number of years there was still another formal presentation of fans to Court nobles and retainers. This took place in July, possibly at the time of the *Tanabata* festival. These fans were of the *bombori* type, named for the *bombori* lampshades or lanterns and made of the same excellent white paper. Court people were "above the clouds" and the face of such a fan was sprinkled with gold-dust to represent clouds, while the back had paintings of flowers and grasses of summer and autumn. The *bombori* fan had ten ribs; and the center, or parent-ribs, as they were called, were curved in at the tips, giving the closed fan a slightly bulbous appearance. This characteristic has become the hallmark of the truly Japanese fans today; and poets say that, as parents protect their children, so the outer sticks protect the inner ones. The name *bombori* as applied to the fan was temporary.

The name *suehiro*, according to Nakamura Kiyoe in his article "Beauty in Japanese Fans," was first used for the Chinese type of fan. This is likely, for that fan was papered front and back; and so, when it was folded it was so thick that the outer end of

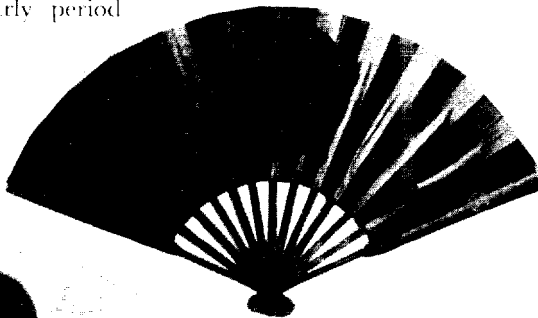


From left to right:-

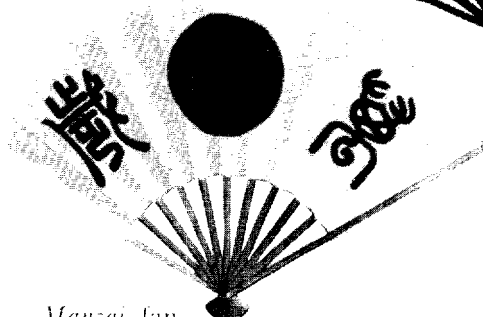
1. Splitting the bamboo ribs.
2. Polishing the ribs.
3. Assembling the ribs.
4. Inserting the rivet.
5. Shaving the ribs.
6. Painting the fan-paper.
7. Pleating the fan-paper.
8. Inserting the ribs in the pleats.
9. Adjusting the parent-ribs to the assembled fan's frame.



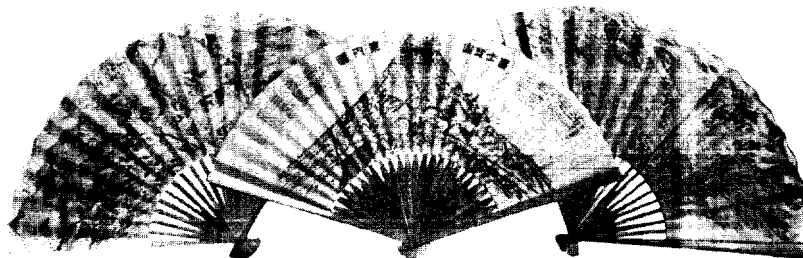
Three and five ribbed fans
of the early period



Tessen—warrior's fan



Manzai fan



Fans of today

SENSU—JAPANESE FOLDING FAN

the shut fan appeared wider than the handle end. But it was not long before someone noticed that *suehiro* (widening at the end) was a more apt description of the fan when open; for the fan starts from nothing at the rivet and spreads out wide at the end, which suggests the idea of an expanding future. In other words, it wishes the recipient ever-widening prosperity. Because of this sentiment, it became common practice to present a fan as a gift, or to include it with a gift.

However, the custom of giving a fan as a farewell present goes back nearly a thousand years, long before *suehiro* was ever thought of. In *Genji Monogatari* (Tales of Genji) someone remarks that a comb and a fan make a perfect gift at parting; and the *Kogetsu-sho* (Lake-Moon Book) explains that the teeth of a comb lead trouble away at all points; and *ogi* can be written *aogi*, meaning "to meet." There is also a mid-sixteenth-century story concerning Oda Nobunaga's departure for the Capital, when Imakoji Michizo gave him two fans (counted *ni-hon*) to celebrate his going. People marveled at such a trifling gift; but Imakoji said to Oda, "*Ni-hon* (two fans), *Nihon* (Japan) has come into your hand; moreover, these *suehiro* will bring you ever-widening good fortune."

The *Noh* drama, which can be mentioned only briefly here, has its own special fans. Based as the *Noh* was on the ancient art of rhythmic posturing and performed originally as a religious, patrician entertainment, to the accompaniment of drum-beating and flute-playing, it is not surprising that fans were found to be useful adjuncts to the blending of poetry, music and dancing. As musicians to the Kasuga

CONTEMPORARY JAPAN

Shrine, Kwanami (1333-84) and his son Seami (1363-1444) believed that there should be no mimicry; rather, the desired effect should be attained by restrained suggestion. Each motion and every position of the fan came to have a meaning; also, the type of fan would give the observer a clue to the character of the actor holding it.

There are said to be fifteen special *Noh* fans, each with its name and individual implication. As for shape, the two most common are *naka-hirogari-ogi* (wide-spread middle) and *shizume-ogi* (pinched in). The *naka-hirogari-ogi*, according to Miyawaki Shimbei, is only another name for a *suehiro* fan. And the *shizume-ogi*, sometimes called *otoko-ogi* (male fan), is described in Nakamura Kiyoe's fan article, where he says that when folded the side view appears narrower at top, for the two outside ribs are made to bend inward at the end, similar in shape to the present-day *sensu*, and that they appeared in the Muromachi period.

However, it is in decoration rather than structure that the *Noh* fans differ. For instance, the *okina-ogi* (old man's fan) has 15 ribs of green bamboo, with a painting on the face of pine and plum and bamboo, cranes and turtles, on a gold-dust background, and a painting of various treasures on the back. The *kami-ogi* (god-fan), indicating a divine being, has a design of phoenix and paulownia. The *shura-ogi* (fan of Hades) is a warrior's fan with black ribs and, if for Genji, a sun seen rising over a high wave; or, if for Heike, a sun above a pine tree. The *jo-ogi* (sage's fan), used in certain sacred dramas, has a white face on which are painted the seven sages in a bamboo grove. The *warabe-ogi* (child's fan) has black ribs and a painting of a fan

SENSU—JAPANESE FOLDING FAN

floating on the water, against either a red or a gold-dust background. The *yamabushi-ogi*, identifying an itinerant Buddhist priest, may have any bold design, such as wild waves or an eagle on a rock. The *hannya-mochi-ogi* is the fan for the female demon; it has black ribs and resembles the *shura-ogi* in design. The *rojo-ogi* (old woman's fan) has black ribs and a modest design without red, on a gold-dust background. The *bin-ogi* is so-called because it is used by women, who must tie back their *bin* (locks of hair) when performing in the *Noh* drama. These are but a few of the fans used by *Noh* actors; and no doubt there have been some changes in the traditional fan decorations here described, since these were set down by Miyawaki Shimbei more than forty years ago.

Another fan which attained considerable prominence was the *chukei*, which seems to have been invented by some fan-maker in the Muromachi period (1335-1603). Its style is unique among paper-covered fans. The frame is of bamboo, and the ribs go straight as far as the middle; there they are permanently warped in such a way that the outer end of the fan flares, giving it a half-open appearance. Hepburn's Dictionary, 1887, defines *chukei*: "A kind of fan carried by priests or nobles, also attached to presents sent by the bride's parents to the son-in-law." In *Wakan Sansai Zukai* (Book of the Three Wisdoms of Heaven, Earth and Man in China and Japan) it is written that the *chukei*, decorated with pictures in black-and-white, was used by Buddhist priests and doctors. This use is still seen in the *kyogen farce* in the *Noh* drama. Also, in *Teijo Zakki* (Teijo's Notes) we read that at a

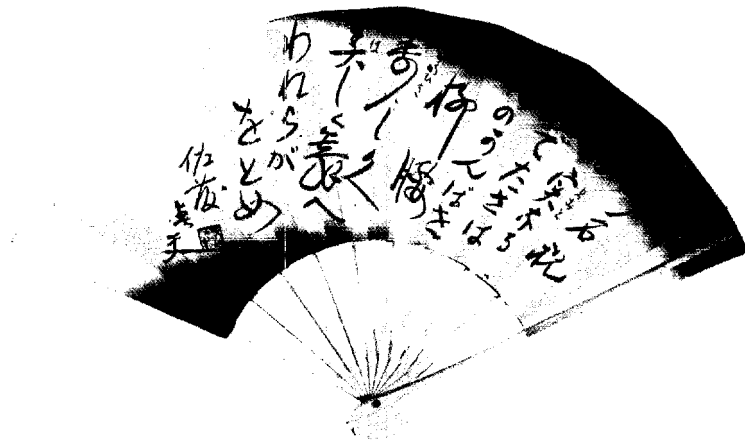
CONTEMPORARY JAPAN

certain Court ceremony held on May 5th *Chukei* fans were given to all the attendants, including those serving the Court ladies. Only about a quarter of a century ago, in the funeral procession of Admiral Togo, could be seen his son, carrying a *chukei*, held like a scepter.

Among the amusements enjoyed by the people of the Court in the simple, ancient days was watching the performance of *Manzai*, given by strolling dancers on January 4th. It is said that this dance was originated by one Koizumi Bungo, an attendant of an astrologer, in late Heian period. He and his descendants performed the *Manzai* dance in the Palace garden. In very much later days, the dancers strolled about the country, giving their performance for ordinary folk. The name *Manzai* is derived from the word *banzai*, which means ten thousand years and is used as the equivalent of the American "Hurrah!"

Fans were used prominently by the *Manzai* dancers, not only to fan away evil and beckon in good, but also in countless humorous ways to accentuate the fun of their performance. Among the fans which they are known to have used is the *chukei*, decorated with pictures of crane, turtle, pine, bamboo and plum as symbols of health and long life. Apparently, they were cheaply made, for use only in the dance; and they were spoken of as *gara-ogi* (frail and gaudy). On the other hand, they were known as *Manzai-ogi* (fans of ten thousand years) because of their use in this dance. After finishing a performance, they usually received a gift of good fans, often *chukei*.

Still another type of fan is the *mai-ogi* (dance fan), produced for the special use of dancers. It



Mai-ogi—Dance Fan

Sumiko Hanayagi, a young Japanese dancer, on making her debut at Kabuki Theater in March, 1959, inheriting the professional name of her illustrious grandmother, was presented with a congratulatory poem by the famous poet, Haruo Sato. This poem was reproduced on fans, distributed among her friends on that memorable occasion.

The poem on the fan means:

*Beautiful, young, illustrious!
Lovely of feature and style,
In tune with the Japanese dance,
Our charming lady, dance on,
Dance on, forever!*

SENSU—JAPANESE FOLDING FAN

is thought by some to have been used by *shira-byoshi* (professional dancers) as early as the 17th century. It is now used chiefly by professionals and *geisha* in their dances, and in some of the *Kabuki* dances. It has a characteristic which sets it apart from all other fans. On the inside of the outer or parent-ribs, near the rivet, is embedded a small rectangular piece of lead. The purpose of this is to give the fan the required balance when the dancer is twirling and tossing it. Such a fan has ten ribs and is beautifully decorated. There are, of course, other fans used in dancing which do not have the weight.

In most countries where the fan is still in use, it is almost exclusively the toy of women; but in Japan from the beginning it has been a man's possession. Until the adoption of Western dress some fifty years ago, the fan was an essential part of a man's costume, even when he dressed himself in armor and went to war. Even now it is still seen protruding from the breast-pocket of his foreign-style coat in summer. It is true that in Europe during the 18th and 19th centuries the fan reached a high degree of popularity with fine gentlemen there; but it is quite certain that the use of the fan by warriors as an essential part of their uniform is unique to Japan. *Musha-ogi* is the general name for warrior's fans.

Whereas the *uchiwa*, or flat fan derived from the Chinese mask, served both as a shield and as a weapon, the *sensu*, originally of light construction, was carried at first merely as a symbol of rank. In this connection, the *sensu* as a warrior's fan is first mentioned in the book *Honcho Gasan* (Collection of Japanese Pictures), where there is a description

CONTEMPORARY JAPAN

of the fan of Yoshi-iye, a Minato general who helped in the defeat of the Taira clan near the end of the 12th century. It says: "Both faces are coated with mica-flakes; one side is painted red, with the sun in gold; the other side is white, with the moon in silver. The diameter of both sun and moon is four inches. The bamboo ribs are 1'2.2" in length and 12 in number. The rivet is made of bone and threaded through with scarlet cord."

The Japanese warrior of that early day would no more think of going to war without his fan than an English gentleman would think of appearing at the opera without his necktie. His fan was thrust into his belt at the right side of his armor; the sword, at the left. Its decoration was usually limited to sun, moon, or stars, with perhaps the ideograph for Great Sun or Great Moon. It was possible to tell at a glance the rank of the officer by looking at the color of the cord and tassel which decorated the fan.

Strict rules of etiquette governed the use of fans by day and by night. Also, lesser officers must carry their fans only half-open in the presence of a general. However, in time of victory fans might be opened wide. In the book *Gempei Seisui-ki* (Rise and Fall of Genji and Heike Families), circa 1200, it is related that at the end of a victorious battle: "Matataro of Ashikaga clan rode up the west bank, straining in his stirrups....Pressing close to the main gate of the Byodoin, he leaned on his bow. Then, crying out in a loud voice, he opened wide his scarlet fan."

Fans were a common gift from *samurai* to their superiors, or were received by *samurai* as a

SENSU—JAPANESE FOLDING FAN

token of a superior's special appreciation of merit. When the son of a general became twelve years old, he was given an adult fan, at an impressive ceremony. Also, the prize given to the winner of a contest was quite likely to be a fan.

There were many old-time military sports, such as *yabusame*, in which the fan played a part. When these archery contests were held, every archer wore his fan thrust into his belt. According to the *Gembun Yabusame-ki*, a book on archery written about the middle of the 18th century, an archery contest was held "on March 19th, the first day of the Ox, the third year of *Gembun* (1736-41), in the grounds of the Hachiman shrine at Koshosan. There were 16 archers ready on horseback. When the first target was held up, followed by the second and third, the first archer plucked an arrow from his quiver, fitted it to his bow, then opened his *suehiro* fan and arranged his headgear. Starting his horse at a gallop, he tossed his fan behind him. Then he raised his bow and let fly an arrow at the target." In *Dai-teki Taihai-ki* (Record of Great Archery Ceremonies) it is stated that the proper attire for this sport in the *Kakitsu* era (1429-44) included "a sword in a bound sheath, a paper-faced fan and handkerchief paper as usual."

One of the earliest stories, probably apocryphal, in which a soldier's fan becomes a weapon has been perpetuated in a play for the *Kabuki* stage. It concerns Minamoto Yoshitsune, who was instrumental in bringing about the victory over the Taira clan in the last quarter of the 12th century. Meeting the gigantic militant monk, Benkei, on a bridge, he accepted the giant's challenge to a halberd contest.

CONTEMPORARY JAPAN

taking leave of his *geisha* friend, he received a fan from her. Toying with the fan, he exclaimed in verse, *Mononofu-no, oto atarashiki, ogi kana!* The meaning, "Behold the fresh new fan, the breezy sound of it!" suggests the new life he will be leading in the midst of battle.

One of the oldest poems connected with the warrior's fan, written in the early Kamakura period (1182-1334), is recorded in *Gempei Seisui-ki*. It says: "It is dangerous to have the sun on a paper fan, when so small a thing as a 'mosquito's eye' is needed." The 'mosquito's eye,' of course, is the rivet; and the implication is that too great an ambition is likely to result in disaster, if through lack of co-ordination there is no unity. This may refer to the then-recent defeat of the Taira, when young Nasu-no Yoichi avoided shooting the sun on their fan, but shot out the rivet instead.

Warfare today is not what it was in the days of knighthood. One can not imagine the men in khaki carrying fans, even iron fans. Nor would the best of battle-fans be of any conceivable use now. Nevertheless, we cannot help a sigh of regret that the warriors' fans and all the other old, picturesque fans are now relegated to auction rooms, storehouses and museums.

JAPAN'S PERIODICALS—EXTRACTS

TREND IN LOCAL AUTONOMY

The recent local elections (held on April 23 and 25) recall to our minds afresh the classic saying of Alexis de Tocqueville: "*C'est pourtant dans la commune que réside la force des peuples libres. Les institutions communales sont à la liberté ce que les écoles primaires sont à la Science.*" It is a well understood fact that local autonomy constitutes the very foundation in the communal life of a nation. Now, in Japan, it is some years ago that apprehension was expressed about local autonomy reaching "crossroads" or "turning point." This tendency, much feared at first, and growing recently more serious, is apt to be overlooked today, just as are the symptoms of a chronic malady. And, just like most chronic illnesses, it has now grown beyond an easy cure.

Of the recent trend in local autonomy, a study should be made from three standpoints. First, it should be re-examined in its relationship with the central government. In this conjunction, we may as well admit that the stronger becomes the central administrative power, the weaker does local autonomy grow, and *vice versa*. To be more explicit, the increasing power of control by the state will prove to be oppressive towards local autonomy; whereas self-restraint exercised on the part of state power will safeguard the welfare of local autonomy.

Secondly, the activities on the part of local autonomy can be broadly divided into two kinds: actions and counter-actions, representing "subordination" and "resistance." The possibility of confrontation between the central and local governments is rightly conceived in Chapter VIII (Local Government) of the new Constitution. The signing of the Japanese Peace Treaty in 1951 served as a turning point for the postwar growth of local autonomous power; since then it began to recede in the direction of subordination to state authority.

Thirdly, the new Constitution, by making a specific provision (Chapter VIII) for local autonomy—an unprecedented instance under the old Meiji Constitution—offers recognition to our obligation to protect local autonomy. Accordingly, any activity tending to cause regression in local self-government may be correctly judged as violating the constitutional provision. From those three essential viewpoints, let

CONTEMPORARY JAPAN

us now observe the recent trend in different fields of local self-government.

1. Regarding the existing administrative structure of local autonomous government, much doubt has been expressed lately of its dual character; namely the existence of *to-do-fu-ken* (prefectures) above *shi-cho-son* (cities, towns and villages), both being local public entities as defined in Articles 92 and 93 of the Constitution. This dual character, indubitably, constitutes a major cause for inefficiency and waste, for which local self-government is frequently rebuked. As a measure for improvement, the Research Commission on Local Government, in view of continued expansion of cities and towns, proposed in 1957 the abolition of *to-do-fu-ken* (prefectures) and the establishment in their stead of 9 new regions, governable by regional offices, its branch and sub-branch offices. The reform measure, however, may entail the danger of weakening the power of local public entities, particularly when the regional government offices, with their governors appointed by the central government, become more closely connected with the central administrative power. Moreover, with the possible strengthening of police authority under such reform, local self-government may completely lose its *raison d'être*, such as is asserted under the Constitution.

2. A continued increase has been witnessed of late in the budgetary appropriations for subsidy grants and equalization funds for local self-government. Such budgetary appropriations, however, are not always beneficial to local public entities. (1) Because of them, the local public entities are left wide open for interference by the central government. (2) The complicated procedures in this connection are liable to strengthen a tie between the personnel of the local government and specific offices of the central government. (3) The kinds and amount of such subsidies and funds are determined unilaterally by the central government, with the result that they frequently create inadvertent problems in local finance, an inadequate appropriation very often causing heavy expenditure in the local budget. Furthermore, in case of retrenchment in the national budget, the effect will be directly felt in the execution of important projects by the local government in the fields of social welfare, education, construction, etc.

3. In short, local finance, as well as administration, tends to be, subordinated to direct or indirect control by the central government, due mainly to the financial instability of individual local public entities. During the few years prior to the promulgation of the Law for the Promotion of Reconstruction of Local Finance (Law No. 195) in 1955, the number of local public entities (prefectures, cities, towns and villages) suffering deficits in their budgets increased three-fold from 764

JAPAN'S PERIODICALS—EXTRACTS

to 2,281, with the deficits increasing six-fold from ¥10,200,000,000 to ¥64,900,000,000. The law, having as its objective, the elimination of such deficits in local finance, proposes administrative reform, personnel readjustment, curtailment in enterprise, the promotion of tax collection, etc. under the supervision of the Autonomy Agency. Of those various reform measures, a strong voice has been raised by local communities in protest particularly against personnel readjustment, the merger of towns and villages, the delayed reconstruction work in case of natural calamity damage, the lowered administrative level, the increase in local tax, and so forth.

As a result of the merger effected among towns and villages, their number decreased, during the three year period of 1955 - 57, from 9,895 to 3,653, inclusive of 2,300 newborn towns (towns, from 1,970 to 1,894; and villages, 7,640 to 1,216); whereas the number of cities increased from 285 to 543 during the same period. The average city has also expanded in area from 34.89 sq. km. to 90.00 sq. km., and in population from 5,398 to 11,471. The tangible results achieved in this project do not necessarily signify that the merger has always been welcomed by local communities. As the merger is usually conducted upon recommendation from the central administrative authorities, there have been several cases where local residents have put up a strong protest. A merger of this kind must be effected through the voluntary efforts of local communities concerned.

The recent local elections, first of their kind under the two-political-party system, has invited severe criticism from the general public, particularly in regard to the fact that election campaigns were conducted under the strong influence of the two major political parties. The focal point of elections lay not in the welfare of local communities, nor in the democratization of local public entities, but in the continued struggle between the two major parties over such political issues as the revision of the U.S.-Japan Security Treaty, the trade with Communist China, etc. The Liberal-Democratic campaigners drew the inference that local finance under a Socialist governor would hardly be expected to maintain smooth contact with the central administration; while the Social Democratic members exhorted that the elections should be the means to overthrow the Kishi Government. Both political parties were wrong in employing the local elections as a means either to intimidate the people, or to attack government power. Both of them erred in disregarding the basic principle of local autonomy, as provided in the Constitution. Nor are the Independents to be trusted as what they profess to be, for they cannot be expected, under present political conditions, to undertake activities without political affiliation.

4. Prospects for local autonomy are particularly gloomy; as its

CONTEMPORARY JAPAN

police and educational systems—the two main pillars of local government—are shaken almost off their very foundation. The original Police Law (Law No. 196) of 1947 provided for the establishment of a police force as democratic authority to protect the right and freedom of individuals, in view particularly of “promoting the true nature of local autonomy.” Since the revision of that law in 1954, the police force has come to assume a stronger nationalistic coloring, losing much of its local autonomous character.

