ready to give them utmost humanithrian consideration, for instance, paying paroles and undertaking guarantors for those whose release is contemplated, if the Japanese regulations so requires, with understanding that such release would in no way affect their detainee status.

(End)

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### P88. 外政第 2928 号

檀紀 4291 年(1958年)7月 29日

外務部長官

### 内務部長官 貴下

北韓送還希望者の内、日本国内に仮釈放予定者に関する件

頭の件に関して、当部管下駐日代表部で入手した情報によれば、いわゆる北韓に送還されることを希望する在日韓国人抑留者の内、今回日本政府当局が日本国内に釈放することに決定した者 25 名の名簿は別添と同じということなので、同写本一通を送付いたすので査受なさり願います。

別添、北韓送還希望者の内、日本国内釈放予定者名簿一通 以上



Tokyo, July 31, 1958



No. 89

#### Excellency:

- 1. Foreign Minister Cho's instructions addressed to Ambassador Limb have duly been received via last pouch and this office has carefully studied the policy of the Government toward the issue concerning the Japanese decision to parole Korean detainees who allegedly desire to go to the north. In accordance with the Government instructions Ambassador Limb is scheduled to meet Japanese Foreign Minister Fujiyama at 4:50 this afternoon. I assure Your Excellency that the results of the meeting would be reported to the Government promptly.
- 2. The Japanese Foreign Office protested in its note verbale to this office some time ago against our seizure of the Hoshi Maru No. 2. This office, after receiving instructions from the Foreign Migistry, replied to the Japanese side in this regard, as previously reported.

In addition, this week the Japanese Government sent to this office a counter-protest to our reply, details of which are being reported to the Foreign Minister under separate cover. I am herewith enclosing a copy of the note dated July 28 for Your Excellency's reference.

As Your Excellency will note in it, it appears that the tone of the Japanese note is somewhat different from than in the past, in that it not only called our seizure "unlawful", but went so far as to say that it is regretted that "such anduntoward incident occurred at this juncture when the Japan-Korea Overall Talks are being held..."

/In view

His Excellency President Syngman Rhee

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- 2 -

In view of the adamant nature of the Japanese note verbale it is deemed necessary for our side to reply to it with more accurate and factual data regarding the circumstances of the seizure. I would, therefore, highly appreciate receiving any additional information in this relation from the Government to enable this office to make an effective counter-protest to the Japanese Foreign Office.

With sentiments of loyalty and esteem, I remain, Nost respectfully,

Enclosure: Copy of note

89

#### P91. 題目 拿捕日本漁船問題

この問題の発端は韓日会談韓国請求権委員会船舶小委員会で議題の確定のた めの討議が進行していた中、日本側が以外にも過去、平和ラインを侵越し不法漁 労に従事していてわが警備船に拿捕された141隻の日本漁船問題を、同小委員会 の議題として討議の対象とすることを主張したことにある。

わが側は即時このような日本側の主張が、今次本会談再開の契機になった昨 年末韓日予備交渉終結において調印された合意事項に違背するだけでなく、この 問題はその性質から見て、決して韓日会談の討議対象になれないことを指摘し、 日本側がその主張を撤回するように要求したものである。

しかし日本側が最後までその主張を曲げないまま、この船舶小委員会は始ま りから難関にぶつかり、われわれの対日請求権の重要な一部を占める船舶返還問 題が討議に入れなくなり、われわれはこの打開策を模索していた中、日本側が高 級クラス(首席代表)から他の決定がなされない限り船舶小委員会では取扱わない ことと提案し、われわれはこれでこの拿捕日本漁船問題はまずさて置いて、船舶 小委員会は本来の合意された議題だけを持って、その討議を進行させるものと理 解した後、これを受け入れることにしたものだった。

P92. このような措置は、いわゆる拿捕日本漁船問題は口だけさて置いて船舶小委 員会の討議を進行させようとした、わが側のひとつの技術的方案だったので、こ の問題を首席代表に移管したものではなかった。したがって今後なされる可能性 がほとんどない首席代表間の正しい決定がない限り、船舶小委員会では再び提起 されないことが予期される。

MINISTRY OF FOREIGN AFFAIRS

INCOMING

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KYUNG I MAI
FOREIGN MINISTER