A similar change has occurred in the educational field, where the Law for the Establishment of Educational Committees (1948) was rescinded in 1956 by the Law for the Local Educational Administration. The public election of educational committees (7 members in a prefecture, and 5 in a city, town, or village) under the old law, was replaced by the nomination of such committee members by the central authorities, as provided for in the new law. The growing tendency to strengthen the centralization of educational power culminated recently in the adoption of a school teachers' efficiency rating system under Article 40 of the Local Public Service Law of 1957. It must be remembered that the adoption of this system was enforced in complete disregard of the provision for “efficiency rating” (Article 10 Paragraph 2) made in the Regulations for the National Personnel Authority of 1952. The protest put up by *Nikkyoso* (Japan Teachers Union) in this connection, or the mass protestation maneuvered recently by trade unions and various social and cultural organizations against the proposed revision of the Police Duties Law, is but a reflection of the continued resistance on the part of local administration.

Peaceful as the general aspect of local autonomy may seem today under the stabilized conservative leadership, its prospects are none too bright or promising. The resistance on the part of local communities will find its expression in diverse forms of activities aiming to counteract the development in the centralization of power. In so far as such resistance is allowed to find an open way to free expression, there is no need for apprehension. Once forced into complete subordination, it may explode with ruinous effect. So, in this connection indifference may be regarded just as blamable as irresponsibility.

—By Hideo Wada,* *Keizai Hyoron*, August, 1959

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JAPAN'S PERIODICALS—EXTRACTS

CRISIS FOR THE HOUSE OF COUNCILLORS

Incidental to the election held on June 2, this year, the hitherto much-discussed topic of "crisis in the House of Councillors" was brought to the fore, as the press gave voice to the general opinion and concern regarding this subject. The present writer proposes here to analyze the nature of this crisis by making a summary review of the development and changes that have taken place in the character of the House itself during the past twelve years.

1. Establishment of the Bicameral System.

Under the new Diet system provided in the new Constitution, the House of Councillors superseded the old House of Peers on May 20, 1947.

It was in the Japanese Draft Constitution — known as the Matsumoto Draft — prepared by the Japanese Committee, headed by Dr. Joji Matsumoto, and submitted to GHQ, SCAP, that the proposal was originally made for the establishment of a bicameral system, calling for the replacement of the House of Peers with the new House of Councillors, with its membership either elected by the people, or appointed by the Emperor. It should be noted that the Government, in that initial stage of drafting the Constitution, favored the selection of the membership for the House by means of the Emperor's appointment. The bicameral system was proposed likewise in the drafts prepared and submitted by the Liberal, Progressive and Social Democratic Parties, as well as by Kempo-kenkyu-kai (the Institute for the Study of the Constitution), with the sole exception of the Communist Party. Narahashi, the Cabinet's Secretary General and Spokesman for the Government, urged the necessity for such a system, especially in the absence of the Emperor system, the Privy Council, the House of Peers, the Army and Navy, etc. Thereupon, GHQ, though doubtful of its necessity in a country which was not federated, gave consent on condition that the members of the House of Councillors should be elected through a plebiscite; and that they should neither be vocational representatives, nor members by appointment.

Now, in order to strengthen its functionary power to prevent any possible transgression by the House of Representatives, it was set free of possible dissolution, accorded both the national and the local constituencies for the election of its members, and so forth. The establishment of a national constituency was then considered the best means to achieve the basic objective of acquiring for its membership 'nation-

CONTEMPORARY JAPAN

ally well-known and truly worthy men of learning and experience,' with the future 'possibility for including among them such men as are well-seasoned in vocational knowledge and experience.' (From the speech delivered by State Minister Omura, upon submitting a new election bill to the 91st plenary session of the Diet, 1947.)

Despite such and other structural differences accorded to the House of Councillors, the superiority in actual legislative power was vested in the House of Representatives in connection with, for example, the decision on budgetary bills, the passage of bills, the ratification of treaties, the nomination of the Prime Minister, and so on.

How could the House of Councillors, thus placed in a subordinate position, perform its duty to "check and balance" the proceedings of the House of Representatives? This lameness in Japan's bicameral system has resulted from a series of contradictions admitted into the system since its institution; and because of those contradictions, the people have come to entertain doubt as to the indispensability of the House of Councillors.

2. *Changes in the Membership of the House of Councillors.*

Under the Law for the Establishment of the House of Councillors, the first election was held on April 20, 1947. Candidates numbered 331 for 150 members to be elected in local constituencies, and 246 for 100 in the national constituency.

As the public had not yet familiarized with the existence of the House of Councillors, the voting percentage was considerably low with 60.93% in the national constituency and 61.12% in the local constituencies. The 250 successful returns to the House included 111 Independents and 13 minor party members (constituting 49.6% of the total seats of the House), 47 Socialists and 4 Communists (20.4%), and 38 Liberals, 28 Democrats and 9 National Cooperatives (together accounting for 30%).

By the time of the second election held in June, 1950, the group, named Ryokufukai by Yuzo Yamamoto, had become the leading party in the House with membership of 91. For 125 eligible seats (50 in the national constituency, and 75 in the local constituencies) and 7 vacancies (6 in the national and 1 in the local constituency), there were 563 candidates. Out of this election, the Liberals emerged as the leading party, occupying 76 seats in the House (including 52 new returns); the Socialists formed the second party with 61 seats (inclusive of 36 new members), and the Ryokufukai, now with only 50 seats (including 9 new members), became the third party.

A turning point was finally reached in its fourth election in July, 1956, held for the first time under the newly established two-party

JAPAN'S PERIODICALS—EXTRACTS

political system. Previous to the election, the two major conservative parties were merged in November, 1955, in order mainly to secure a more stabilized political power, which would enable them to settle the pending problems of rearmament and constitutional revision. By way of counteracting the Conservatives' move for a merger, rather than because of a voluntary urge for unification, the Leftist and Rightist factions of the Social Democratic Party had carried out a merger one month earlier, in October, the same year.

Thus, it was plain enough that the mergers effected by both Conservatives and Socialists were inspired by anything but the true purpose of political stabilization.

The election results (1956) showed the returns to the House of 61 Liberal-Democrats, 49 Socialists, 5 Ryokufukai members, 2 Communists, 9 Independents and 1 minor party member. The Social Democratic Party, by occupying 80 seats in total, succeeded in securing more than one-third of the total seats in the House, and thus eliminated the possibility of constitutional revision.

The same tendency continued in this election, manifesting itself in three tangible forms: (1) a remarkable advance attained by the candidates with support from bureaucrats and trade unions; the bureaucrat-supported members took 68 seats with 26 new seats added to 42 won in the third election, while *Sohyo*-supported candidates claimed 32 among 49 seats won by the Socialists, (2) a complete defeat suffered by candidates in the field of culture and learning, and (3) the decline of the Ryokufukai as a stabilizing neutral power, as its membership decreased from its initial 91 to 31 through the fourth election, and further to a bare 20 through subsequent secession of its members to join the conservative camp.

3. *Decline of the Ryokufukai.*

The history of the House of Councillors in the past twelve years can be roughly divided into two periods: the first period, covering eight years from the first session of the Diet (May, 1947) to the 23rd session (November, 1955), witnessed the House of Councillors in the role of an opposition party; and the second period, from the 24th Diet session to the present day, has seen its deterioration under the weight of two-party politics.

In the initial period of its establishment, the House of Councillors performed its function of "check and blance" with indubitable efficiency: it successfully shelved reactionary bills submitted by the Yoshida Cabinet at the 5th ordinary session of the Diet (February—May, 1949), and at the 7th extraordinary session (December, 1949—May, 1950); and, again it succeeded in killing the Government-proposed local tax-

CONTEMPORARY JAPAN

ation bill by prolonging deliberation.

The first crisis visited the House of Councillors and, incidentally, the Ryokufukai, when the Bill for the Prevention of Subversive Activities was submitted to the House, immediately following its passage by the House of Representatives in 1952. The Government and the Conservatives mobilized every possible means to enforce its passage. Over against this Conservative drive, the Leftists in the Social Democratic Party put up a stiff opposition, while the Rightists were inclined to favor the amendment to the bill in compromise with the Ryokufukai. Now, the members of the Ryokufukai, which actually held the casting vote in the matter, were divided into two groups; the majority were won over by the Government and its party, and the remaining few sided with the opposition. As a result, the bill was passed by 132 votes against 79; and the attitude of the Ryokufukai invited severe criticism from the public.

Following the 24th Diet session in 1955, the confrontation of the two major political parties grew bad to worse in the House. The political line-up in the House at that time was 118 Liberal Democrats, 68 Socialists, 47 Ryokufukai members and 13 Independents, with 3 vacancies. Since then, the House has become scenes of violent political struggle over such important legislation as that concerning the reform in education or police authority, all of which have a vital bearing on the democratic development of the Japanese nation. A clash takes place each time when the Government and its party endeavors to enforce the passage of a bill on the strength of a majority, and the opposition Social Democratic Party members resort to violent acts of filibuster.

4. Reform of the House of Councillors.

Such is the true picture of the House of Councillors, now facing the crossroads of its destiny. As it is, the House, quoting from public criticism, is no better than a "carbon copy" of the House of Representatives. The proposed reform of the House includes the following three features.

(1) The system of the national constituency calls for a re-examination. First of all, it is not at all an easy task for the voters to select one candidate out of 120 or more. Secondly, it is almost impossible for candidates to carry out a nation-wide campaign with the legitimate allowance for campaign expense fixed at ¥2,700,000. The number of candidates in the national constituency decreased from 230 at the time of the third election in 1953, to 150 at the time of the fourth election in 1956, and further to 123 in the recent fifth election in June, 1959. On the contrary, the competition in the national constituency has grown so keen that the minimum number of votes won by successful

JAPAN'S PERIODICALS—EXTRACTS

candidates in the last election was approximately 350,000, which is far greater than 68,000 won in the first election in 1947.

As one reform measure, the abolition of the national constituency has been advocated strongly since 1957 by the Liberal-Democratic Party. Its abolition may serve to rejuvenate the House; but its replacement, as suggested by some, with a reactionary system of selecting its membership by appointment will not be in conformity with the constitutional provision for the democratic growth of the Diet. It is also suggested that the system of indirect, or plural voting be adopted. Election results in the past indicate a considerable increase in the Progressive influence in the national constituency. In view of this, all the suggestions for the abolition of the national constituency should be subjected to a careful re-examination, lest the over-ardent intentions on the part of the Conservatives should interfere with the general policy for democratization. In this connection, we should always remember the basic principle: "Popular vote is the best recommendation for candidates."

(2) The "restoration of good sense" was the catch phrase used by the press at the time of the recent election for the House of Councillors. With "good sense" restored, the House will make voluntary efforts to drive out the influence of political parties. Both the Liberal-Democratic Party and the Social Democratic Party alike claim justification for the predominance of political influence in the House. In so far as these political parties rely on "the strength of a majority" or "forcible means," and mobilize their members in the House for the single purpose of achieving their political domination, there will be little hope for reforming the House of Councillors. Lately, there has been an increasing tendency between the two political parties to resort to negotiations and compromises, in fear lest they should be branded with the obnoxious title of "power politics." Now, such negotiations and compromises, may paralyze the vital functioning of the system of two-party politics; they may, it is feared, serve in the end to create hotbeds for the revival of fascism.

(3) Lastly, a few words may be necessary concerning reform in the existing local constituency system. Readjustment should be made to obviate the proportional discrepancy between the numbers of elected members and of the voters in these constituencies. According to the data published by the Autonomy Agency in May, this year, the same number of four members were elected for the House of Councillors respectively in Hokkaido with a population of 2,619,000, and in Tokyo, having a population of 5,633,000, twice as large as that in Hokkaido. In another instance, two members were elected in Gumma Prefecture with a population of 770,000, while only one member was elected in Akita prefecture with a population of 760,000.

CONTEMPORARY JAPAN

Needless to say, the Conservative influence is stronger in the local constituencies than in the national constituency. In the last election, the Liberal-Democratic Party returned to the House only 19 members although it won 39.7% of the votes in the national constituency, and the Social Democratic Party returned 21 members with 29.9%; whereas, in the local constituencies, the Liberal Democratic Party returned 42 members with 48.3%, and the Social Democratic Party, 23 members with 37.6%. The proposed reform for the establishment of smaller constituencies, when viewed in the light of those and other recent data, seems to lose its much publicized significance. More recommendable in this connection will be a new election system based on a more proportionate representation of "public opinion."

The much disputed problem of crisis in the House of Councillors urgently calls for various reform measures, such as those summarized in the foregoing. Nevertheless, the writer adds in conclusion, all such reform measures should be re-examined carefully, lest they should harbor any ulterior motive other than the progress of democratization.

—By Katsumi Matsumoto,* *Chuō Kōron*, July, 1959

TUG-OF-WAR OVER ARTICLE IX OF THE CONSTITUTION

Public opinion was unduly aroused upon learning the judgment pronounced for the defendants in the Sunakawa case. The case concerned the attempt made by the local residents of Sunakawa to block the land survey required for the extension of U.S. Tachikawa Air Base. A series of clashes took place in October, 1956, between the local residents, supported by students and trade union members, and the land survey group, under protection of an armed police force; it resulted in heavy scuffling and bloodshed, where, on one occasion, more than 800 persons were injured. The case was brought to trial before the Tokyo District Court, and Judge Akio Date, on March 30, pronounced a decision of "not guilty" for 7 defendants in the case, on the ground that the existence of alien military forces in Japan does not conform with the provision in Article 9 of the Constitution. In interpreting Article 9, Judge Date assumes that it forbids Japan to arm herself even for the purpose of self-defense, whereas the procurators in the case maintain

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JAPAN'S PERIODICALS—EXTRACTS

that she is permitted to possess an armed military force for her national defense. Now that the procurators have appealed to the Supreme Court, it will not be long before the public will learn of the final judgement on the case; and this judgement, as coming from the Supreme Court, will, it is hoped, put an end to all arguments over Article 9 of the Constitution.*

In interpreting Article 9 of the Constitution, some people place an inordinate emphasis on its history—how it came to be drafted; under what circumstances it was drafted; what was in the mind of those who drafted it; and so on. One answer to those queries will be that the basic principle in reading the Constitution is that it should be read in reference to the present and to the future, but not to the past; as the people say, "the dead can no longer rule over the living," it should be read and interpreted in such a manner as to render it adaptable to prevalent conditions. Thus, the Constitution of the United States of America, proclaimed at the end of the 18th century, has remained in force throughout the 19th and 20th centuries, causing no impediment in the development and progress of that country. Therefore, the historical background, however weighty it may be, should be regarded as a subordinate factor, and treated as such, in the study of the Constitution.

The reading of various records and documents pertaining to the drafting of the Constitution, as well as to the postwar Occupation of Japan, reveals that the very idea embodied in Article 9 was conveyed to Gen. Douglas MacArthur by the then Prime Minister Kijuro Shidehara on the occasion of their conference at GHQ on January 24, 1946. Prime Minister Shidehara, himself an ardent pacifist, proposed the inclusion in the new Constitution of Japan's renunciation of war and war potentials. To this, General MacArthur gave consent, for he was of the same opinion as the Prime Minister that the inclusion of the provision to that effect would, at the same time, serve to eliminate apprehension on the part of neighboring countries, and safeguard the *Tenno* system. Both Gen. MacArthur and the Prime Minister kept that discussion to themselves; as a result, the general impression was created that the originator of Article 9 was none other

*The Constitution of Japan:

Chapter II. Renunciation of War

Article 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

CONTEMPORARY JAPAN

than Gen. MacArthur, the Supreme Commander for the Allied Powers, himself. Most probably, that general impression was just what the Prime Minister was seeking, as he was averse, of course, to stirring up commotion over the issue so vitally important to the Japanese nation.

As clearly understood from Gen. MacArthur's note handed to the Government Section, GHQ, in conjunction with the drafting of the Constitution, Prime Minister Shidehara wished to invoke the ideal of absolute pacifism by setting forth the provision that Japan should not resort to war even in case of self-defense. The officials in the Government Section, GHQ, were rather skeptical about such a bold expression being given to idealism; and, accordingly, they maintained a "tolerant attitude" towards this subject, quoting Tatsuo Sato, one of the government officials who participated in the drafting of the Constitution.

When the Draft Constitution was submitted to deliberation in the Japanese Diet, two important amendments were made to Article 9 upon suggestions proposed by Dr. Hitoshi Ashida and other members of the House of Representatives. Those amendments were the addition of the phrase, "Aspiring sincerely to an international peace based on justice and order," to the opening of the first clause, and the other addition of "In order to accomplish the aim of the preceding paragraph" to the beginning of the second clause. Dr. Ashida, later on, explained that those amendments were made to Article 9, so that it might not be applied to national defense. The GHQ officials, although they made no comment, were also cognizant of the fact that the amended Article 9 would no longer prevent Japan from having armament for national defense.

By way of answer to those who assume that Gen. MacArthur changed his opinion afterwards, the writer, quoting from the letter he received from the General, states that Gen. MacArthur understood, even at the time of drafting, that Article 9 would not interfere with Japan's armed resistance against foreign aggression.

Some may, then, suggest the annulment of Article 9 on the ground that it has lost its *raison d'être*. To them, the author proposes to construe General MacArthur's views as follows. "Article 9 is precious in that it reminds the Japanese of the ineffaceable tragedy of the prewar militarism. Also, it is important in that it indicates to all statesmen the way to the peace of the world, even in this atomic age. Moreover, it is an imperishable memorial, symbolizing Prime Minister Shidehara's foresight, wisdom and statesmanship. For these reasons, the Japanese should all the more carefully preserve it."

Such views as given above, based on the recognition at once of ideals and of reality are not credited exclusively to Gen. MacArthur. The basic principle of racial equality, embodied in the Constitution of

JAPAN'S PERIODICALS—EXTRACTS

the United States, has been respected throughout the past century, without any question being raised as to its adaptability, because it is the ideal which humanity is forever seeking after. Noble ideals are often embodied in the constitutions of various countries, sometimes, giving them an air of almost political manifestos. In studying such constitutions, it is necessary, of course, to make, so to speak, a "double-tracked" interpretation of provisions, recognizing ideal and reality at the same time. Viewed in this light, it is a mistake to read the Constitution in the same manner as would be adopted in reading the Commercial Code or the Criminal Code. The best guide for reading the Constitution is what Judge John Marshall of the U.S. Supreme Court has once said: "We must not forget that we are reading the Constitution."

The Japanese government accepted Article 9 with the understanding that disarmament was a part of the Allied Powers' policy. The then State Minister Kanamori explained before the Diet that Japan possessed the right to national defense, but could not arm herself under the second clause of Article 9. Subsequently, the opinion was propagated throughout the nation that absolute disarmament was the goal set for peaceful Japan. Since a nation's right to defend herself recognizes armed resistance against foreign aggression, there was a fundamental contradiction in State Minister Kanamori's interpretation of Article 9. When scholars, as well as the public, accepted State Minister Kanamori's theory, and endeavored to form their opinion on that hypothesis, confusion was let loose in their arguments, not only over the provisions in question, but also extending over the controversial issues of Japan's rearmament, the U.S.-Japan Security Treaty, etc.

The inherent tendency among Japanese is to accord inordinate importance to, and thereby endeavor to justify, an academic theory, or any opinion commonly shared by scholars (*communis opinio doctorum*), whereas Americans or Englishmen would accept it only as a hypothesis without precedents. Sometimes, an academic theory may be an error committed in common by scholars (*communis error doctorum*). Admitting such a possibility, it becomes necessary to probe further into the views prevalent in the academic field.

Meantime, the National Police Reserve was reorganized into the Safety Force, and then into the Self-Defense Force, which is now not much different from a military force. It was but natural that the public should criticize this attempt of the Government as a violation of the constitutional provision. The Government, adhering to the Kanamori theory on the one hand, continues in its endeavor to expand the national defense force on the other, by utilizing the right to defense as a strategic spear-head. This bold attempt on the part of the Gov-

CONTEMPORARY JAPAN

ernment to achieve contrary effects while strictly adhering to its original Kanamori theory has brought about the general impression that it has been abusing the constitutional provision for the purpose of promoting its armament policy.

Thus, the disputes over Article 9 have eventually led to the current controversial issue of constitutional revision. Both pros and cons of the argument being based on the hypothesis that armament is forbidden under Article 9, the advocates for the revision contend that the Occupation-imposed Constitution requires amendment, while the opposition maintain that such a revision will lead to armament and war. They carry on futile, ideological arguments, forgetting, in the heat of their controversy, the most imminent problem—the question of how to ensure the security of the nation. Whatever ideological confrontation there may be, the controversy should be conducted with the focal point set upon actual, intrinsic problems, leaving room always for justifiable compromise. Otherwise, it will probably develop into, so to speak, a cancer in Japanese politics, or into hotbeds for power politics of the two extremes.

To summarize the foregoing, there are three ways of reading Article 9. (1) Japan is not permitted to rearm even for her national defense. (2) Japan is permitted to have limited rearmament for self-defense. (3) Japan is permitted to have rearmament for self-defense. Under (1) and (2), the existence in Japan of U.S. military bases is in violation of the Constitution, whereas it is permissible under (3). In the Sunakawa case the attorneys for defense must have taken view (1), while the procurators based their indictments on (3). Now, the Supreme Court has to make its decision between (1) and (3).

If the Supreme Court pronounces its judgement based on (1), the Government's rearmament policy, even for self-defense, becomes unconstitutional. If the judgement is based on (3), the Social Democratic Party's claim for disarmament and neutrality will still be justified as constitutional, since permission for armament under the Constitution is one thing, and the armament policy is definitely another; only, the Party will no longer be able to use Article 9 as a means to attack the Government. If the Supreme Court decides not to refer to the reading of Article 9, the question will remain unanswered, leaving that problematical provision wide open for continued controversial arguments.

Once the Supreme Court pronounces its judgement either on (1) or on (3), the Government's disapproval, or the Social Democratic Party's protest, in this connection, will be considered unconstitutional. It is sincerely hoped that the Supreme Court, in conformity with the provision made in the Constitution, will spare no effort in furnishing

JAPAN'S PERIODICALS—EXTRACTS

a satisfactory solution to this problem. The Supreme Court will form its opinion at the dictum of its best knowledge and conscience, even taking into careful consideration possible political all-around implications. The judgement thus pronounced will be approved and respected by the nation. That, and that alone, is the only proper way to safeguard the Constitution.

—By Kenzo Takayanagi,* *Bungei Shunju*, August, 1959

*Kenzo Takayanagi, LL. D., formerly Professor of International Law at the University of Tokyo, is Head of the Commission on the Constitution.

BOOK REVIEWS

THE POPULATION OF JAPAN by Irene B. Taeuber.
Published by Princeton University Press, Princeton, N.J.,
U.S.A., 1958; quarto size, pp. 460, \$15.00.

No one knows how many milleniums have passed since God advised Noah, after the Flood, to "be fruitful and multiply." But, through the centuries the people of the earth, following this directive literally, have increased by geometric progression; until now, in spite of wars and countless other disasters, the teeming population of many a country has become a matter of grave concern. Not only does this trouble the leaders of such a country, it also poses a problem for the whole world family of nations. If the solution of the problems involved is left entirely to the future, only world-wide disaster can be expected. Now as never before we must say, "No man liveth unto himself," whether as a person or as a nation.

As a step towards meeting the threat of over-population, individuals and organizations are devoting time in the intensive research and study of demography in the over-crowded countries, gathering vital and social statistics concerning man's origin, development, geographical distribution, physical characteristics, and culture. This study is not intended as a cure in itself for over-population; rather, its purpose is to offer a background for an understanding of what has been done and what can be done in solving this pressing problem.

A leading scholar in this field is Dr. Irene B. Taeuber, the author of this book, the publication of which by the Princeton University Press has been made possible by the financial assistance of the Milbank Memorial Fund, the Rockefeller Foundation and the Ford Foundation. Not only is Dr. Taeuber a research associate of the Office of Population Research at Princeton; she is also co-editor of *Population Index* and *Population Literature*; she has served as consultant in demography at the United Nations, the World Health Organization, the Pacific Science Board of the National Research Council, and the Research and Development Board of the Department of Defense; she was formerly president of the Population Association of America; and is a writer of magazine articles on demography.

Dr. Taeuber, choosing Japan as the subject of this intensive study, points out in her Preface that in this country, which has never been colonial, some sort of statistics have been kept ever since her early

BOOK REVIEWS

cultural contact with China in the T'ang dynasty, more than a thousand years ago; and that, from the time of her dealing with Europeans Japan has made use of modern statistical techniques. This has resulted in an accumulation of data concerning the effects on Japan of her relations with other countries, particularly with the South Seas and mainland China. Dr. Tauber feels that a study of Japan's progress from an agrarian to an industrial society is of value in relation to the accompanying population changes. Such a study may well help in understanding the possible population variations which are occurring or are likely to occur in other oriental countries which are now free from colonial status, but are nevertheless being pushed into the scientific age by the impact of Western technology.

For convenience the material is presented here in seven divisions. PART I takes up The Population in the Premodern Period, dealing with the Formation and Growth: the Beginnings to the Twelfth Century; and showing the Changing Population: Late Twelfth to Mid-Nineteenth Century. PART II shows The Transition, 1852-1918, tracing the Increase and Redistribution. PART III deals with The Changing Population, 1920-1955, describing The Bases and the Patterns, and The Economically Active Population, and The Family. PART IV takes up the subject of Migration, in relation to Industrialization, and the movement to Cities and Metropolitan Areas. PART V, under Expansion, the author describes the Frontiers of Settlement and Utilization, and the Imperial Expansion. PART VI: as Natural Movements the author considers the effects on population of Marriage, Fertility, The Control of Fertility, Mortality, and Natural Increase. PART VII discusses Demography in Peace and War, with Problems, Projections, and Policies; and takes a look at Past and Present.

As an indication of the thoroughness on which this book is based, consider the fact that 141 Tables, 29 sets of Statistical Figures and 18 Maps are given, in order that an all-round understanding of Japan's population problems may be grasped by the scholar who consults this book. Also there are footnotes, abundant and copious, which amplify the text, explain it, or refer to further sources of information.

As Appendices there are, besides a brief Chronology, a Glossary of immense value, and a list of Agencies and Institutions and of Periodicals consulted. To complete this stupendous piece of work, there is given a Bibliography of 66 pages.

It is safe to say that the author has assembled here such voluminous information as has never before been gathered in one volume; and it is of such variety that the inquirer can surely find in this book the answer to any question he may wish to ask about Japan's population.

— Joel Prescott

CONTEMPORARY JAPAN

AXIS ALLIANCE AND JAPANESE AMERICAN RELATIONS, 1941, by Paul W. Schroeder. Published by Cornell University Press, 1958; \$4.50.

Each year the American Historical Association selects one manuscript which, in its opinion, is worthy of receiving the Beveridge Award and it is published under the auspices of the Association. Paul W. Schroeder's *The Axis Alliance and Japanese-American Relations, 1941*, was the 1956 winner of that award.

In order to receive this award, a manuscript must combine scholastic thoroughness with objectivity, and must provide additional understanding of inadequately understood historical trends or events; the award is not given to manuscripts which have a prejudice to defend or a product to sell. It is essential that this explanation be born in mind when reading this book, because the subject is controversial and the reader, depending on his preconceptions, might unjustly accuse the author of political bias.

Although the title of the book emphasizes the Axis Alliance, the main thesis of the book is that in 1941, "there was no immediate clash in basic American and Japanese strategic aims bound to lead the two nations to war." The author maintains that the Japanese attack on Pearl Harbor was an "act of desperation, not madness," and that "Japan fought only when she had her back to the wall as a result of America's diplomatic and economic offensive."

This is not the first book to defend this thesis; but, unlike its predecessors, this book does not accuse, apologize, nor extol either the nations or leaders involved. For example, the author assesses the "back to the door" theory (that Roosevelt goaded Japan to attack in order to enter the European war; a theory espoused by Charles Beard, Charles Tansill, Rear Admiral Theobald, etc.), and he concludes that this theory is "incredible." He also examines the theories that Japan attacked the United States because of over-confidence or that Hitler pushed Japan into war, and concludes that available evidence makes these theories "impossible to accept." Instead, the author maintains that war resulted because the United States followed "a sincere and uncompromising adherence to moral principles and liberal doctrines," which made it impossible to negotiate a settlement with Japan and made "inevitable an unnecessary and avoidable war."

Prior to July of 1941, Japan was on the diplomatic offensive, confident, militant, and intransigent, while the United States was on the defensive. Gradually, as a result of the American embargo, the

BOOK REVIEWS

positions of the two nations was reversed and the diplomatic advantage passed to the United States. From July to November 29th the United States could have negotiated a *modus vivendi* which could have avoided or, at least, postponed war. This did not occur because American public opinion, following the leadership of Secretary of State Cordell Hull, was almost unanimous in its opposition to Japan. Japan's conquest of Manchuria, her repeated attacks on China, her occupation of Indochina, were actions contrary to the absolute ideals of international morality advanced by Hull as American foreign policy. Being an idealistic policy, it was an inflexible policy; and, because Americans supported this policy, it made "any change in that policy extremely difficult, if not impossible, to achieve."

Secretary Hull, by emphasizing moral principles, had surrendered control of United States diplomacy to the American people. It was impossible to negotiate with Japan because the United States could not compromise nor offer concessions, believing that one cannot compromise with evil. This meant that peace depended on the willingness of Japan to accede to American demands. Japan was willing to compromise, but neither the Japanese nor their leaders would accept total surrender without a struggle. Thus, when diplomacy became inoperative, war was inevitable. The mistake made by the United States was one of substituting abstract ideals for a realistic policy.

States, by nature, are not personalities; thus, they cannot be treated as morally responsible persons. As George Kennan contends, the right role for moral considerations in foreign affairs is not to determine policy, but rather to soften and ameliorate actions necessarily based on the realities of world politics. But Americans (not just a few leaders) accepted a rigid, idealistic foreign policy and went to war because they believed that war was preferred "to any compromise or limitation of the nation's aims."

Obviously, this is an informative and stimulating book which should be read and its contemporary implications understood by both Americans and Japanese. It is not a historical narrative and, consequently, the average reader may wish that additional historical background had been included. However, as an analysis of the immediate events prior to Pearl Harbor it is one of the best books on the subject.

The book is clearly written, concise, and scholarly; it is well documented and includes a fairly extensive bibliography. The least rewarding section of the book is the final chapter dealing with the War Crimes Trials in Tokyo. This chapter is sketchy, disrupts the continuity of the book, and reads like a partially developed afterthought. With this exception, the book is well worth reading.

—Leslie R. Bundgaard

CONTEMPORARY JAPAN

JAPAN: THEME AND VARIATION, A Collection of Poems by Americans. Published by Charles E. Tuttle, Tokyo, 1958; pp. 183, ¥900 in Japan, \$3.00 elsewhere.

"The curves are pointed and the angles curve:
The theme and variations follow through.
Where did the roofs and gables learn their sweep?"

In this contest-loving age it would be good to have more such fruit as we find in this collection of "Poems by Americans," the result of contest-encouraged comment on things Japanese. Only 252 poems have been chosen from among the 1700 proffered in the contest of 1957-58; but within this accepted group are titles and styles of great variety, some expressed in the freest of free verse, some conventionally American, some patterned after Japanese poetic forms, and all evidencing such an interest in Japan as could never have been foreseen, with or without the impulse to poetry, as recently as ten years ago. Not all of the writers are connected with the Military Forces, but no doubt the attraction felt by great numbers of Japan's present-day allies is responsible for much of this sincere response.

There are those who, having lived in Japan, indulge in nostalgia:

"You who have come from far away,
From the land of my past days,
You who know all its wonders and its glories,
Tell me just one thing:
Does the pomegranate tree beside the gate
still blossom in the spring?"

There is the spontaneous outburst of those now living in Japan:

"All, all is beauty,
Seen aright;
Who misses the mountain
Sees the bird
And is satisfied."

Some still dream of the Japan of history, art and folklore:

"Did you go to look at cherry blossoms
and never even think to count your cherries?
I shall someday.
Did you have a house all uncluttered?
And let your eyes caress the grain of wood?
I could."

BOOK REVIEWS

Emotion restrained and pictorially presented suggests appreciation of Japanese self-control:

“Just a woman dressed in black
Standing by the railroad track,
As the train goes outward bound;
And her bearing does not say
Who it is that goes away:
One who made her pulses stir,
Or a guest who worried her.”

There is seen also the impatience of the outspoken, but inarticulate, frustrated one:

“Stinking little bitch of a hill
they call a mountain in this
imprecise language
what right
have you to hide so
behind this awful mist
and rip and jerk my eyes out
trying to penetrate”

Little humor, and still less religious theme, can be especially noted; but where such approach is made, it is handled with a restrained, quiet touch which is well suited to the background values of life in Japan. All in all, the poems are a worthy bit of inspiration toward furthering the whole-hearted expression of what could hardly have been expected as a result of the Occupation and postwar activity. But to all who know Japan well, there is nothing here beyond the understanding. And next? Perhaps we may look forward to a similar collection of poems (in English) by Japanese, with America and the Americans for their “theme and variations.” Equally unexpected values might result from such a gesture of friendship as is seen in such a contest.

—Virginia Mackenzie

CONTEMPORARY JAPAN

ZEN FLESH, ZEN BONES, A Collection of Zen Writings
compiled by Paul Reps. Published by Charles E. Tuttle Co.,
Tokyo, Japan, and Rutland, Vt., U.S.A. pp. 211, price ¥800
in Japan, \$3.00 in U.S.A.

Within the covers of this book Paul Reps has brought together four ancient manuscripts. Each has previously been published separately: *101 Zen Stories* in 1939 by Rider & Co., London, and by David McKay Co., Philadelphia; *The Gateless Gate* in 1934 by John Murray, Los Angeles; *10 Bulls* in 1935 by de Vorss & Co., Los Angeles, and by Ralph R. Phillips, Oregon; and *Centering* in 1953 in the Spring Issue of Gentry Magazine, New York. To have them together under one cover will be an advantage to one who is interested in the study of Zen.

The first half of the book consists of the "101 Zen Stories" which were collected and published in Japan in the late 13th century. These stories are anecdotes, sometimes parables, which purport to reveal something which cannot be revealed, namely, the spirit or essence of Zen. They are clear, yet vague; their vagueness may be due in part to the artistic vagueness of the Japanese language in which they were recorded. But this very mistiness has a strong appeal for a certain type of mind. Whereas it is not too difficult to grasp the point of the parables of Jesus, these stories of Zen are intended to give you food for thought, a cud to chew on, something to mull over for a long time.

Thinking of the name of this volume, would it not be better to call it "Skin, Flesh & Bones of Zen"? The skin is that which we see and which gives us an idea of what lies within the body of Zen. The flesh is that which gives shape and substance to the body of Zen. And the bones, the skeleton, is that which gives pattern and stability to the body of Zen.

Reading these "101 Zen Stories" is like starting on a bag of peanuts; one keeps eating on and on, finding it hard to stop. But as for the point of any one of these anecdotes, it may be a long time before its meaning comes clear, if ever. Zen seems to be based on negation, on emptying oneself of all evil, on the presumption that man is inherently, essentially good, and so there is no need for teaching about how to fill oneself with goodness.

In the next fifty pages, called "Mu-mon, the Gateless Gate," we find forty-nine little stories, each with a poem as an explanatory comment by the monk Mu-mon.

The word Zen itself comes from the Sanskrit, from India, through China, and means *meditation*. Through self-searching meditation

BOOK REVIEWS

comes the emancipation of one's mind. The stories in this Mu-mon-kan, literally the no-gate barrier, were assembled and recorded by the Chinese monk Eikai, 1183—1260, and are considered one of the classic texts of Zen Buddhism. Each of these problems is set forth as a barrier in itself, the barrier being the shell of man's limited mind, or mentality, which must be broken through in order to admit him to enlightenment, i.e. knowing.

The original writer of this section says that a person who tries to arrive at an understanding of Zen through the explanation of another is like a man "who scratches an itching foot from the outside of a shoe." He likens a "*koan*," as these parables are called, to a brick which is used to knock at a gate and is then thrown away, being no longer useful once the gate is opened. Perhaps modern man would liken a "*koan*" to "a nut to crack," the shell being thrown away when one gets the meat out.

This section is replete with startling similes, metaphors and idioms, striking enough in themselves to break down a gate, such as "Like a dumb man who has had a dream; he knows about it, but he cannot tell it." Whether any of these "*koan*" stories would provide fresh illustrations for a public speaker depends, Zen would say, upon whether or not the said speaker was "enlightened." But there are rich possibilities here.

The next section of 23 pages is called "10 Bulls." In the 12th century the Chinese master, Kakuan, drew the pictures and wrote the verses and captions of this, perhaps first, story-in-pictures, thus antedating the modern funny-strips by eight centuries. But "10 Bulls" is different from the modern animated cartoon strips in that it is the conveyance for a spiritual teaching. It depicts the steps taken in the discovery of oneself and of one's potentialities. The pictures used in this book are not the originals, but were drawn by Tomikichiro Tokuriki, a well-known wood-block artist.

Seeking the bull signifies the search for the eternal principle of life. Finding the hoof-prints of the bull indicates that the seeker has gotten on the right path towards understanding the teachings. Hearing the sound of the bull shows that one's senses have become sensitive to the teachings. Catching the bull reveals the difficulty of subjugating such overwhelming knowledge to one's understanding. Taming the bull reminds one that constant application is necessary if one hopes to channel his knowledge into true enlightenment. Riding the bull home suggests that one's mastery of knowledge has been asserted beyond denial. The bull transcended intimates that the means by which knowledge has been conquered and assimilated is now no longer needed. Both bull and self transcended points out that, with complete

CONTEMPORARY JAPAN

enlightenment, perfection of understanding is reached; one does not need any further enlightenment, for one has it. Reaching the source suggests that going over and over the same ground is not necessary after one has "arrived." In the world shows the indifference of the enlightened one to his physical environment and the effect of his enlightenment upon others.

The material in the last section, "Centering," comes from sources four or five thousand years ago in India. Centering, or balance, or poise, how can it be attained? We find here 112 answers to the question.

On the last page of the book one finds the question "What is Zen?" followed by a blank space to suggest the answer.

This is a book primarily interesting to those who are of a mystic turn of mind and who would like to be "enlightened." Also it is likely to prove of interest to students of Comparative Religions.

—Florence Wells

HISTORY OF JAPAN by Saburo Ienaga. Published by Japan Travel Bureau, 1958; pp. 262, ¥600 in Japan, \$3.25 elsewhere.

This history is number 15 of the Tourist Library Series and is intended to give the ordinary visitor an introduction to the history and the culture of Japan. That it does this well should be evident to every reader. There is an abundance of illustration, and this reviewer found this aspect one of the most appealing phases. What it lacks in detail because of its shortness, it makes up for by its wealth of photographs, maps and charts.

The author, Dr. Saburo Ienaga, is an authority in cultural history; and this book represents an emphasis upon that aspect. Thus, instead of over-attention being given to the civil wars leading to the establishment of the Shogunate, much stress is placed upon the role of the ordinary Japanese, who has had to bear the burden of the extreme centralization of authority represented by the *Bakufu*. As an example:

"The tillers of the soil . . . were placed pretty high up in the social scale, next to the *samurai*. But what was actually respected was not so much the farmer himself as his produce . . . As a tax every farmer had to deliver an average of 50% of his harvest. In addition he had to do manual labor as a form of surtax. Poverty-stricken farmers sought to lighten their economic burdens—now checking further increase in the family by illegal abortion, and now causing riots."

BOOK REVIEWS

While such information may not come as any surprise to those familiar with the great agrarian revolts in Europe, it does tend to balance and to put in perspective the tendency of looking upon feudal Japan as the time when the tea ceremony, *Kabuki* and the art of *haiku* held full sway.

However, the author shows no tendency to neglect the great cultural influences. Quite the contrary; for all of the various arts, including *ukiyo-e*, the wood-block print art, are thoroughly treated.

There is adequate treatment of the great Meiji reforms; and the reader gets a satisfactory picture of the rise and growth of militarism, culminating in World War II. The author does not discuss the history of the war, perhaps because it is of too recent and painful memory. To this extent, such a volume would have to be supplemented by other more complete histories. However, it is doubtful if this would be of any consequence to the audience for which this book was written. There is a good summary of postwar developments, and a really excellent chronological table and bibliography complete the book.

One has the final feeling that this is one of the more distinguished volumes published in this library. The traveller or beginning student of Japanese history could profitably start his study of Japan with this volume. Indeed, even the advanced student will find it worth including in his own library.

—Orlo L. Derby

MUNAKATA, edited by Yojuro Yasudo, English text by Oliver Statler. Published by Charles E. Tuttle Co., Tokyo, 1958; pp. 82 with 97 plates, ¥450 in Japan, \$1.25 elsewhere.

This excellent survey of Munakata's prints, compiled by Yojuro Yasudo, art critic and poet, with English text by Oliver Statler, well-known authority on modern Japanese woodblock prints, displays through its numerous plates the complexity and range of Munakata's work.

Munakata's identification with Zen Buddhism is evident throughout in the prints reproduced. Plates 11 through 20 are of the Ten Great Disciples of Buddha, the *Judai Deshi Hanga Saku*, which helped Munakata win his grand prizes at the Sao Paulo Biennale in 1955 and the Venice Biennale in 1956, and which some critics feel are among his greatest works. Dramatic in their elongated form, which allows them to be hung in the traditional Japanese way as *kakemono*, and strong in their contrast of black line on white surface in traditional oriental severity, Munakata says of them, "I first became conscious of

CONTEMPORARY JAPAN

the full extent of the block. Each of these figures touches the edge of the block, top, bottom, and both sides."

Not all of his subjects are the historical Buddhist figures of the Shaka or the various Bosatsu or saints, though this may be the source of much of his inspiration. Many are creatures of his own imagination, which Munsterberg refers to when he discusses the "voluptuous earth-goddesses or angels, although perhaps vaguely connected with the *yakshi* and *apsarases* of ancient Indian Buddhism." Some of the Munakata prints pictorialize Japanese legends, as in plates 25 through 32, which tell the story of "the river of trickery" and of the legendary water creatures who live there; it is a delightful series of prints, which make use of stylized calligraphy to form part of the design, a technique shown in many of the prints reproduced here. Munakata is too powerful an artist to reproduce literally from the past; rather, all his subjects are stamped with his personal conception and imagination; the traditional, when called upon, is filtered through his particular originality.

Inherent in the artistry of Munakata is the Zen concept of *muga*, which is best explained by Langdon Warner: "The principle of *muga* (it is not I that is doing this) opens the gate for the necessary essential truth to flow in. When the self does not control the drawing, meaning must." It is this renunciation of self that Munakata reflects when he describes the power of the wooden board that must be brought into a working relationship with him, a power that exists outside of the artist, and which he emphasizes in his Japanese word for woodblock print, *hanga*, by which he stresses the importance of the basic materials rather than the artist. Speed is another concept vital to the oriental artist; and Munakata creates with quick, furious activity, uniting the meaning of his subject and the techniques he has mastered in brilliant fusion, without rational interference.

Munakata was the third son of the twelve children of a blacksmith and was born in Aomori, northern Japan, in 1903. As he worked with his father at the forge, his life was permeated with the religious concepts of Shintoism which brought to the forge the spirit of the woods, the earth and the sky. Since he won his first international prize in 1951, Munakata has signed his prints with the special pine-needle mark which his grandfather placed on swords, which his father placed on cutting tools, and which he himself uses to acknowledge his heritage of devoted craftsmanship.

With this family background, it is not surprising that Munakata stands apart from the modern Japanese woodblock artists and, instead, identifies himself with the folkcraft or *mingei* tradition. It was Soetsu Yanagi, acknowledged leader of this movement in Japan, who first recognized the genius of Munakata and encouraged him, uniting him closely

BOOK REVIEWS

with those other artists who preserve the historical folkcraft traditions in their modern work and who believe in the concepts of Buddhism. This patronage was invaluable to Munakata: "*Mingei* gave birth to me. Yanagi showed me how much stronger a man can be when he shares his strength with others, and draws on their strength in return. He taught me that greatness cannot be achieved alone." It was through Dr. Yanagi that Munakata learned his method of adding watercolor to the back of the print instead of on top of it, a process used in some of his more recent work shown in this book.

The comments of Munakata which accompany many of the prints give an excellent insight into his artistic goals; and, by the same token, afford greater appreciation of his artistic achievements. With the monster-like creatures in plates 33 and 36, figures caught between the human state and Buddhahood, which were carved from the unplanned boards of old apple boxes, he mastered the use of white lines and black masses. Concerning the powerful "Flower Hunting Mural," the picture of hunters without arrows because they are hunting flowers and must hunt with their hearts, he says that he is striving to go beyond effects: "I don't want my work to spring from my artist's assertiveness over my materials. I want it to flow naturally from these materials." The prints that he considers his best are from a series of 24 which are based on the poems of the famous novelist Junichiro Tanizaki, and are shown in plates 75 and 76; for in these all the craftsmanship and techniques he has mastered have been utilized.

There are many stories of the exuberant and energetic personality of Munakata, and there are some indications of his humor here. In plate 54, "And to Nurse Sick Children," a print of friendly devils, there is one figure in the right-hand corner which looks like Munakata when young, according to Munakata. In plate 56 there is a *tengu*, a long-nosed goblin. "A boastful creature," says Munakata. "Maybe me."

Most of the prints that won for him the international prize at Locarno in 1951 and the grand prizes at the Sao Paulo Biennale in 1955 and at the Venice Biennale in 1956 are included here. The book itself is about 7" x 4½" in size, and the plates only suggest the magnitude of the actual prints; but, considering that the aim of this book is to present a comprehensive selection of the achievements of this artist in an inexpensive edition, it can be said that the aim is most admirably accomplished. This is one of a series that is planned to cover all the major figures in the field of Japanese art, which Charles E. Tuttle will publish in an English edition for Western readers through arrangement with Kodansha, the original Japanese-language publisher.

—Patricia B. Daly

CONTEMPORARY JAPAN

THE CULTURED PEARL, JEWEL OF JAPAN by
Norine C. Reece. Published by Charles E. Tuttle Co., Tokyo
and Vermont, 1938; pp. 107 with 47 illustrations (10 in color),
¥700 in Japan, \$2.50 elsewhere.

This well written book with its excellent illustrations tells all one could wish to know about the cultured pearl — the prolonged and painstaking human efforts involved, the prodigious financial investment necessary, the many and unrelenting destructive forces ever-present—all the factors that play upon the production of this jewel.

The most perfect home of the *pictada martensii*, the pearl oyster, is lovely Ago Bay, which lies south of Nagoya, off southern Honshu, in the Pacific Ocean. We read, "The beautiful skies, the translucent blue water, and the lovely wooded hillsides all impart their beauty to the opalescent gems." The author tells us of the *ama*, the diver of the pearl oyster industry, as she searches under-water for oysters and as she surfaces with a gasp, or "sea whistle" as it is called, in her struggle for breath. Pictures show her in the white, long-sleeved, high-necked shirt and wrap-around skirt which ties between the knees, and the towel turban; all of which protect her from the sharks, the eels, and the rough, rocky bottom of the ocean.

The life-cycle of the pearl is well explained and diagrammed. In spring, the oyster, which has grown from spat in the past six months, is seeded, usually with a piece of the special clam-shell from the Mississippi Valley, and is attached to a raft either individually by a string or with other oysters in a wire basket. During the warm months, the oyster is cleaned several times; then, in winter, the usual time for harvest, a small pearl might be found, that is, if the changes in water temperature have not been too severe, or if the typhoons or tidal waves have not been too destructive or if the dire "red tide" has not eliminated the necessary food and oxygen.

The author, a familiar figure in the Ago Bay area, tells of the additional years of exposure needed to develop the larger and more highly-prized pearl. There is more financial investment, more solicitous care, the moving of rafts southward for a warmer winter and northward in spring, and more hopeful waiting. Only about 40% of the pearls are marketable, she tells us, and only 5% to 10% are perfect gems.

To evaluate the pearl, one must know about it, its growth in the oyster, its handling and sorting in the market, its perfection in proportion to size, color and luster, its care as a "lifetime investment and wonderful heirloom." Norine C. Reece, the author, has lived in Japan

BOOK REVIEWS

eleven years and understands the jewel's qualities, so that she can say: "The very word 'pearl' conjures up visions of soft, iridescent beauty, of exquisite lustrous gems, brought into being for the adornment of women" Her knowledge, which can be enjoyed by the initiated as well as by the novice, she imparts with exactness and appreciation.

—Patricia B. Daly

PAINTING, 6TH—14TH CENTURIES: A Pageant of Japanese Art, popular edition, edited by Ichitaro Kondo. Published by Charles E. Tuttle Co., Tokyo and Rutland Vt., U.S.A. pp. 167, ¥700, \$2.95 in U.S.A.

A more expensive edition, of larger format, of volume one of the Pageant of Japanese Art was published three years ago, being followed by five other volumes; all of these provide newcomers and art lovers with an authoritative history covering the various fields of Japanese art. In this present edition, this delightful study of art has been made available at a lower price, making possible to more of those who are interested a firsthand look at the unusual characteristics of Japanese art.

This book contains more than 150 text illustrations, of which 10 are in color and 40 are plates in black-and-white. Although it may be said that, due to size restrictions in phototype reproduction, the richness of illustration falls short of one's wish; nevertheless they retain much of the intricate detail which we associate with Japanese art. In editing this volume, Ichitaro Kondo, a staff member of Tokyo National Museum, has succeeded in giving the reader an insight into the vast richness of art, as well as pointing out the oddities peculiar to the painting in Japan, such as materials, subject matter, and style.

Dealing with painting from the pre-Buddhist period to the Kamakura period (A.D. 552—1333), covering the Asuka, Nara and Heian periods, this book opens a gateway to the realm of Japanese art.

Volumes II and III, on painting from 14th to 19th centuries and on architecture and gardens, are now available. Three others, on sculpture, on ceramics, and on lacquer are in preparation.

—Barbara Bell

CHRONICLE OF CURRENT EVENTS

1959

January 1 The Government announces its ¥1,519,800,000,000 draft budget for 1959; the budget is ¥107,117,000,000 larger than that for 1958.

The metric system goes into force, replacing the traditional system of *shaku, kan, and momme*.

January 2 More than 110,000 persons visit the Imperial Plaza to extend New Year's good wishes to the Emperor and Empress.

In Havana, the rebel leader, Fidel Castro, succeeds in proclaiming the provisional government of the Cuban Republic with Dr. Manuel Urrutia as its president.

January 3 Alaska becomes the 49th state of the United States of America.

The Soviet Union announces the launching of a new cosmic rocket, which, after passing the moon, will become a planet around the sun, 93-million miles from the earth.

January 5 The Soviet cosmic rocket, nearing orbit in the solar system, loses radio communication, 370,960 miles from the earth.

Soviet Deputy Premier Anastas I. Mikoyan, now touring the United States, holds talks with U.S. leaders on the Berlin and other world problems.

January 8 French Premier Gen. Charles de Gaulle becomes the new President of France, and appoints Michel Debré as his successor to the premier-ship.

January 9 Japan extends formal recognition to the new Cuban government under President Manuel Urrutia.

January 11 The third Soviet-Japanese Fishery talks are opened in Tokyo.

January 12 A reshuffle of the Kishi Cabinet results in the appointment of four new ministers: Ryozo Hashimoto, former Welfare Minister, as Education Minister; Michita Sakata as Welfare

Minister; Shigejiro Ino as State Minister and Director-General of the Defense Agency; and Koichi Seito as State Minister and Director-General of the Economic Planning Board.

January 15 The *Soya Maru*, the Japanese Antarctic expedition ship, reports from the Showa Base on Ongle Island that two out of the 15 Sakhalin dogs abandoned there by the 1958 expedition are discovered surviving.

January 22 Vice-President Mihajlo Svabic of the Serviant Republic of Yugoslavia arrives in Tokyo to confer with the Japanese Government and business leaders.

January 24 The Liberal-Democratic Party at its annual convention re-elects Prime Minister Nobusuke Kishi as its President by a majority of 320 to 166.

January 26 The 31st ordinary session of the Diet is convened.

The parking meter system is adopted along Tokyo's main thoroughfares.

January 30 Japan files with the U.S. Securities and Exchange Commission the registration statement for floating \$30-million worth of Japanese dollar bonds on the New York market to help finance the gigantic Mihoro hydroelectric project. The bonds will comprise long-term 15-year bonds and medium-term 3-, 4-, and 5-year bonds.

January 31 The Soviet Union announces the completion of a planned 300,000-man cut in military forces during 1958.

February 1 Search is abandoned for the 2,875-ton Danish passenger-cargo ship, believed to have run into icebergs off the coast of Greenland.

February 2 The seven-man Draper Mission, headed by William H. Draper, former U.S. Undersecretary of the Army, arrives in Tokyo on its tour to inspect U.S. military aid programs for the Far East.

CHRONICLE OF CURRENT EVENTS

February 4 The U.S. Naval Base at Yokosuka is declared open for joint utilization with Japanese Maritime Self-Defense Force.

U.S. Secretary of State John Foster Dulles arrives in London to seek support from Western European leaders for a more "flexible new-look" policy on the problems of Berlin, Germany and European security.

February 7 Antonio Segni, Sardinian-born Christian Democrat and former Premier, is nominated the new Italian Premier by President Giovanni Gronchi.

February 8 Soviet Premier Nikita Khrushchev and Communist China's Premier Chou En-lai on a visit to attend the 21st Congress of the Soviet Communist Party, sign an "economic co-operation" agreement, providing for 5,000-million rubles in Soviet aid to Communist China.

February 10 The Imperial Household Board announces the wedding ceremony for H.I.I.I. Crown Prince Akihito and Miss Michiko Shoda to be held on April 10.

February 13 ROK Minister Yiu Tai Ha announces the rupture of ROK-Japanese talks on the repatriation of Korean residents in Japan. The International Committee of the Red Cross announces its readiness to assist in promoting the talks, providing such repatriation "is completely voluntary."

Ryozo Hiranuma, Mayor of Yokohama since 1951 and noted promotor of amateur sports, dies at the age of 70.

Following the mass resignation of the Cuban Cabinet, President Manuel Urrutia, nominates Fidel Castro as the new Premier.

February 14 U.S. Secretary of State John Foster Dulles takes a leave of absence to receive anti-cancer radiation treatment at Walter Reed Hospital.

February 15 The representatives of Britain, Greece, Turkey and the two Cypriot communities meet in London to end the 47-month old violence and bloodshed in Cyprus. Archbishop Makarios arrives by air to join this round-table conference on the independence of Cyprus.

February 17 The U.S. Securities and Exchange Commission signs agreements with Japan covering the \$30,000,000

bond issue and a \$10,000,000 World Bank loan to Japan.

February 19 Prime Minister Walter Nash of New Zealand arrives at the Tokyo International Airport for an 8-day state visit.

Cyprus wins independence, following the signing of a five-sided agreement in London by Britain, Greece, Turkey and the Greek and the Turkish Cypriot communities.

February 21 British Prime Minister Harold Macmillan, accompanied by Foreign Secretary Selwyn Lloyd, sets out his 10-day visit to the Soviet Union.

February 23 The Anglo-Soviet talks begin at the Kremlin between British Prime Minister Harold Macmillan, now visiting Moscow, and Soviet Premier Nikita Khrushchev.

Hakuchikara, a six-year-old chestnut horse from Japan, wins the \$60,400 Washington's Birthday Handicap, defeating America's favorite, Round Table.

February 25 The General Council of Trade Unions of Japan (Sohyo) launches its spring offensive for an early ratification of the ILO Convention, with 4-million workers under 56 member unions participating.

February 28 Japan and Yugoslavia sign in Belgrade a treaty of commerce and navigation — the third of such kind since those with the United States and Norway following the end of World War II.

March 1 Scattered disturbances are continued by rebellious native groups in the Central African Federation.

March 2 Japan and the Philippines sign a provisional air accord providing for the scheduled air service between Manila and Tokyo on the basis of reciprocity and non-discrimination.

March 3 In a joint communique issued at the end of the 10-day British-Soviet summit talks in Moscow, British Prime Minister Harold Macmillan and Soviet Premier Nikita Khrushchev admit that they have been "unable to agree" on the German issue, but have endorsed "the principle that differences between nations should be resolved by negotiations and not by force."

March 4 Soviet Premier Nikita Khrushchev flies to East Germany to attend the opening of the Leipzig Fair

CONTEMPORARY JAPAN

where industrial products of 49 Communist and Western nations are exhibited.

March 5 The U.S. Pioneer IV "Planet" fired from Cape Canaveral on March 3, speeds on, passing the moon at a distance of 37,000 miles, toward an orbit around the sun.

March 7 Ichiro Hatoyama, formerly Prime Minister and President of the Liberal-Democratic Party, dies of heart attack at the age of 76.

A nine-member goodwill mission of The Social Democratic Party, headed by Inejiro Asanuma, Secretary General, arrives in Peiping.

March 10 Japan and Denmark sign a taxation treaty in Copenhagen.

Japanese Red Cross delegation at Geneva appeals to the International Committee of the Red Cross for assistance in settling the Japan-ROK dispute over the repatriation of Korean residents in Japan.

A right-wing revolt in Iraq, led by Col. Abdel Wahab Shawaf, is overcome by the government forces.

March 11 The Japanese Red Cross Society urges the North Korean Red Cross Society to send its representatives to Geneva, so that talks over the repatriation of Korean residents in Japan may be settled without delay.

A 14-member Japanese iron and steel mission arrives in New Delhi to discuss with Indian authorities the development of the Balladilla mine.

March 12 The Hawaiian statehood bill receives the final congressional approval.

March 13 The International Committee of the Red Cross reaffirms its strict neutrality in the ROK-Japanese disputes over the voluntary return home of Korean residents in Japan.

March 14 Governor Seiichiro Yasui of Tokyo Metropolis tenders his resignation after holding the gubernatorial post for 13 consecutive years since May, 1947.

March 17 The International Trade Conference opens in Yokohama with the participation of more than 200 persons from 26 nations.

March 18 The first Asian Productivity Conference is opened in Tokyo with the representatives of 15 Asian nations participating.

The Japan Social Democratic Party

delegation to Communist China winds up its 10-day talks with leaders of Communist China, without reaching any agreement on suspended trade relations. A joint communique issued by Inejiro Asanuma, the Party's Secretary General and head of the Delegation, and Chang Hsi-jo, President of the Chinese Peoples Institute of Foreign Affairs, states that trade relation between the two nations will not be improved unless the Japanese Government abandons its "hostile" attitude, its "two China" policy, and any such measures as deemed obstructing the restoration of trade.

March 19 British Prime Minister Harold Macmillan arrives in Washington for conferences with U.S. President Dwight Eisenhower.

U.S. scientists succeed in establishing the first two-way radar contact with Venus, covering a space round-trip of 56-million miles.

March 20 Newly appointed British Ambassador Sir Oscar Morland, accompanied by Lady Morland, arrives in Tokyo.

March 21 Heavy fighting breaks out over the Tibetan-Communist Chinese border following the Communist Chinese summon for the Dalai Lama.

March 22 U.S. President Dwight Eisenhower and British Prime Minister Harold Macmillan, now visiting Washington, agree on a summit conference to be held in the coming summer.

The Dalai Lama is reported to have been placed under house arrest at his winter palace by the Communist Chinese authorities.

March 23 Australian Minister for External Affairs Richard G. Casey arrives in Tokyo for a 10-day goodwill visit.

West German Minister of Atomic Energy and Water Economy, Dr. Siegfried Balke, also arrives in Tokyo on a 7-day visit at the invitation of the Japan Atomic Industrial Forum.

March 25 The NATO's 15-member Permanent Council approves the notes on forthcoming conferences which the United States, Britain, France and West Germany will send to the Soviet Union.

March 26 The Western Big Three and the Soviet Union agree to a foreign ministers conference from May 11 to discuss a peaceful settlement of the Berlin issue.

CHRONICLE OF CURRENT EVENTS

March 27 The Buddha Jayanti ceremonies are held in Tokyo with 70 delegates from 13 Asian nations attending.

March 28 The non-confidence motion by the Social Democratic Party against the Kishi Cabinet is rejected by a vote of 253 to 142 at the plenary session of the House of Representatives.

Communist China proclaims the Panchen Lama as the "Chairman" of the Tibetan nation, replacing the Dalai Lama, who is reported to have been "abducted" by the rebels.

March 30 At the Tokyo District Court, judge Akio Date announces a decision for the acquittal of 7 defendants in the Sunakawa case, on the ground that the existence of the U.S. military bases in Japan is not in conformity with the Constitution.

The Soviet Union accepts the Western Powers' proposal for a foreign ministers' conference in Geneva beginning on May 11.

March 31 The budget bill for 1959, amounting to ¥1,419,248,000,000, is passed by the Diet without amendment.

April 1 The 15th General Assembly of the Japan Medical Congress is opened in Tokyo, with 10,000 Japanese physicians and 50 guests from abroad attending.

The International Committee of the Red Cross (ICRC) in Geneva accepts Japan's petition for the release of 153 Japanese fishermen detained in South Korea, and promises assistance.

April 2 All parliamentary proceedings are suspended as a result of the Social Democratic Party's boycott of deliberation in protest against the Liberal-Democratic Party's attempt to pass the Government-sponsored minimum wage bill on the strength of a majority.

The Dalai Lama is reported to have crossed the Tibetan border safely into India.

April 3 The Liberal-Democratic Party succeeds in passing the minimum wage bill with revision, despite the Socialists' effort to block its passage.

Public prosecutors appeal to the Supreme Court for reversal of the recent district court judgement in the Sunakawa case, ruling that the presence of U.S. forces in Japan is in violation of Article 9 of the Japanese

Constitution.

April 4 The 30th anniversary meeting of the Association of Foreign Teachers of Japan elects Dr. Burton E. Martin of Waseda as President of the organization for 1959-60.

April 5 Ceylonese Transport and Works Minister Maithripala Senanayake arrives in Tokyo for a 10-day visit.

Gen. L. L. Lemnitzer, U.S. Army Vice Chief of Staff and former Far East Commander, arrives at Atsugi on an inspection tour of Far East military installations.

April 7 The three-day centennial celebrations of the Nippon Seikokai is held in Tokyo in commemoration of the arrival of the first Episcopal missionaries in Japan in 1859; attending the ceremonies are 60 distinguished foreign prelates, clergy and lay leaders, including the Most Rev. and Rt. Hon. Archbishop of Canterbury, Geoffrey Francis Fisher and the Rt. Rev. Arthur Lichtenberger, Presiding Bishop of the Protestant Episcopal Church in the United States, and more than 7,000 Japanese bishops, clergy and laymen.

The Government approves an amnesty program for 100,000 to come into force on the occasion of the Crown Prince's wedding.

West Germany's Chancellor Konrad Adenauer accepts the Christian Democratic Union's nomination for the presidency.

April 10 H.I.H. the Crown Prince Akihito's marriage with Miss Michiko Shoda, the first commoner to come in line to the Imperial Throne, is celebrated amidst nation-wide rejoicing.

April 11 The representatives of the Soviet Union and Japan agree on the 1959 crab fishing quota limits set at 420,000 and 280,000 cases respectively.

North Korean delegation in Geneva agrees to hold talks on the Korean repatriation problem with the representatives of the Japan Red Cross Society in the International Committee of the Red Cross offices.

April 13 The Japanese Antarctic expedition ship, Soya Maru, returns to Tokyo after completing her third cruise to the Showa Base on Ongle Island.

The Red Cross delegations of Japan and North Korea in Geneva open the first session of talks on the repatriation

CONTEMPORARY JAPAN

of Koreans from Japan to North Korea.

April 14 The world-famous Matsukata art collection, returned by France, arrives at Yokohama harbor.

April 19 The Dalai Lama makes his first public appearance at Tezpur, India, since his narrow escape over the Tibetan border into India.

April 22 Transportation Minister Mamoru Nagano resigns, as a result of the renomination of Shinji Sogo as President of the Japanese National Railways.

Japan's six major motion picture companies decide to go their own separate ways on the controversial decision to show TV films in motion picture theaters.

April 23 Local elections for governors and prefectural assembly members are held today with a decisive victory scored by the Liberal-Democratic Party. Ryutaro Azuma, President of the Japan Amateur Athletic Association and Japanese representative of the International Olympic Committee, is elected the Governor of Tokyo by defeating former Foreign Minister and Socialist affiliated Hachiro Arita.

Christian A. Herter is sworn in as the new U.S. Secretary of State and successor to John Foster Dulles.

April 24 Prime Minister Jawaharlal Nehru confers with the Dalai Lama at Mussoorie.

April 27 At the closing session of the second National Peoples Congress in Peiping, Liu Shao-chi, Chairman of the Standing Committee of the Congress, is elected as successor to Mao Tse-tung and the new Chairman of the Peoples Republic of China. Mao Tse-tung remains as Chairman of the Communist Party, and Chou En-lai, as Premier of the State Council for another four years.

April 30 Elections for city, town and village heads and assembly members are held throughout the country; the results show a marked advance scored by the radical elements.

May 1 The 30th May Day is celebrated throughout Japan with 4-million workers participating.

May 4 The Soviet Union warns the Japanese Government of the danger of arming its country with nuclear weapons, and urges it to follow a policy of

neutrality.

May 5 The 3rd Tokyo International Trade Fair, the largest ever held in Japan, is opened today.

May 8 MRA's 3rd Asian Assembly is opened in Otsu with 200 persons from 25 nations attending its sessions.

May 10 With the arrival in Geneva of the representatives of the Big Four, preliminary talks begin for the Big-Four foreign ministers conference.

May 12 The East-West foreign ministers conference in Geneva holds the first session after delay caused by the Russian demand for the admission of East Germany at the conference. Upon this issue, the Soviet Union and the three Western Powers have come to an agreement that both East and West Germany be admitted as "advisers." In the second session in the afternoon, the Soviet Russia makes another demand for the admission of Poland and Czechoslovakia as "full and equal members;" the move is rejected by the Western Three.

May 13 Japan and South Vietnam sign in Saigon a reparations payment agreement, amounting in total to \$55,600,000 payable in products and services over a period of five years.

The Soviet Union and Japan sign a fishery agreement after long-protracted talks started on January 12; the agreement sets the Japanese salmon catch quota at 85,000 metric tons.

May 14 At the Big-Four foreign Ministers conference in Geneva, U.S. Secretary of State Christian Herter offers a peace "package plan" which proposes a three-stage peace plan for German re-unification and the establishment of free Berlin as its capital, in exchange for an agreement to a global reduction in armed forces, arms inspection and a security system in Europe as previously proposed by the Soviet Premier, Nikita Khrushchev.

May 15 H.I.H. Princess Suga, the youngest daughter of T.M. the Emperor and Empress, is betrothed to Hisanaga Shimazu, 25-year-old son of the late Marquis Hisanori Shimazu, in employment at the Japan Export-Import Bank.

May 16 Sweden and Japan sign a new trade agreement in Tokyo, providing for Japan's export to the amount of \$25-million, and import, \$15-million.

CHRONICLE OF CURRENT EVENTS

Ministry of Foreign Affairs publishes its Blue Paper on Diplomacy (No. 3), re-asserting Japan's need for strengthening the joint security arrangement with the United States, as well as relations with other nations of the Free World, so as to devote her best effort to the cause of world peace.

Soviet Premier Nikita Khrushchev states that the Soviet Union is not rejecting the Western Powers' proposal entirely, although the original plan submitted at the Big-Four foreign ministers conference in Geneva is not acceptable to the Russians.

Sir Robert Craigie, former British Ambassador to Japan, dies at the age of 75 at his residence in Winchester.

May 19 A four-nation whaling conference is convened in Tokyo, with Britain, the Netherlands, Norway and Japan participating.

May 20 The U.S. Justice Department completes its historic program for restoring American citizenship to Americans of Japanese ancestry who renounced it during the last war.

May 22 The 1959 Tokyo International Trade Fair closes its successful 18-day run; more than 1,800,000 Japanese and 5,000 foreign buyers visited the Fair, and the contracts concluded amounted in total to ¥15-billion.

The Antarctic Whaling Conference ends with no agreement reached by the four participating nations.

May 23 More than 800 Japanese and foreign Boy Scouts participate in the two-day International Jamboree at Hakone.

May 24 Former U.S. Secretary of State John Foster Dulles succumbs at the age of 71 in Walter Reed Army Medical Center after three-month battle for life against cancer, later complicated by pneumonia. He dedicated his life to safeguarding security and welfare among the nations of the Free World, having logged more than half-a-million miles on his goodwill missions to 46 states in East and West hemispheres.

May 25 The Japanese delegates appeal at the International Olympic Committee meeting in Munich that Tokyo be nominated as the site for the 1964 Olympic Games.

The East-West foreign ministers' conference in Geneva goes into recess to

permit the leading participants to attend the funeral of the late John Foster Dulles, former U.S. Secretary of State.

May 26 The IOC in Munich selects Tokyo as the site for the 1964 Olympic Games by casting in favor 34 of the 58 votes in the first ballot. Innsbruck is selected as the site for Winter Olympics.

Crowds of people visit the Washington Cathedral to pay their last tribute to the late John Foster Dulles whose body lies in state in the Bethlehem Chapel of the Cathedral.

May 27 The funeral services of the late John Foster Dulles are held in the Washington Cathedral with the attendance of distinguished representatives from almost all the nations of the world, Soviet Russia being among them, followed by the burial rites at Gentle Hill in the Arlington National Cemetery.

May 28 The IOC in Munich expels National China from its board on the ground that it no longer represents "sports" in the entire country of China. The move paves the way to the readmission of Communist China which withdrew from the organization in protest against the continued recognition of Nationalist China.

The U.S. Army announces that two monkeys return alive from a 1,500 mile space ride in the air-conditioned nose cone of a Jupiter missile.

May 29 The Big-Four foreign ministers return to Geneva, after holding a historic "flying conclave" for secret discussions on an interim Berlin settlement.

May 31 Martial Law is declared in Nicaragua, as President Luis Somoza discloses secret Communist plot to invade the country and overthrow his government.

June 1 The Asian Peoples Anti-Communist League (APACL) opens its fifth annual conference in Seoul.

June 2 The election for the House of Councillors is held in both the national and local constituencies. The 272 successful returns are: National Constituency (52): 22 Liberal-Democrats, 17 Socialists, 4 Ryokufukai members, 1 Communist, 1 Minor Party member, and 7 Independents; Local Constituencies (75): 49 Liberal-Democrats, 21 Socialists, 2 Ryokufukai members, and 3 Independents.

CONTEMPORARY JAPAN

The appeal by the Tokyo District Procurators' Office for a reversal of the lower court's decision on the Sunakawa Case is accepted by the Supreme Court.

Singapore is proclaimed an independent state, ending its 140 year history as a British colony. Lee Kuan-yew, leader of the leftist People's Action Party is nominated the prospective head of the first autonomous government; the PAP won a landslide victory in legislative assembly elections held on May 30.

June 4 New French Ambassador Jean Daridan arrives in Tokyo to assume his post.

June 6 Indonesian President Sukarno and his suite arrive here on a two-week state visit.

West Germany's Chancellor Konrad Adenauer surprises the Western alliance, as well as his Christian Democratic Party, by announcing that he will remain Chancellor instead of running for the symbolic post of President.

June 10 The National Western Art Museum, housing the Matsukata collection recently returned by the French government, is opened at Ueno, Tokyo.

June 11 The Japanese and North Korean Red Cross representatives in Geneva come to an agreement on the repatriation issue.

June 13 The Finance Ministry and the Bank of Japan suspend the purchase of export bills on the ROK-Japan open account, virtually stopping all Japanese exports to South Korea.

June 15 The 21st convention of the Japan Teachers Union (Nikkyoso) is closed, with the moderate group barely winning over the radicals to control this 420,000-member organization.

June 18 The third Kishi Cabinet is formed after a prolonged reshuffle; two hold-overs from the previous government are Foreign Minister Fujiyama and Finance Minister Sato. The new line-up is: Prime Minister, Nobusuke Kishi; Deputy Prime Minister, Shuji Masutani; Ministers respectively of Foreign Affairs, Aichiro Fujiyama; Finance, Eisaku Sato; International Trade and Industry, Hayato Ikeda; Justice, Hiroya Ino; Education, Takechiyo Matsuda; Welfare, Yoshio Watanabe; Agriculture and For-

estry, Takeo Fukuda; Transportation, Wataru Narahashi; Postal Services, Haruhiko Uetake; Labor, Raizo Matsumoto; Construction Minister and State Minister (Director-General of the Hokkaido Development Agency) concurrently, Isamu Murakami; State Minister (Director-General of the Defense Agency), Munenori Akagi; State Minister (Director-General of the Economic Planning Board), Wataro Kanno; State Minister (Director-General of the Science and Technology Agency, and Chairman of the Atomic Energy Commission), Yasuhiro Nakasone; State Minister (Director-General of the Autonomy Agency, and Chairman of the National Public Safety Agency), Kanichiro Ishihara; Chief Cabinet Secretary, Etsusaburo Shiina; Secretary-General of the Prime Minister's Office, Tokuyasu Fukuda; and Director-General of the Cabinet Legislation Bureau, Shuzo Hayashi.

June 20 Former Prime Minister and Senior Advisor to the Liberal-Democratic Party Hitoshi Ashida passes away at the age of 71.

The Big Four conference in Geneva takes recess after 40 days of deadlock over the issues of Berlin Settlement and summit talks.

June 22 The 32nd extraordinary session of the Diet is convened today; the alignment in both Houses is as follows. The House of Representatives (467): Liberal-Democrats - 291, Socialists - 165, Communist - 1, Independents - 2, and vacancies - 8; the House of Councillors (250): Liberal-Democrats - 135, Socialists - 84, Independents - 14, Ryokufukai - 11, Communists - 3, No. 17 Lobby Members' Club - 2, and vacancy - 1.

June 23 The House of Councillors at its plenary session reelects Tsuruhei Matsumoto and Taro Hirai, both members of the Liberal-Democratic Party, as President and Vice President respectively.

June 29 Japan decides to remain in the International Whaling Convention, cancelling the notice of withdrawal she submitted on February 6.

June 30 A six-week Russian exhibition in New York is opened by Soviet First Deputy Premier Froil R. Kozlov.

DOCUMENTARY MATERIAL

TRADE AND PAYMENTS AGREEMENT BETWEEN JAPAN AND THE UNITED ARAB REPUBLIC (EGYPTIAN REGION) SIGNED AT CAIRO, NOVEMBER 8, 1958

The Government of Japan and the Government of the United Arab Republic (Egyptian Region), desiring to strengthen further the economic relations between the two countries and to enlarge the trade between them, have agreed as follows:

ARTICLE I

a. Payments in respect of all current transactions between Japan and the United Arab Republic (Egyptian Region) shall be effected in pounds sterling and/or in other transferable and convertible currencies to be mutually agreed upon between the two Governments, in accordance with the laws and regulations concerning trade and foreign exchange which are in force and may come into force in the respective countries.

b. The term "current transactions" referred to above shall mean the transactions covered by Article XIX (1) of the Articles of Agreement of the International Monetary Fund.

c. Subject to the respective approval of the competent authorities of Japan and the United Arab Republic (Egyptian Region), payments in respect of other transactions may also be effected in accordance with the provisions of paragraph a, Article I.

ARTICLE II

The Government of Japan and the Government of the United Arab Republic (Egyptian Region) shall make their best efforts to increase the volume of trade between the two countries and to maintain it at the highest possible level.

For this purpose, lists of goods available for export from each of the two countries to the other are attached to the present Arrangement. However, the issuance of import and export licenses for goods set forth on the attached lists shall be subject to the import and export laws and regulations which are in effect and may come into effect in the respective countries.

These lists shall not be construed as excluding the exchange of goods other than those enumerated in them.

ARTICLE III

Both Governments will endeavour to ensure that the goods imported by Japan from the United Arab Republic (Egyptian Region) or by the United Arab Republic (Egyptian Region) from Japan will not be re-exported without the prior approval of the country of origin of the goods.

ARTICLE IV

Representatives of both Governments will meet at any time, upon the request of either Government, for the purpose of reviewing and facilitating the flow of trade between the two countries and for other purposes to be agreed upon between the two Governments.

ARTICLE V

The present Arrangement shall enter into force on November 28, 1958, and shall remain in force for a period of one year. It shall be automatically extended for one successive year, unless either Government notifies the other ninety (90) days prior to the expiration of each period of one year, of its

CONTEMPORARY JAPAN

intention to terminate the Arrangement.

IN WITNESS WHEREOF, the representatives of the two Governments, duly authorized for the purpose, have signed this Arrangement.

DONE at Cairo, on November 8, 1958, in duplicate in the English language.

FOR THE GOVERNMENT OF
JAPAN:

Yutaka Tsuchida

FOR THE GOVERNMENT OF
THE UNITED ARAB REPUBLIC
(EGYPTIAN REGION):

Hassan Zak

LIST "A"

EXPORTS FROM JAPAN TO THE UNITED ARAB REPUBLIC (EGYPTIAN REGION)

Agricultural and Aquatic Products

- Tea
- Fish, preserved, salted, dried or smoked
- Meat, Fruit and Vegetables, preserved
- Tobacco in leaves
- Monosodium Glutamate
- Hard Wood and Plywood
- Others

Textiles

- Yarns, Natural Silk and Floss Silk
- Yarn, Artificial Silk (Rayon and Spun Rayon)
- Thread of Natural Silk
- Silk Fabrics
- Artificial Silk Fabrics
- Wool Tops, pure or mixed
- Yarn of Wool, pure or mixed
- Fabrics of Wool, pure or mixed
- Tulle, Lace, Embroideries, Ribbons, Velvets and Plushes
- Cotton Fabrics
- Woven Fabrics of Linen and Flax Textiles
- Hosiery
- Clothing, ready-made and part
- Underclothing, ready-made and part
- Neckties
- Others

Chemical and Pharmaceutical Products

- Titan dioxide, Titanium oxide
- Sensitized Photographic Materials
- Fertilizers
- Drugs and Medicines
- Dyestuffs
- Celluloid Sheet
- Caustic Soda, Bleaching Powder
- Paints
- Printers' Ink
- Iodine
- Others

Non-Ferrous Products

- Copper and Brass Products
- Electric Wires and Cables
- Light Metal Rolled Products
- Others

DOCUMENTARY MATERIAL

Ferrous Products

- Galvanized Iron Sheet
- Bars and Shapes
- Plates and Sheets
- Hoops
- Tubes and Pipes
- Rails
- Structural Steel of all types
- Others

Machinery and Parts

- Railway Rolling Stocks
- Ships
- Automobiles and Tractors
- Electric Machinery and Apparatus
- Portable Radios, including Transistor Radios
- Batteries
- Internal Combustion Engines
- Agricultural Machines and Tools
- Textile Machinery
- Industrial Machinery
- Tools
- Communication Apparatus
- Medical and Dental Apparatus
- Bearings
- Cast and Forged Products
- Bicycles and Tricycles
- Meters of all kinds
- Cameras and other Optical Apparatus
- Watches and Clocks
- Others

Sundry Goods

- Pottery and Porcelain Ware
- Glass
- Stationary
- Building Materials
- Industrial Ceramics Goods
- Daily Necessary Metal Products
- Toys
- Rubber Products
- Leather, Leather Products
- Celluloid Manufactures, Synthetic Resin Manufactures
- Jewelry worn on person
- Manufactures of Bamboo and Wood
- Musical Instruments, Records, and Sporting Goods
- Papers
- Others.

LIST "B"

EXPORTS FROM THE UNITED ARAB REPUBLIC (EGYPTIAN REGION) TO JAPAN

Raw Cotton	Lead Ores
Cotton Waste	Zinc Ores
Crude Phosphate	Other Metal Ores
Salt	Flax
Gypsum	Essential Oil
Rice	Medicinal Herbs
Petroleum	Henna
Manganese	Others

CONTEMPORARY JAPAN

PROTOCOL

With reference to the Payments Arrangement between Japan and Egypt signed on November 28, 1953 and the Trade and Payments Arrangement between Japan and the United Arab Republic (Egyptian Region) signed today, the Government of Japan and the Government of the United Arab Republic (Egyptian Region) have agreed as follows:

1. The "Japan Account" (hereinafter called the Account) established under the provisions of the Payments Arrangement between Japan and Egypt signed on November 28, 1953, shall be kept open until November 27, 1959 and closed on the same day inclusive.

2. Notwithstanding the provisions of Article I of the Trade and Payments Arrangement between Japan and the United Arab Republic (Egyptian Region) signed today, payments for the following transactions may be effected through the Account until November 27, 1959:

a) Transactions for which import licenses, permissions for remittances or other similar authorizations have been or will have been issued by either government on or before November 27, 1958, and will still be valid on the same day.

However, the remittances of down payments and installments for deferred payment contracts shall not be made through the Account on and after November 28, 1958.

b) Additional transactions for settling the estimated over-all net balance of the Account under paragraph 4 below.

3. Payments for the transactions mentioned in paragraph 2 above which will not have been completed on or before November 27, 1959, shall be made in accordance with the provisions of Article I of the Trade and Payments Arrangement between Japan and the United Arab Republic (Egyptian Region) signed today, and shall accordingly be renegotiated by the parties to the said transactions.

4. Both Governments shall, at the earliest practicable time after November 28, 1958 and whenever necessary thereafter, make an estimate of the over-all net balance of the Account as of November 27, 1959, and take necessary measures in order to settle the said estimated balance by means of additional exports of goods.

5. Both Governments shall confirm by December 31, 1959, the final net balance of the Account as of November 27, 1959. The net balance thus confirmed shall be paid by the debtor country in pounds sterling or in United States of America dollars at payer's option without delay upon the request of the creditor country.

6. The Bank of Japan, acting on behalf of the Government of Japan, and the National Bank of Egypt, acting on behalf of the Government of the United Arab Republic (Egyptian Region), shall establish by mutual agreement the technical procedures necessary for the implementation of the arrangements set forth in this Protocol.

7. The provisions of Article IV of the Payments Arrangement between Japan and Egypt signed on November 28, 1953 and the related notes exchanged on the said day shall be superseded by this Protocol.

IN WITNESS WHEREOF, the representatives of the two Governments, duly authorized for the purpose, have signed this Protocol.

DONE at Cairo, on November 8, 1958, in duplicate in the English language.

FOR THE GOVERNMENT OF JAPAN: Yutaka Tsuchida

FOR THE GOVERNMENT OF THE
UNITED ARAB REPUBLIC
(EGYPTIAN REGION):
Hassan Zaki

(Entered into force, November 28, 1958)

DOCUMENTARY MATERIAL

TREATY OF COMMERCE AND NAVIGATION BETWEEN JAPAN AND THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA, SIGNED AT BELGRADE, FEBRUARY 28, 1959

The Government of Japan and the Government of the Federal People's Republic of Yugoslavia, being desirous of strengthening the bonds of friendship and mutual collaboration and of promoting the development of economic relations between the two countries, have resolved to conclude a Treaty of Commerce and Navigation, based upon the principles of equity and mutual benefit, and for that purpose have appointed as their Plenipotentiaries,

The Government of Japan:

Toshikazu Kasé, Ambassador Extraordinary and Plenipotentiary of Japan to the Federal People's Republic of Yugoslavia,

The Government of the Federal People's Republic of Yugoslavia:

Bogdan Crnobrnja, Ambassador, Assistant Secretary of State for Foreign Affairs of the Federal People's Republic of Yugoslavia,

Who, having communicated to each other their full powers found to be in good and due form, have agreed upon the following Articles:

ARTICLE 1

Nationals of either High Contracting Party shall be accorded within the territories of the other High Contracting Party:

- (a) national treatment and most-favoured-nation treatment with respect to the protection by law of their persons; and
- (b) most-favoured-nation treatment with respect to the protection of their property.

Nationals of either High Contracting Party shall be authorized, on the basis of national treatment and most-favoured-nation treatment, to defend their rights before the authorities of the other High Contracting Party and to appear in court, either to bring an action or to defend themselves, according to the laws of such other High Contracting Party.

ARTICLE 2

Nationals of either High Contracting Party shall enjoy, throughout the territories of the other High Contracting Party, most-favoured-nation treatment with respect to the right of entry, travel, residence and sojourn.

Any advantages, facilities, privileges or favours which are accorded, or may be accorded later, by either High Contracting Party to nationals of any third country with respect to acquisition of property and business and other activities, shall be accorded to nationals of the other High Contracting Party. However, neither High Contracting Party will be bound to grant to nationals of the other High Contracting Party more favourable treatment concerning the acquisition of immovable property and the rights of engagement in mining than those granted by the latter High Contracting Party to the nationals of the former High Contracting Party.

Nationals of either High Contracting Party shall not, within the territories of the other High Contracting Party, be subject to taxes, fees or charges of any kind other or more burdensome than those imposed upon nationals of the most-favoured-nation. However, each High Contracting Party reserves the right to extend specific tax advantages on the basis of reciprocity or to accord special tax advantages by virtue of agreements for the avoidance of double taxation or the mutual protection of revenue.

ARTICLE 3

Nationals of either High Contracting Party shall be exempted, within the territories of the other High Contracting Party, from any military service or service in the National Guard or Militia and from all taxes and military charges in replacement of such personal services.

CONTEMPORARY JAPAN

With respect to the above exemption and all forced war-loans and any military exaction, requisition or compulsory billeting, nationals of either High Contracting Party shall be accorded treatment no less favourable than that accorded to nationals of any third country.

ARTICLE 4

Legal persons engaging in commercial, industrial and financial activities, including shipping or insurance activities, organized in accordance with the laws of either High Contracting Party and having their seats within its territories, shall be recognized as such within the territories of the other High Contracting Party. The capacity of such legal persons shall be assessed in the light of the national legislation of such other High Contracting Party.

Such legal persons shall have the right to be represented through agents within the territories of the other High Contracting Party in accordance with the regulations of such other High Contracting Party.

The provisions of Articles 1, 2 and 3 of the present Treaty shall be equally applied to the said legal persons as far as they are applicable to legal persons.

ARTICLE 5

Either High Contracting Party shall be authorized to appoint consular representatives in the territories of the other High Contracting Party, in accordance with the principles of international law and international custom, and on the basis of reciprocity.

ARTICLE 6

The High Contracting Parties shall accord to each other favourable treatment in all matters regarding trade and navigation between the two countries. The High Contracting Parties undertake, within the framework of their legislations, to take all appropriate measures necessary for facilitating and encouraging the mutual exchange of commodities and services.

ARTICLE 7

Either High Contracting Party shall accord most-favoured-nation treatment to products originating in, or consigned to, the territories of the other High Contracting Party in all matters concerning customs duties and charges of any kind, the system of collection of such customs duties and charges, regulations and formalities affecting, or which may affect later, the clearing of the products through the customs, as well as their transfer and storage.

ARTICLE 8

Any advantages, facilities, privileges or favours which are accorded, or may be accorded later, by either High Contracting Party, concerning the matters referred to in Article 7, to products originating in, or consigned to, the territories of any third country, shall be accorded to products originating in, or consigned to, the territories of the other High Contracting Party.

ARTICLE 9

Either High Contracting Party shall accord to the products of the other High Contracting Party most-favoured-nation treatment in all matters with respect to all internal taxes or other internal charges of any kind imposed on or in connection with imported goods, and with respect to all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported goods within the territories of such High Contracting Party.

Either High Contracting Party shall accord to the other High Contracting Party most-favoured-nation treatment regarding the interior or transit transportation of products originating in the territories of such other High Contracting Party.

ARTICLE 10

Subject to the internal laws and regulations in force, either High Contracting Party shall accord most-favoured-nation treatment with respect to

DOCUMENTARY MATERIAL

exemption from duties and charges on the following articles of the other High Contracting Party which are brought into temporarily and taken out of its territories:

- (a) Samples, provided that their value is insignificant and that they are used for the advertising purpose only;
- (b) articles designed for testing or experiment;
- (c) articles designed for exhibitions, fairs or competitions;
- (d) articles to be repaired or finished; and
- (e) wrappings or receptacles used in commerce and designed for the transportation of commodities.

ARTICLE 11

Neither High Contracting Party shall establish or maintain in its regulations any prohibitions or restrictions on the importation of any product of the other High Contracting Party, on the exportation of any product to the territories of such other High Contracting Party, or on the transit of any product en route to or from the territories of such other High Contracting Party, unless the importation of the like product of, the exportation of the like product to, or the transit of the like product en route to or from any third country is similarly prohibited or restricted. Exceptions to this rule are permitted:

- (a) for reasons of essential security interests;
- (b) for sanitary reasons or for the protection of useful animals and plants; and
- (c) for the need to safeguard its external financial position or balance of payments.

Either High Contracting Party undertakes that enterprises owned or controlled by its Government, and monopolies or agencies granted exclusive or special privileges within its territories, shall make their purchases or sales involving either imports or exports solely in accordance with commercial considerations.

ARTICLE 12

The High Contracting Parties undertake, within the framework of their respective legislations, to take appropriate measures in order to facilitate land, sea and air traffic as well as postal, telegraphic and telephonic communications between the two countries.

ARTICLE 13

The nationality of vessels of either High Contracting Party shall be recognized by the other High Contracting Party in virtue of their flags and according to documents issued by the competent authorities of such High Contracting Party in accordance with its legislation.

The certificates concerning measurement of vessels including Tonnage Certificate issued by the competent authorities of either High Contracting Party shall be recognized by the competent authorities of the other High Contracting Party as equivalent to the certificates issued by the latter.

Merchant vessels of either High Contracting Party shall enjoy most-favoured-nation treatment with respect to entry into and exit from all ports, places and waters of the other High Contracting Party open to foreign trade and navigation together with their cargoes. Such merchant vessels and cargoes shall in all respects be accorded most-favoured-nation treatment within such ports, places and waters.

Merchant vessels of either High Contracting Party shall be accorded by the other High Contracting Party most-favoured-nation treatment with respect to commercial operations, including those for carrying all products to or from the territories of such other High Contracting Party; products carried in such merchant vessels shall be accorded most-favoured-nation treatment with respect to all customs and other formalities.

The crews of merchant vessels of either High Contracting Party shall be

CONTEMPORARY JAPAN

accorded within the territories of the other High Contracting Party treatment no less favourable than that accorded to the crews of merchant vessels of any third country.

Merchant vessels of either High Contracting Party shall, within the territories of the other High Contracting Party, have the right to proceed from one open port to another, either for the purpose of unloading the whole or part of their cargoes and passengers brought from abroad or of loading the whole or part of their cargoes and passengers destined for foreign countries.

The provisions of the present Article shall not apply to coasting trade.

The term "merchant vessel" as used in this Treaty does not include fishing boats, pleasure yachts and sporting boats.

ARTICLE 14

In case of shipwreck, damage at sea or forced putting in, either High Contracting Party shall extend to vessels of the other High Contracting Party the same assistance and protection and the same exemptions as are in like cases accorded to its own vessels. Goods salvaged from such vessels shall be exempt from all customs duties, unless the goods are entered for domestic consumption, in which case the prescribed duties shall be paid.

ARTICLE 15

The most-favoured-nation treatment provisions of the present Treaty shall not apply to advantages accorded by either High Contracting Party:

- (a) to neighbouring states, with a view to facilitating frontier traffic;
- (b) by virtue of a customs union, of which such High Contracting Party has become or may become a member; or
- (c) to products of its national fisheries.

ARTICLE 16

Arbitration awards duly rendered in conformity with the applicable laws of the High Contracting Parties concerning disputes arising in connection with the implementation of commercial contracts concluded between nationals and legal persons referred to in Article 4 of either High Contracting Party and those of the other High Contracting Party, shall be put in force, if arbitration of such disputes has been foreseen in the commercial contract, or if submission of such disputes to arbitration is agreed to in writing either before or after the dispute has arisen.

The enforcement of an arbitration award can be refused only in the following cases:

- (a) if the arbitration award has not acquired the force of final judgment, in accordance with the laws of the country where it has been brought;
- (b) if the arbitration award constrains one of the parties to commit an act contrary to the laws in force in the country where the enforcement of the award is sought;
- (c) if the arbitration award is contrary to the public order of the country where its enforcement is sought; and
- (d) if the party against whom it is sought to use the arbitration award was not given notice of the arbitration proceedings in sufficient time to enable such party to present its case, or if, being under a legal incapacity, such party was not properly represented.

Arbitration awards shall be enforced in accordance with the laws of the country where their enforcement is sought.

ARTICLE 17

Each High Contracting Party shall accord sympathetic consideration to, and shall afford adequate opportunity for consultation regarding, such representations as the other High Contracting Party may make with respect to any matter affecting the operation of the present Treaty.

Any dispute between the High Contracting Parties as to the interpretation

DOCUMENTARY MATERIAL

or application of the present Treaty, not satisfactorily adjusted through diplomatic channels or by other agreed means of settlement, shall be referred for decision to a tribunal of three arbitrators, one to be appointed by each High Contracting Party and the third to be agreed upon by the two arbitrators so chosen, provided that such third arbitrator shall not be a national of either High Contracting Party. Each of the High Contracting Parties shall appoint an arbitrator within a period of two months from the date of delivery by either High Contracting Party to the other High Contracting Party of a note requesting arbitration of the dispute and the third arbitrator shall be agreed upon within a further period of one month.

If either of the High Contracting Parties fails to appoint its own arbitrator within the period of two months or if the third arbitrator is not agreed upon within the period indicated, the President of the International Court of Justice may be requested by either High Contracting Party to appoint an arbitrator or arbitrators.

The High Contracting Parties undertake to comply with any decision given by the said tribunal.

ARTICLE 18

The present Treaty shall be registered with the Secretariat of the United Nations.

ARTICLE 19

The present Treaty shall supersede and be substituted for the Treaty of Commerce and Navigation between the Empire of Japan and the Kingdom of the Serbs, Croats and Slovenes, signed at Vienna on November 16, 1923.

The present Treaty shall be ratified, and the instruments of ratification shall be exchanged at Tokyo as soon as possible.

The present Treaty shall come into force one month after the day of the exchange of the instruments of ratification. It shall remain in force until the expiration of six months from the day on which either High Contracting Party shall have notified the other High Contracting Party of its intention to terminate the present Treaty.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

DONE in duplicate, in the English language, at Belgrade, this twenty-eighth day of February, one thousand nine hundred and fifty-nine.

FOR JAPAN:

Toshikazu Kasé

FOR THE FEDERAL PEOPLE'S REPUBLIC
OF YUGOSLAVIA:

Bogdan Crnobrnja

PROTOCOL

At the time of signing the Treaty of Commerce and Navigation between Japan and the Federal People's Republic of Yugoslavia, the undersigned Plenipotentiaries, duly authorized by their respective Governments, have further agreed on the following provisions, which shall be considered integral parts of the said Treaty:

1. The most-favoured-nation treatment provisions of the Treaty shall not apply with respect to those rights and privileges which are or may hereafter be accorded by Japan to:
 - (a) persons who originated in the territories to which all right, title and claim were renounced by Japan in accordance with the provisions of Article 2 of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951; or

CONTEMPORARY JAPAN

- (b) the native inhabitants and vessels of, and trade with, any area set forth in Article 3 of the said Treaty of Peace, as long as the situation set forth in the second sentence of the said Article continues with respect to the administration, legislation and jurisdiction over such area.
2. With regard to the provisions of Article 7, of Article 8 and of Article 15 (b) of the present Treaty, it is understood that in case either High Contracting Party accords to any country outside a customs union any specific advantage that is similar to that accorded to the members of the union, it shall also extend the same advantage to the other High Contracting Party.
 3. It is confirmed that the provisions of most-favoured-nation treatment of paragraph 1 of Article 2 does not apply to matters relating to passports and visas and that the High Contracting Parties shall continue to decide these matters under their internal laws and regulations.
 4. It is understood that nothing in the Treaty shall be construed so as to grant any right or impose any obligation in respect of copyright and industrial property right.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Protocol and have affixed thereto their seals.

DONE in duplicate, in the English language, at Belgrade, this twenty-eighth day of February, one thousand nine hundred and fifty-nine.

FOR JAPAN:

Toshikazu Kasé

FOR THE FEDERAL PEOPLE'S REPUBLIC
OF YUGOSLAVIA:

Bogdan Crnobrnja

(Entered into force, July 20, 1959)

DOCUMENTARY MATERIAL

CONVENTION BETWEEN JAPAN AND THE KINGDOM OF DENMARK
FOR THE AVOIDANCE OF DOUBLE TAXATION AND
THE PREVENTION OF FISCAL EVASION WITH
RESPECT TO TAXES ON INCOME, SIGNED
AT COPENHAGEN, MARCH 10, 1959

The Government of Japan and the Royal Government of Denmark,
Desiring to conclude a Convention for the avoidance of double taxation
and the prevention of fiscal evasion with respect to taxes on income,
Have appointed for that purpose as their respective Plenipotentiaries:

The Government of Japan:

Keiichi Tatsuke,
Ambassador Extraordinary and Plenipotentiary of Japan in Copenhagen;

The Royal Government of Denmark:

Jens Otto Krag,
Minister for Foreign Affairs;

Who, having communicated to one another their respective full powers,
found in good and due form, have agreed upon the following Articles:

ARTICLE I

1. The taxes which are the subject of the present Convention are:
 - (a) In Japan:
The income tax and the corporation tax (hereinafter referred to as "Japanese tax").
 - (b) In Denmark:
National income taxes and municipal income taxes (hereinafter referred to as "Danish tax").
2. The present Convention shall also apply to any other tax on income or profit which has a substantially similar character to those referred to in the preceding paragraph and which may be imposed in either contracting State after the date of signature of the present Convention.

ARTICLE II

1. In the present Convention, unless the context otherwise requires:
 - (a). The term "Japan", when used in a geographical sense, means all the territory in which the laws relating to Japanese tax are enforced.
 - (b) The term "Denmark" means the Kingdom of Denmark, excluding the Faroe Islands and Greenland.
 - (c) The terms "one of the contracting States" and "the other contracting State" mean Japan or Denmark, as the context requires.
 - (d) The term "tax" means Japanese tax or Danish tax, as the context requires.
 - (e) The term "resident of Japan" means any individual who is resident in Japan for the purposes of Japanese tax and not resident in Denmark for the purposes of Danish tax and the term "resident of Denmark" means any individual who is resident in Denmark for the purposes of Danish tax and not resident in Japan for the purposes of Japanese tax.
 - (f) The terms "resident of one of the contracting States" and "resident of the other contracting State" mean a resident of Japan or a resident of Denmark, as the context requires.
 - (g) The term "Japanese corporation" means any corporation or other association having juridical personality or any association without juridical personality which has its head (or principal) office in Japan and the term "Danish corporation" means any body corporate managed and controlled in Denmark and which is not a Japanese corporation.

CONTEMPORARY JAPAN

- (h) The terms "corporation of one of the contracting States" and "corporation of the other contracting State" mean a Japanese corporation or a Danish corporation, as the context requires.
 - (i) The term "Japanese enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident or corporation of Japan and the term "Danish enterprise" means an industrial or commercial enterprise or undertaking carried on by a resident or corporation of Denmark.
 - (j) The terms "enterprise of one of the contracting States" and "enterprise of the other contracting State" mean a Japanese enterprise or a Danish enterprise, as the context requires.
 - (k) The term "permanent establishment" when used with respect to an enterprise of one of the contracting States, means an office, branch, factory, warehouse or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of the enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. It may include the constant use of mere storage facilities but does not include the casual and temporary use of such facilities.
In this connection—
 - (1) An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other contracting State merely because it carries on business dealings in that other contracting State through a *bona fide* broker, commission agent, or other independent agent acting in the ordinary course of his business as such;
 - (2) The fact that an enterprise of one of the contracting States maintains in the other contracting State a fixed place of business exclusively for the purchase of goods or merchandise for that enterprise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise; and
 - (3) The fact that a corporation of one of the contracting States has a subsidiary corporation which is a corporation of the other contracting State or which carries on a trade or business in that other contracting State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.
 - (l) The term "industrial or commercial profits" includes manufacturing, mercantile, agricultural, fishing, mining and insurance profits as well as profits from banking and security dealings, but does not include income in the form of dividends, interests, rents, or royalties as referred to in Article VI, paragraph 2 or remuneration for personal services.
 - (m) The term "competent authorities" in relation to a contracting State means the Minister of Finance of that contracting State or his authorized representative.
2. In the application of the provisions of the present Convention by either contracting State any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that contracting State relating to tax.

ARTICLE III

1. The industrial or commercial profits of an enterprise of one of the contracting States shall not be subject to tax in the other contracting State unless the enterprise has a permanent establishment situated in that other contracting State. If it has such permanent establishment, tax may be imposed by that other contracting State on the entire income of that enterprise from sources within that other contracting State.
2. Where an enterprise of one of the contracting States has a permanent

DOCUMENTARY MATERIAL

establishment situated in the other contracting State, there shall be attributed to that permanent establishment the industrial or commercial profits which it might be expected to derive in that other contracting State if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing on an independent basis with the enterprise of which it is a permanent establishment, and the profits so attributed shall be deemed to be income from sources within that other contracting State.

3. In determining the tax of one of the contracting States, no account shall be taken of the mere purchase of merchandise therein by an enterprise of the other contracting State for that enterprise.

4. Income derived from the sale of goods (excluding the kind of income mentioned in the following paragraph) shall be treated, for the purposes of application of the provisions of paragraph 1 above, as derived from the country in which such goods are sold.

5. Income derived from the sale by an enterprise in one of the contracting States of goods manufactured in the other contracting State in whole or in part by that enterprise shall be treated, for the purposes of application of the provisions of paragraph 1 above, as derived in part from the country in which the goods are manufactured and in part from the country in which the goods are sold.

6. The competent authorities of both contracting States may, consistent with the provisions of the present Convention, arrange details for the apportionment of industrial or commercial profits.

ARTICLE IV

Where:

(a) an enterprise of one of the contracting States participates directly or indirectly in the managerial or financial control of an enterprise of the other contracting State, or

(b) the same individuals or corporations participate directly or indirectly in the managerial or financial control of an enterprise of one of the contracting States and an enterprise of the other contracting State,

and in either case, conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises, then any profits which would but for those conditions have accrued to one of the enterprises but by reason of those conditions have not so accrued may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

1. Notwithstanding the provisions of Articles III and IV, profits which an enterprise of one of the contracting States derives from the operation of ships or aircraft registered

(a) in that contracting State or in the other contracting State, or

(b) in any third country which exempts from its tax profits derived from the operation of ships or aircraft registered in that other contracting State

shall be exempt from the tax of that other contracting State.

2. The present Convention shall not be construed to affect the arrangement between the Government of Japan and the Government of Denmark providing for relief from double taxation on shipping profits effected by the exchange of notes at Tokyo dated October 15, 1927.

ARTICLE VI

1. The amount of tax imposed by one of the contracting States on royalty derived from sources within that contracting State by a resident or corporation of the other contracting State, not having a permanent establishment situated in the former contracting State, shall not exceed 15 per cent of the amount of such royalty.

2. The term "royalty" as used in the present Article means any royalty and

CONTEMPORARY JAPAN

other amount paid as consideration for using, or for the right to use, any copyright, patent, design, secret process and formula, trade-mark or other like property, and includes rentals and like payments in respect of motion picture films or for the use of industrial, commercial, or scientific equipment; but does not include any royalty and other amount paid in respect of the operation of a mine or quarry or of any other exploitation of natural resources.

3. Royalties for using, or for the right to use, in one of the contracting States, copyrights, patents, designs, secret processes and formulae, trade-marks or other like property as well as motion picture films and industrial, commercial, or scientific equipment shall be treated as income from sources within that contracting State.

4. The amount of tax imposed by one of the contracting States on the income derived from sources within that contracting State from the sale of any copyright, patent, design, secret process and formula, trade-mark or other industrial invention as well as motion picture films (excluding such films as to which payment of royalty is inconceivable) by a resident or corporation of the other contracting State, not having a permanent establishment situated in the former contracting State, shall not exceed 15 per cent of the gross amount received.

5. Income derived from the sale of the property mentioned in the preceding paragraph shall be treated as income from sources within that contracting State in which such property is to be used.

ARTICLE VII

1. The amount of tax imposed by one of the contracting States on dividends paid by a corporation of that contracting State to a resident or corporation of the other contracting State, not having a permanent establishment situated in the former contracting State, shall not exceed 15 per cent of the amount of such dividends.

2. Where a corporation of one of the contracting States derives profits or income from sources within the other contracting State, there shall not be imposed in that other contracting State any form of taxation on dividends paid by the corporation unless paid to a resident or corporation of that other contracting State, or any tax in the nature of undistributed profits tax on undistributed profits of the corporation, whether or not those dividends or undistributed profits represent, in whole or in part, profits or income so derived.

3. Dividends paid by a corporation of one of the contracting States shall be treated as income from sources within that contracting State.

ARTICLE VIII

1. The amount of tax imposed by one of the contracting States on any interest derived from sources within that contracting State by a resident or corporation of the other contracting State, not having a permanent establishment situated in the former contracting State, shall not exceed 15 per cent of the amount of such interest.

2. The term "interest" as used in the present Article means interest on bonds, securities, notes, debentures or any other form of indebtedness (including mortgages or bonds secured by real property).

3. Interest on

(a) bonds or debentures issued by one of the contracting States, including local governments thereof, or by a corporation of one of the contracting States, or

(b) deposits made in one of the contracting States

shall be treated as income from sources within that contracting State.

4. Interest on loans in connection with trade, business or other transactions carried on in one of the contracting States by

(a) a resident or corporation of that contracting State,

(b) an enterprise of the other contracting State, having a permanent establishment in the former contracting State

shall be treated as income from sources within the former contracting State.

DOCUMENTARY MATERIAL

ARTICLE IX

1. Salaries, wages, pensions or similar compensation paid by one of the contracting States in respect of services rendered to that contracting State in the discharge of governmental functions to any individual who is a national of that contracting State shall be exempt from tax in the other contracting State.
2. The provisions of the present Article shall not apply to salaries, wages, pensions or similar compensation paid in respect of services rendered in connection with any trade or business carried on by either of the contracting States for the purposes of profit.

ARTICLE X

1. An individual who is a resident of one of the contracting States shall be exempt from tax in the other contracting State on profits or remuneration for personal (including professional) services performed within that other contracting State in any taxable year if--
 - (a) he is present within that other contracting State for a period or periods not exceeding in the aggregate 183 days during that taxable year, and
 - (b) the services are performed for or on behalf of a resident or corporation of the former contracting State.
2. The provisions of the present Article shall not apply to the profits or remuneration of public entertainers such as theatre, motion picture, radio or television artists, musicians and professional athletes.

ARTICLE XI

A professor or teacher from one of the contracting States who visits the other contracting State for a period not exceeding two years for the purpose of teaching at a university or similar establishment for higher education in that other contracting State, shall be exempt from tax in that other contracting State in respect of remuneration for that teaching.

ARTICLE XII

A student or business apprentice from one of the contracting States, who is receiving full-time education or training in the other contracting State, shall be exempt from tax in that other contracting State on payments made to him from abroad for the purposes of his maintenance, education or training.

ARTICLE XIII

1. Where under the provisions of the present Convention a resident of Japan is entitled to exemption from, or reduction of, Danish tax, similar exemption or reduction shall be applied to the undivided estate of a deceased person in so far as one or more of the beneficiaries is a resident of Japan.
2. Danish tax on the undivided estate of a deceased person shall, in so far as the income accrues to a beneficiary who is a resident of Japan, be in accordance with the provisions of Article XV allowed as a credit against Japanese tax payable in respect of that income.

ARTICLE XIV

1. For the purposes of the present Convention:
 - (a) Income derived from real property (including gains derived from the sale, transfer or exchange of such property, but not including interest from mortgages or bonds secured by real property), and royalties in respect of the operation of mines, quarries, or other natural resources shall be treated as income derived from the country in which such real property, mines, quarries, or other natural resources are situated.
 - (b) Income derived from the sale, transfer or exchange of ships or aircraft shall be treated as derived from the country where such ships or aircraft are registered.
 - (c) Income derived from the sale, transfer or exchange of a permanent establishment belonging to an enterprise of one of the contracting

CONTEMPORARY JAPAN

States but situated in the other contracting State shall be treated as income derived from the contracting State where the permanent establishment is situated.

- (d) Capital gains derived from the sale, transfer or exchange of shares, bonds, debentures and similar assets shall be treated as derived from the country in which such assets are sold.
 - (e) Salaries, wages, or similar compensation for labour or personal services as well as compensation for professional services shall be treated as income from sources within the country where are rendered the services for which such compensation is paid, and the services performed in ships or aircraft operated by an enterprise of one of the contracting States shall be deemed to be rendered in that contracting State.
2. Income, the source of which has not been determined by the provisions of the preceding paragraph of this Article or the preceding Articles of the present Convention, shall be deemed to be income from sources in that contracting State of which the recipient of the income is a resident or corporation.

ARTICLE XV

1. Japan, in determining Japanese tax on its resident (including an individual, who is resident in Japan for the purposes of Japanese tax but also resident in Denmark for the purposes of Danish tax) or corporation may include in the basis upon which that tax is imposed all items of income taxable under the laws of Japan. The amount of Danish tax payable under the laws of Denmark and in accordance with the provisions of the present Convention, whether directly or by deduction, in respect of income from sources within Denmark and subject to the taxes of both contracting States shall, however, be allowed as a credit against Japanese tax payable in respect of that income, but in an amount not exceeding that proportion of Japanese tax which that income bears to the entire income subject to Japanese tax.
2. Denmark, in determining Danish tax on its resident (including an individual, who is resident in Denmark for the purposes of Danish tax but also resident in Japan for the purposes of Japanese tax) or corporation may include in the basis upon which that tax is imposed all items of income taxable under the laws of Denmark. The amount of Japanese tax payable under the laws of Japan and in accordance with the provisions of the present Convention, whether directly or by deduction, in respect of income from sources within Japan and subject to the taxes of both contracting States shall, however, be allowed as a credit against Danish tax payable in respect of that income, but in an amount not exceeding that proportion of Danish tax which that income bears to the entire income subject to Danish tax.
3. The foregoing provisions shall not, however, be construed to preclude the application of the provisions of Articles IX, XI and XII.

ARTICLE XVI

The competent authorities of both contracting States shall exchange such information available under their respective tax laws in the normal course of administration as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or for the administration of statutory provisions against tax avoidance in relation to the tax. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those, including a court, concerned with the assessment and collection of the tax or the determination of appeal in relation thereto. No information shall be exchanged which would disclose any trade, business, industrial or professional secret or any trade process.

ARTICLE XVII

Any taxpayer, who shows that the action of the taxation authorities of either contracting State has resulted or will result in double taxation contrary to the provisions of the present Convention, may lodge a claim with the competent authorities of the contracting State of which the taxpayer is a resident or corporation. Should the claim be deemed justified, such competent authorities

DOCUMENTARY MATERIAL

shall undertake to come to an agreement with the competent authorities of the other contracting State with a view to avoidance of the double taxation in question.

ARTICLE XVIII

Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any third country, the competent authorities of the contracting States may settle the question by mutual agreement; it being understood, however, that this provision shall not be construed to preclude the contracting States from settling by negotiation through diplomatic channels any dispute arising under the present Convention.

ARTICLE XIX

1. The provisions of the present Convention shall not affect the right to benefit by any more extensive exemptions which have been conferred, or which may hereafter be conferred, on diplomatic and consular officials in virtue of the general rules of international law.
2. The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in determining the tax of that contracting State.
3. The competent authorities of either contracting State may prescribe regulations necessary to interpret and carry out the provisions of the present Convention and may communicate with each other directly for the purpose of giving effect to the provisions of the present Convention.

ARTICLE XX

1. The nationals of one of the contracting States shall not be subjected in the other contracting State to any taxation or any requirement connected therewith which is other, higher or more burdensome than the taxation and connected requirements to which nationals of that other contracting State in the same circumstances are or may be subjected.
2. The enterprises of one of the contracting States shall not, while having permanent establishments in the other contracting State, be subjected in that other contracting State to any taxation or any requirement connected therewith which is other, higher or more burdensome than the taxation and connected requirements to which enterprises of that other contracting State are or may be subjected.
3. Enterprises of one of the contracting States the capital of which is wholly or partly owned by one or more residents or corporations of the other contracting State shall not be subjected in the former contracting State to any taxation or any requirement connected therewith which is other, higher or more burdensome than the taxation and connected requirements to which other enterprises of the former contracting State, the capital of which is wholly or partly owned by one or more residents or corporations of that former contracting State, are or may be subjected.
4. The term "nationals" means all individuals possessing the nationality of either of the contracting States and all corporations and other associations (with or without juridical personality) deriving their status as such from the law in force in either of the contracting States.
5. In this Article, the term "taxation" means taxes of every kind.
6. Nothing contained in this Article shall be construed as obliging either of the contracting States to grant to nationals, of the other contracting State not resident of the formal contracting State those personal allowances, reliefs and reductions for tax purposes which are by law available only to resident of that former contracting State.

ARTICLE XXI

1. The present Convention may be extended in its entirety or with modifications to the territories of the Faroe Islands and Greenland if in these territories

CONTEMPORARY JAPAN

there are imposed taxes substantially similar in character to those which are the subject of the present Convention. The extension of the Convention and the modifications thereto shall be specified and agreed between the contracting Governments in notes to be exchanged for this purpose.

2. The termination of the present Convention under Article XXII shall, unless otherwise expressly agreed by both contracting Governments, terminate the application of the present Convention to any territory to which the Convention has been extended under this Article.

ARTICLE XXII

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged at Tokyo as soon as possible.

2. The present Convention shall enter into force on the date of exchange of instruments of ratification and shall be applicable—

(a) In Japan:

As regards income derived during the taxable years beginning on or after the first day of January in the calendar year in which the exchange of instruments of ratification takes place.

(b) In Denmark:

As regards tax for any taxable year beginning on or after the first day of April in the calendar year in which the exchange of instruments of ratification takes place.

3. The present Convention shall continue effective for a period of five years and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective—

(a) In Japan:

As regards income derived during the taxable years beginning on or after the first day of January in the calendar year next following the expiration of the period indicated in the prior notice.

(b) In Denmark:

As regards tax for any taxable year beginning on or after the first day of April in the calendar year next following the expiration of the period indicated in the prior notice.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed the present Convention.

DONE at Copenhagen in duplicate in the English language on the tenth day of March, one thousand nine hundred and fifty-nine.

FOR JAPAN:

Keiichi Tatsuke

FOR THE KINGDOM OF

DENMARK:

J. O. Krag

PROTOCOL

At the signing of the Convention between Japan and the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, the undersigned Plenipotentiaries have agreed upon the following provisions which shall form an integral part of the said Convention:

With reference to the joint Danish, Norwegian and Swedish air traffic operation organization Scandinavian Airlines System (SAS), the provisions of Article V shall be applied to profits derived from the operation of aircraft by that organization, whether the aircraft be registered in Denmark, Norway or Sweden, but only to so much of the profits so derived as is allocable to

DOCUMENTARY MATERIAL

the Danish partner of the organization in proportion to its share in that organization.

DONE at Copenhagen in duplicate in the English language on the tenth day of March, one thousand nine hundred and fifty-nine.

FOR JAPAN:	FOR THE KINGDOM OF DENMARK:
Keiichi Tatsuke	J. O. Krag

(Entered into force, April 24, 1959)

ACCORD DE REPARATIONS ENTRE LE JAPON ET LA REPUBLIQUE DU VIET-NAM SIGNE A SAIGON, LE 30 MAI, 1959

Le Japon et la République du Viet-Nam,
Désirant agir en se basant sur les dispositions du Traité de Paix avec le Japon signé en la ville de San-Francisco le 8 septembre 1951,
Ont décidé de conclure le présent Accord de Réparations et ont, en conséquence, désigné comme leurs Plénipotentiaires:

Le Japon:

Atschiro Fujiyama, Ministre des Affaires Etrangères
Manichiro Kubota, Ambassadeur Extraordinaire et Plénipotentiaire
à la République du Viet-Nam
Kogoro Uemura, Conseiller du Ministère des Affaires Etrangères

La République du Viet-Nam:

Vu Van Mau, Secrétaire d'Etat du Ministère des
Affaires Etrangères
Bui Van Thinh, Ambassadeur Extraordinaire et
Plénipotentiaire au Japon
Pham Dang Lam, Secrétaire Général du Ministère
des Affaires Etrangères

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, reconnus en bonne et due forme, sont convenus des Articles suivants:

ARTICLE 1

1. Le Japon fournira à la République du Viet-Nam à titre de réparations les produits du Japon et les services du peuple japonais, dont la valeur totale équivaldra à la contre-valeur en Yens de trente-neuf millions de dollars des Etats-Unis (U.S. \$39,000,000), soit calculés au taux actuel à quatorze milliards quarante millions de Yens (¥14,040,000,000), pendant une période de cinq ans à compter du jour de l'entrée en vigueur du présent Accord et selon les modalités prescrites ci-après.

2. La fourniture des produits et services mentionnés au paragraphe précédent sera effectuée, pour les trois premières années, à une moyenne annuelle équivalant à la contre-valeur en Yens de dix millions de dollars des Etats-Unis (U.S. \$10,000,000), soit calculés au taux actuel à trois milliards six cents millions de Yens (¥3,600,000,000), et, pour les deux dernières années, à une moyenne annuelle équivalant à la contre-valeur en Yens de quatre million cinq cent mille dollars des Etats-Unis (U.S. \$4,500,000), soit calculés au taux actuel à un milliard six cent vingt millions de Yens (¥1,620,000,000).

ARTICLE 2

1. Les produits et services à fournir à titre de réparations seront ceux demandés par le Gouvernement de la République du Viet-Nam et déterminés d'un commun accord par les deux Gouvernements. Ces produits et services consisteront en items nécessaires aux projets choisis parmi ceux énumérés à l'Annexe du présent Accord.

CONTEMPORARY JAPAN

2. Les produits à fournir à titre de réparations seront des biens de capital. Cependant, des produits autres que des biens de capital pourront, d'un commun accord entre les deux Gouvernements, être fournis par le Japon sur la demande du Gouvernement de la République du Viet-Nam.

3. Les réparations aux termes du présent Accord seront effectuées de telle manière qu'elles ne porteront pas préjudice au courant normal du commerce entre le Japon et la République du Viet-Nam, et qu'elles n'imposeront au Japon aucune charge additionnelle en matière de changes.

ARTICLE 3

Les deux Gouvernements fixeront par consultations et d'un commun accord un programme annuel d'exécution spécifiant les produits et services que le Japon fournira chaque année (ci-après dénommé "Programme d'exécution").

ARTICLE 4

1. La Mission mentionnée au paragraphe 1 de l'Article 6 du présent Accord conclura des contrats, au nom du Gouvernement de la République de Viet-Nam, directement avec des personnes physiques japonaises ou des personnes morales japonaises contrôlées par les Japonais, afin que soit effectuée la fourniture des produits et services conformément au Programme d'exécution de chaque année.

2. Tous ces contrats (y compris leurs modifications) devront être conformes (a) aux dispositions du présent Accord, (b) aux termes des arrangements qui pourront être conclus entre les deux Gouvernements pour l'application du présent Accord et (c) au Programme d'exécution applicable à l'époque. Ces contrats devront être vérifiés et visés par le Gouvernement du Japon en ce qui concerne leur conformité avec les critères sus-mentionnés. Le contrat vérifié et visé conformément aux dispositions du présent paragraphe sera ci-après dénommé "Contrat de Réparations".

3. Chaque Contrat de Réparations doit contenir une clause stipulant que les différends qui pourraient provenir de ce Contrat ou surgir à propos de ce Contrat seront, sur la demande d'une des parties intéressées, soumis à une commission d'arbitrage du commerce conformément à un arrangement qui serait conclu entre les deux Gouvernements. Les deux Gouvernements prendront des mesures nécessaires pour rendre final et exécutoire tout arbitrage dûment formulé.

4. Nonobstant les dispositions du paragraphe 1 du présent Article, la fourniture des produits et services à titre de réparations pourra être effectuée sans Contrat de Réparations, chaque fois qu'il y aura un accord à cet effet entre les deux Gouvernements.

ARTICLE 5

1. En vue de s'acquitter de l'obligation de réparations stipulée à l'Article 1 du présent Accord, le Gouvernement du Japon effectuera, suivant les procédures à établir conformément aux dispositions de l'Article 9 du présent Accord, des versements pour couvrir les obligations dont la Mission mentionnée au paragraphe 1 de l'Article 6 du présent Accord se trouve redevable en vertu des clauses de Contrats de Réparations et pour couvrir les frais pour la fourniture des produits et services effectuée conformément aux dispositions du paragraphe 4 de l'Article précédent. Ces versements se feront en Yens japonais.

2. Par le fait et au moment des versements en Yens effectués conformément aux dispositions du paragraphe précédent, le Japon sera considéré comme ayant fourni à la République du Viet-Nam les produits et services faisant l'objet de ces versements et comme s'étant acquitté de son obligation de réparations jusqu'à concurrence de la contre-valeur en dollars des Etats-Unis du montant de ces versements en Yens conformément aux dispositions de l'Article 1 du présent Accord.

DOCUMENTARY MATERIAL

ARTICLE 6

1. Le Japon donne son accord à l'établissement au Japon d'une Mission du Gouvernement de la République du Viet-Nam (ci-après dénommée "la Mission") comme son agent unique et exclusif chargé de l'application du présent Accord, y compris la conclusion et l'exécution des Contrats de Réparations.
2. Le bureau au Japon de la Mission sera établi à Tokio. Ce bureau sera utilisé exclusivement pour l'exercice des fonctions de la Mission.
3. Les locaux du bureau, y compris les archives, de la Mission au Japon seront inviolables. La Mission sera admise à employer des codes. Les biens immobiliers appartenant à la Mission et utilisés directement pour l'exercice de ses fonctions seront exempts de l'impôt sur l'Acquisition de la Propriété Immobilière et de l'impôt sur la Propriété. Le revenu de la Mission qui pourrait provenir de l'exercice de ses fonctions sera exempt de toute imposition au Japon. Les biens importés pour usage officiel de la Mission seront exempts des droits de douane et de toute autre redevance perçus à l'importation ou à l'occasion de l'importation.
4. Le Chef et deux membres supérieurs de la Mission, qui sont des ressortissants de la République du Viet-Nam, se verront accorder les privilèges et immunités diplomatiques généralement reconnus par la coutume et le droit internationaux.
5. Les autres membres de la Mission qui sont des ressortissants de la République du Viet-Nam et qui ne sont d'ordinaire pas des résidents au Japon seront exempts de l'imposition au Japon sur les émoluments qu'ils recevront dans l'exercice de leurs fonctions, et, conformément aux lois et règlements japonais, des droits de douane et de toute autre redevance perçus à l'importation ou à l'occasion de l'importation des biens destinés à leur usage personnel.
6. Au cas où les différends provenant d'un Contrat de Réparations ou surgissant à propos d'un Contrat de Réparations n'auraient pas été réglés par arbitrage, ou que l'arbitrage rendu à cette fin n'aurait pas été exécuté, la question pourra être portée, en dernier ressort, à une cour japonaise appropriée. En pareils cas, et uniquement aux fins des procédures judiciaires nécessaires, le Chef de la Mission et les membres supérieurs mentionnés au paragraphe 4 du présent Article pourront poursuivre ou être poursuivis, et, en conséquence, recevoir la sommation et d'autres documents de procès à leur bureau de la Mission. Cependant, ils seront exempts de l'obligation de déposer la caution judiciaire pour les frais des procès. Bien que la Mission jouisse de l'inviolabilité et de l'immunité comme il est prévu aux paragraphes 3 et 4 du présent Article, la décision finale prononcée en pareils cas par la cour appropriée sera acceptée par la Mission comme décision l'engageant.
7. Dans l'application de la décision finale de la cour, le terrain et les bâtiments, ainsi que les biens mobiliers qui s'y trouvent, appartenant à la Mission et utilisés directement pour l'exercice de ses fonctions ne feront en aucun cas l'objet de mesures d'exécution.

ARTICLE 7

1. Les deux Gouvernements prendront des mesures nécessaires à l'application régulière et efficace du présent Accord.
2. La République du Viet-Nam fournira la main-d'oeuvre et les matériels et équipements locaux disponibles, en vue de permettre au Japon de fournir les produits et services prévus à l'Article 1 du présent Accord.
3. Les ressortissants japonais dont la présence au Viet-Nam sera nécessaire à la fourniture de produits ou de services aux termes du présent Accord, se verront, au cours de la période requise de leur séjour au Viet-Nam, accorder toutes facilités nécessaires à l'accomplissement de leur travail.
4. En ce qui concerne les revenus provenant de la fourniture de produits ou de services aux termes du présent Accord, les personnes physiques ou morales japonaises seront exemptes de l'imposition au Viet-Nam.
5. La République du Viet-Nam s'engage à ce que les produits du Japon fournis conformément aux dispositions du présent Accord ne seront pas réex-

CONTEMPORARY JAPAN

portés du territoire de la République du Viet-Nam.

ARTICLE 8

Il sera créé une Commission Mixte composée de représentants des deux Gouvernements comme organisme de consultations entre eux ayant le pouvoir de formuler des recommandations sur des questions relatives à l'application du présent Accord.

ARTICLE 9

Les détails, comprenant les procédures, relatifs à l'application du présent Accord seront fixés par consultations et d'un commun accord entre les deux Gouvernements.

ARTICLE 10

Les différends entre les deux Gouvernements concernant l'interprétation et l'application du présent Accord seront réglés en premier lieu par voie diplomatique. Si les deux Gouvernements ne parviennent pas à un règlement par cette voie, les différends seront soumis pour décision à un tribunal de trois arbitres, un arbitre étant nommé par chaque Gouvernement et le troisième étant désigné d'un commun accord entre les deux premiers arbitres ainsi choisis, à condition que ce troisième arbitre ne soit pas un ressortissant de l'un ou de l'autre des deux pays. Chacun des deux Gouvernements nommera un arbitre dans un délai de trente jours à compter de la date de réception par l'un des deux Gouvernements d'une note de l'autre demandant l'arbitrage du différend. Le troisième arbitre devra être désigné d'un commun accord dans un nouveau délai de trente jours. Si l'un ou l'autre des deux Gouvernements n'a pas nommé son propre arbitre dans le délai indiqué ou si le troisième arbitre n'a pas été désigné d'un commun accord dans le délai indiqué, l'un ou l'autre des deux Gouvernements pourra saisir le Président de la Cour Internationale de Justice qui désignera l'arbitre ou le troisième arbitre selon les cas. Les deux Gouvernements s'engagent à se conformer à tout arbitrage rendu en application des dispositions du présent Article.

ARTICLE 11

Le présent Accord sera ratifié et entrera en vigueur à la date de l'échange des instruments de ratification, qui aura lieu à Tokio aussitôt que possible.

EN FOI DE QUOI, les Plénipotentiaires soussignés ont signé le présent Accord et y ont apposé leurs sceaux.

FAIT à Saigon, le treizième jour du mois de mai 1959, en double exemplaire, en langues japonaise, vietnamienne et française. En cas de divergence d'interprétation, le texte français fera foi.

POUR LE JAPON:
Aichiro Fujiyama
Kubota
K. Uemura

POUR LA REPUBLIQUE DU
VIET-NAM:
Vu Van Mau
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ANNEX

1. Construction d'une centrale hydroélectrique
2. Equipment d'un centre industriel mécanique
3. Fourniture d'autres produits et services déterminés d'un commun accord par les deux Gouvernements

(Exchange of instruments of ratification scheduled in September, 1959)

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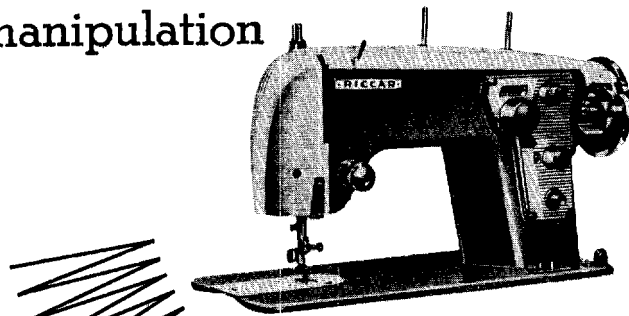
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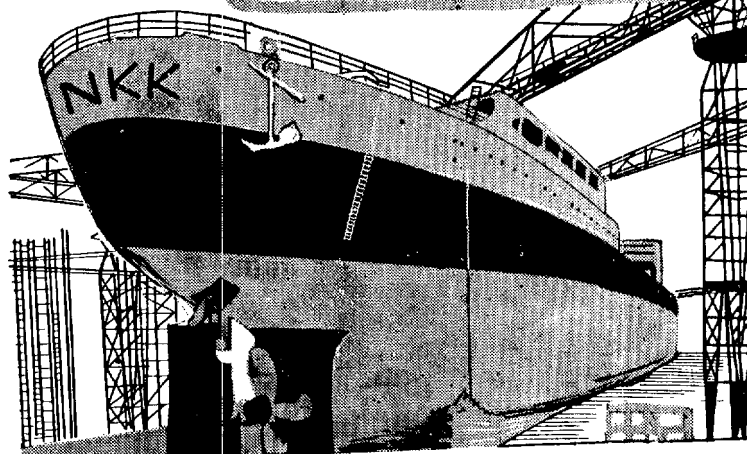
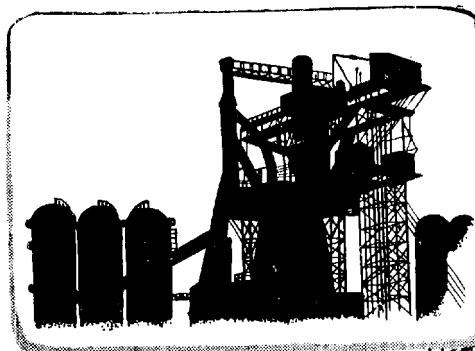
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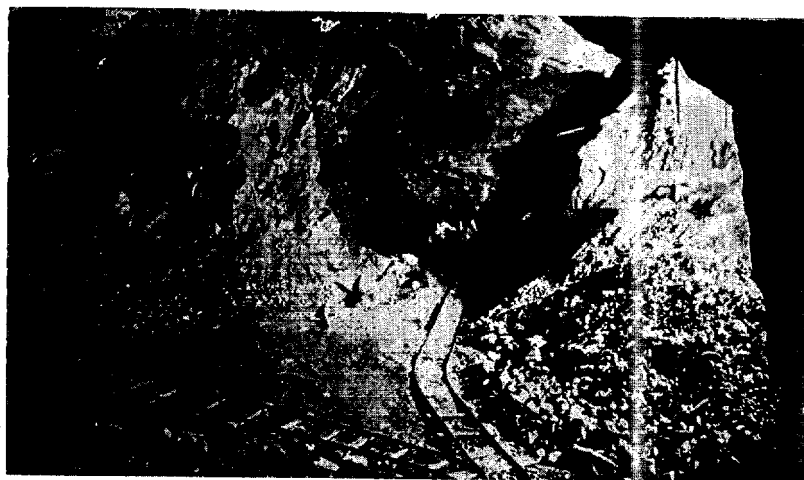


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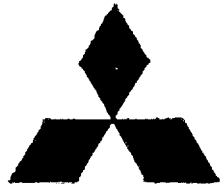
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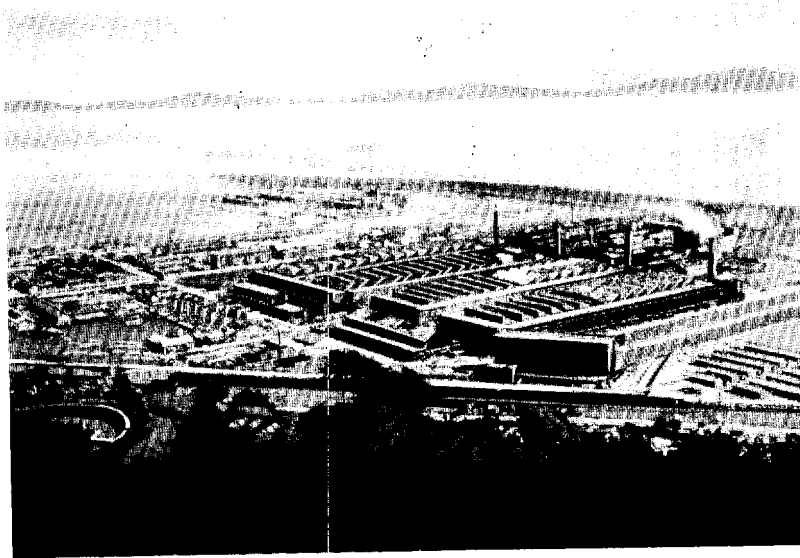
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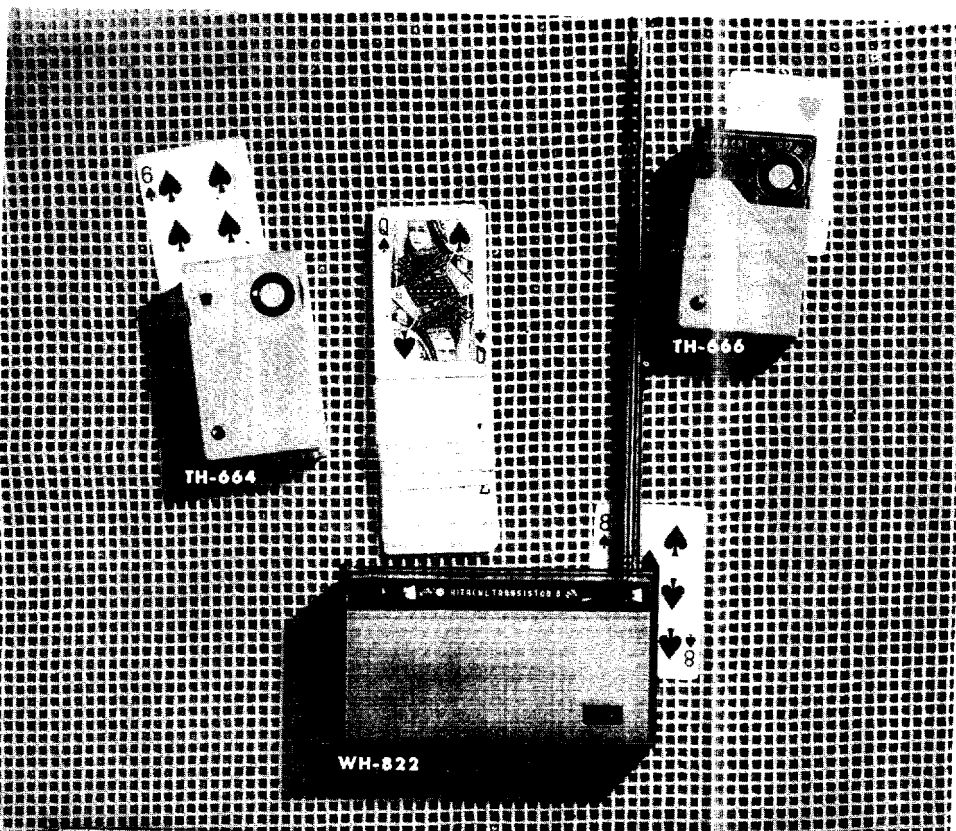
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President: Giichi Kusano

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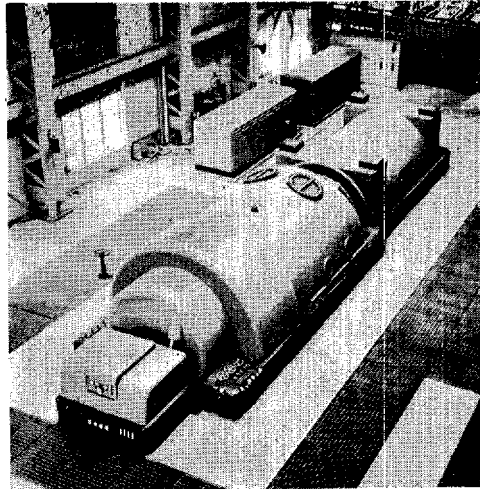
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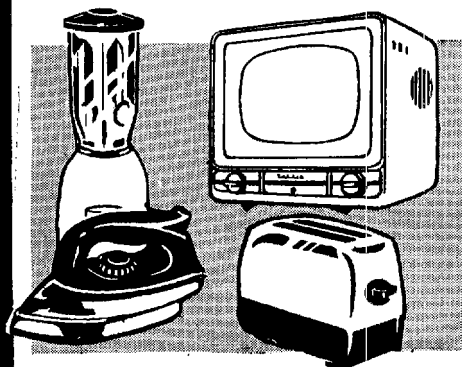
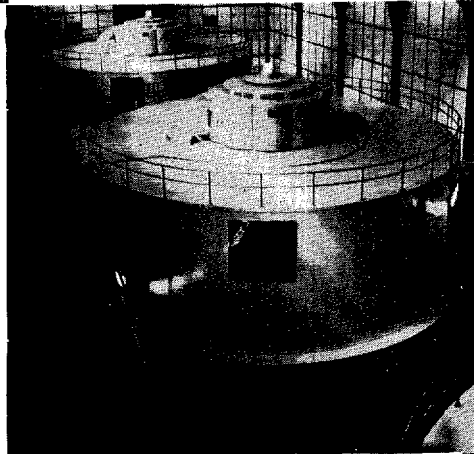




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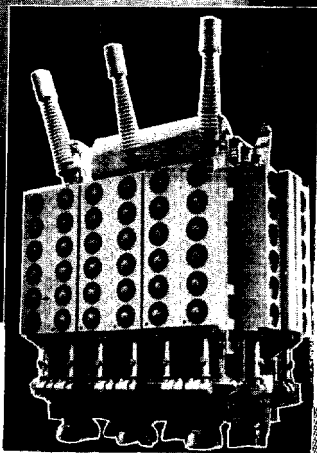
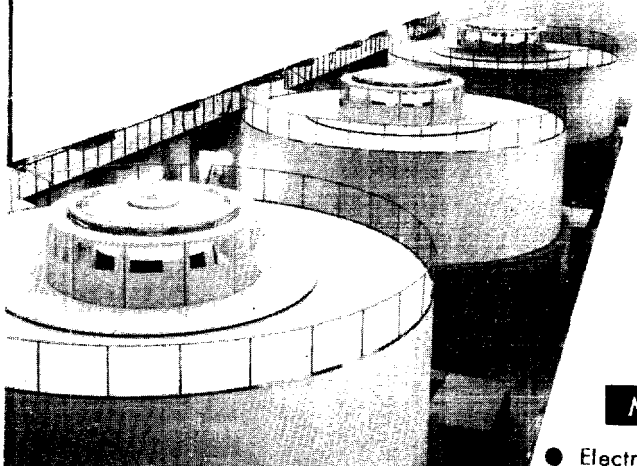
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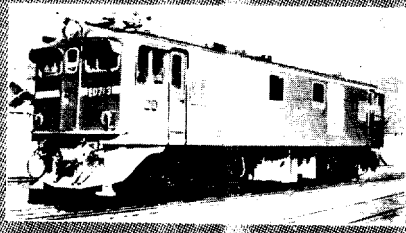
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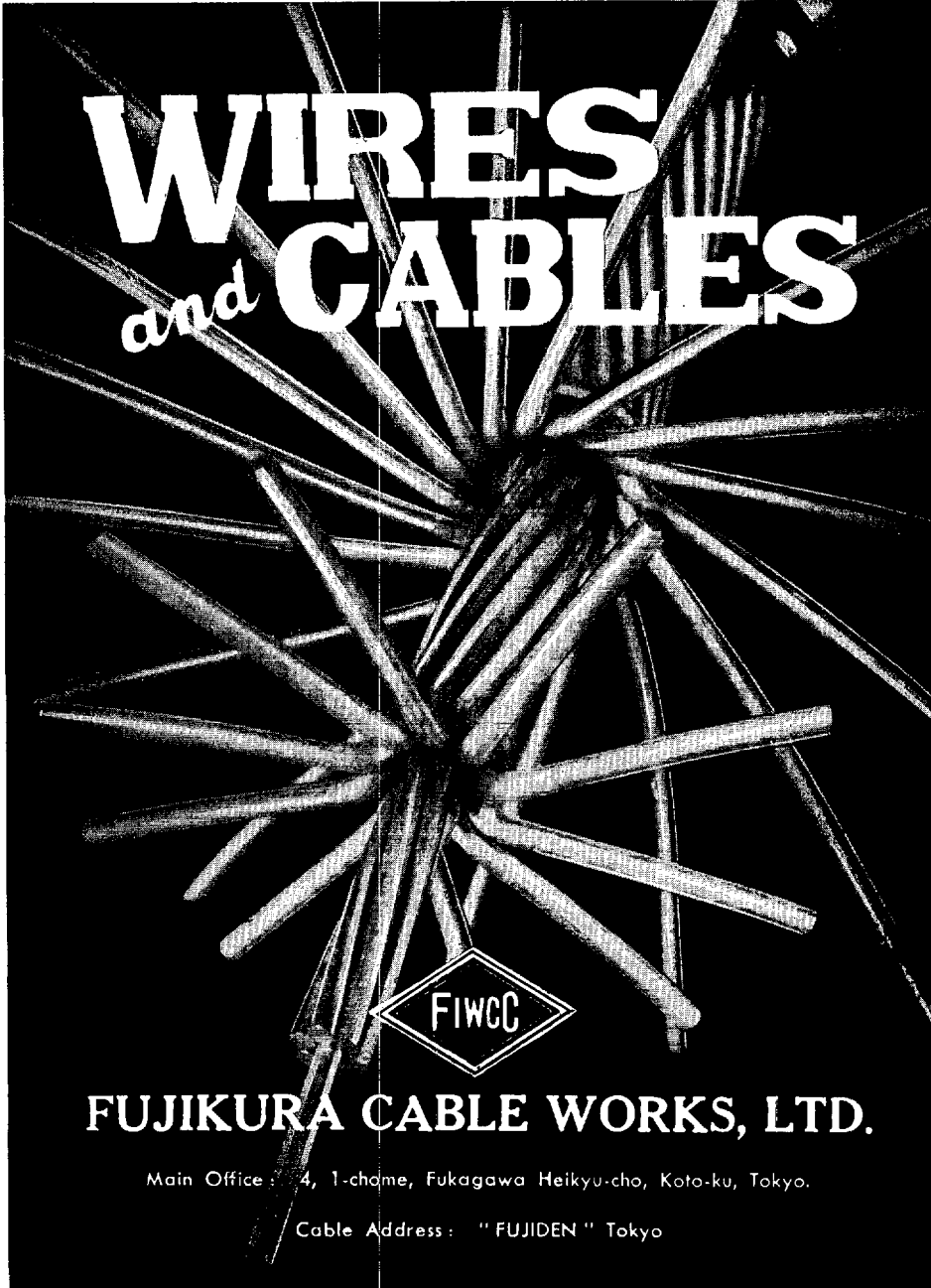


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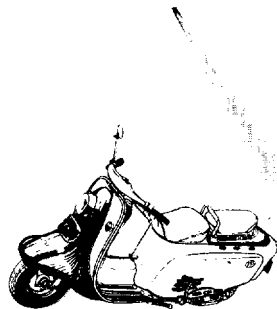
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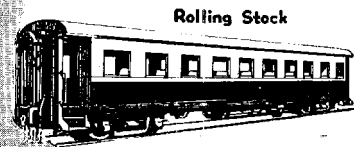
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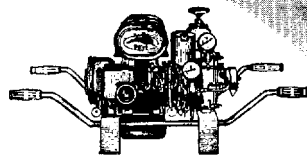
RABBIT Motor Scooter



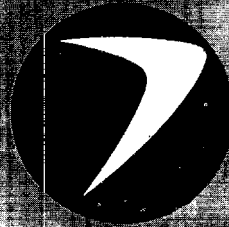
Aircraft



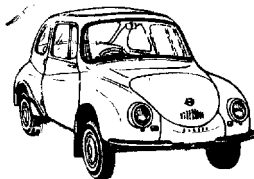
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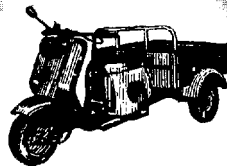
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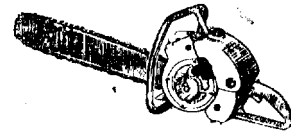
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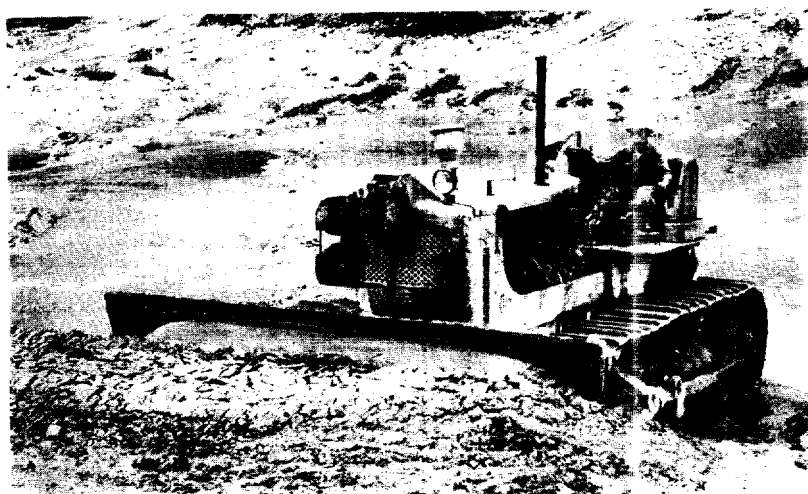


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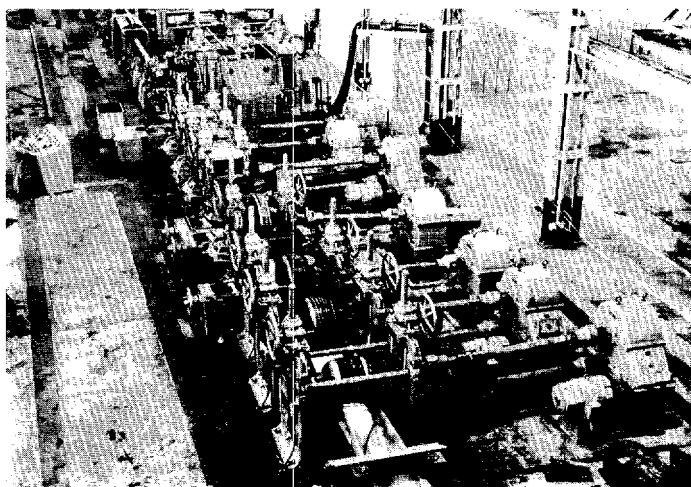
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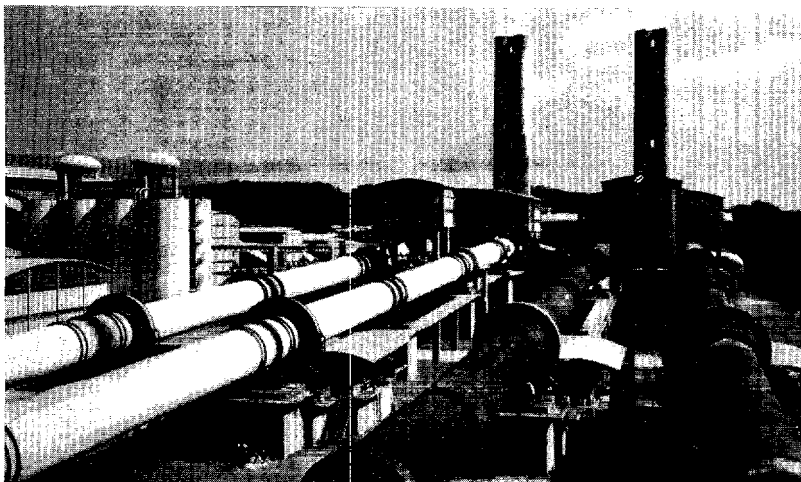
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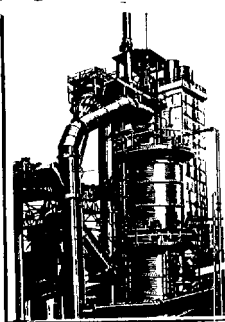
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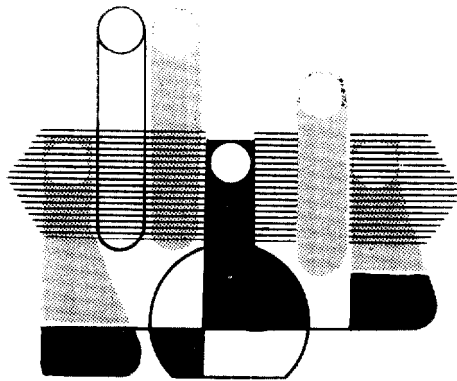


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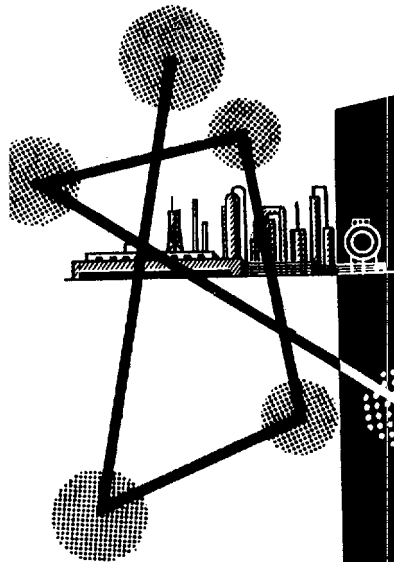


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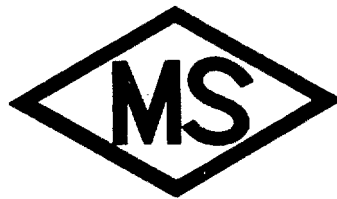
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President: Kojiro Kimura

Plants: 193



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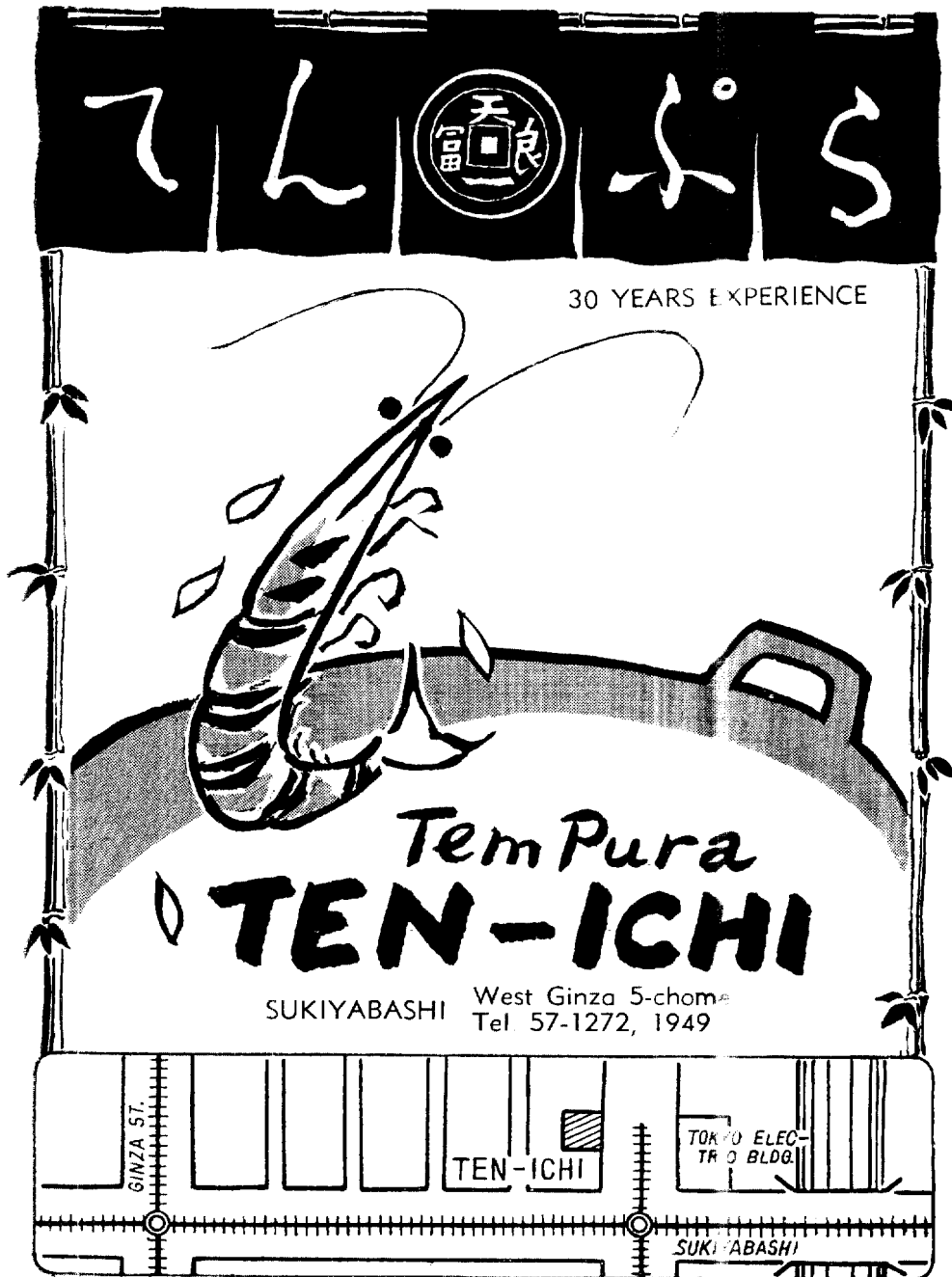
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President

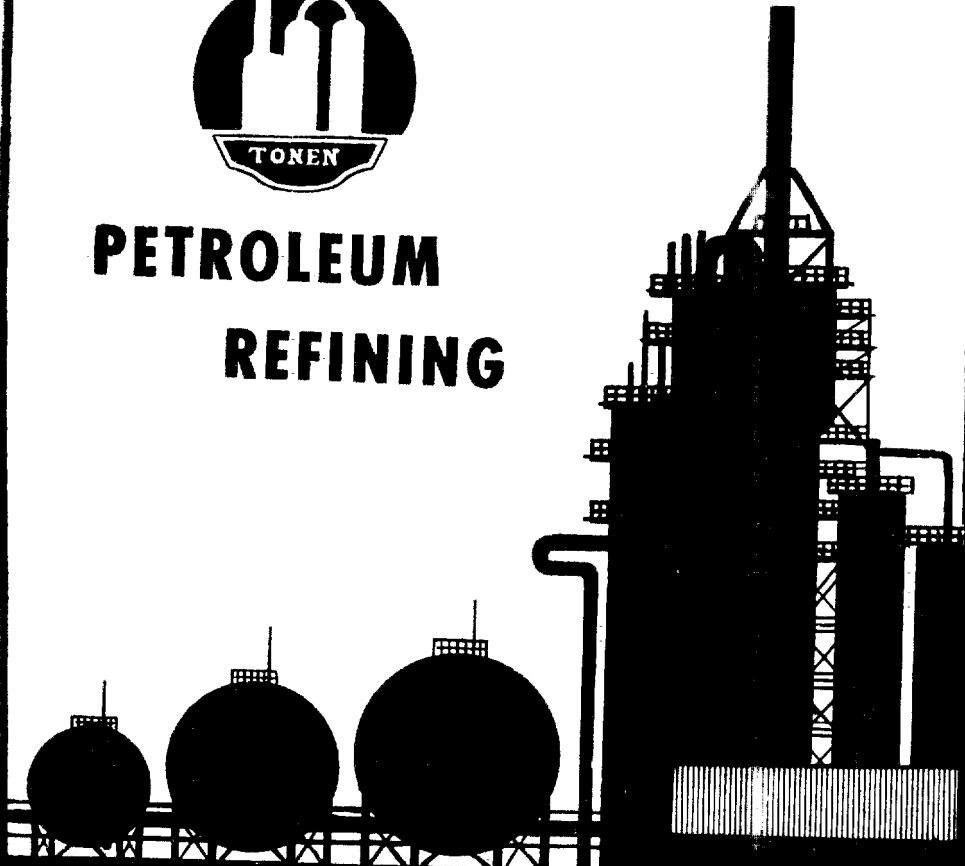
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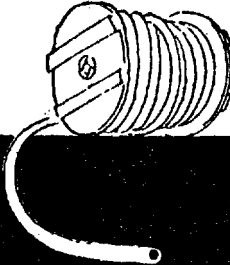



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MEMORANDUM FOR: Mr. Dulles

I have checked this out with Bill Broe
and he concurs in the attached proposed reply.
After you have signed it the letter will be
sent

AAB
AAB

18 November 1959
(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

(47)

STAT

ER 11-9246/a

20 November 1959

Miss Harriet Fischer

card

CURRENT



Dear Miss Fischer:

Allen W. Dulles, Director of Central Intelligence, in response to your letter of 17 November 1959, asked me to send you the attached copy of his statement to a Joint Congressional Committee on 13 November 1959.

Thank you for your inquiry.

Sincerely,

Stanley J. Grogan
Assistant to the Director

Enc.

Distribution:

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NOV 23 1959

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