NO. MT-004 DATE. 07311830

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TOKYO

PART 1. IN ACCORDANCE WITH THE GOVERNMENT INSTRUCTIONS OF WOIJUNG 2897 DATED JULY 29TH, 1958, I TOGETHER WITH MINISTER YIU MET JAPANESE FOREIGN MINISTER FUJIYAMA AT THE LATTERS OFFICE FROM 4:50 P.M. TO 5:40 P.M., ON JULY 31, 1958. AT THIS MEETING WE MADE ORAL REPRESENTATION IN ACCORDANCE WITH THE POINTS SET FORTH IN THE PART 2 OF THE GOVERNMENT INSTRUCTIONS IN COUNTERING THE JAPANESE NOTE VERBALE OF JULY 21ST, 1958 REGARDING ITS DECISION TO RELEASE SOME 26 KOREAN DETAINES. JAPANESE FOREIGN MINISTER FUJIYAMA STATED THAT HE TOOK NOTE OF OUR REPRESENTATION IN THIS REGARD. FOR DETAILS, MINISTER YIU'S LETTER WILL FOLLOW VIA POUCH AND FURTHER REPORT WILL BE MADE IN PERSON SINCE I AM LEAVING FOR SEOUL TOMORROW ( AUGUST 1st ).

PART 2. FOLLOWING THE ABOVE REPRESENTATION, WE INFORMED THE JAPANESE FOREIGN MINISTER THAT OUR SIDE HAS NO OBJECTION

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TO CONVENING THE	FISHERIES AND PEACE LINE C	CMMITTEE ON				
AUGUST 20, 1958,	EXPECTING SMOOTH PROGRESS	FOR THE TWO				
	ENTLY UNDER WAY BY THAT TIME					
WELCOMED.						
	AMBASSADOR LIMB	<i>j</i>				
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COMMUNICATIONS SECTION

#### P95. 韓日代第 1293 号

檀紀 4291 年(1958年)7 月 14 日

第4次韓日会談首席代表 印

外務部長官 貴下

第4次韓日会談在日韓僑法的地位委員会、日本側討議資料送付請訓の件

頭の件、標記委員会の第5、6次会議で一般的に論議されて来た在日韓人 の地位または処遇に関連して、韓人の強制退去問題に関して、わが側としては在 日韓僑の特殊地位に鑑み、彼らは原則的に日本で彼らが望む

P96. 限り、安定した生活を営為できるようにしなければならないので、日本側により 一方的に強制退去してはならないというわれわれの立場を明かしたところ、これ に対して日本側はそのような韓人の特殊背景は日本の出入国関係国内法の範囲内 で考慮されなければならないと主張することで、両側が相互強制退去問題に関す る方針の草案を提出することを相手方側に要求したことがあり、結局日本側は今 回別添のように、日本の現行法令である『出入国管理令』第24条の該当規定を 再整理したに過ぎない案をわが側に提出、討議の資料にしようと提議して来たの で、これを別添報告し、これに関して併せて請訓いたします(別添 一同案翻訳文

P97. 討議資料

一通)

太平洋戦争終戦以前から続けて日本国に居住する韓国人でも、日本側が次 のような理由により韓国領土に送還しようとする場合、韓国側でこの問題をどう 取扱うかを、次回の韓人法的地位委員会まで研究していただければ、会議の議事 進行上とても助けになるものと考えます。

- 1. 司法裁判所により有罪の判決を受けた事実
- 2. 売淫関係の仕事に従事した事実
- 3. 不法入国を手伝った事実
- 4. ライ病患者としてライ病収容所に収容されたこと。精神障害者として病院に P98. 収容されたこと。または貧困、放浪、身体障害などで公的負担になった事実
  - 5. 在留期間を越えて不法に残留した事実
  - (1) 導法精神が欠けた場合
  - (2) 在留状態が不良なので、在留期間の更新申請が却下された場合
  - 6. 暴力行為により日本国憲法を破壊しようとした者。または日本国の利益、ま たは公安を害する行為をして事実

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PKM-24

#### NOTE VERBALE

The Korean Mission presents its compliments to the Ministry of Foreign Affairs and, with reference to the three (3) Korean detainees at Omura whom the Government of Japan is contemplating to release temporarily, has the honor to state as follows:

The Government of the Republic of Korea is deeply concerned over those three (3) Korean detainees at Omura who, according to the responsible official of the Ministry, are in imminent danger of life of serious illness. From the strictly humanitarian viewpoint, the Mission wishes to request that, under its responsibility, the Government of Japan temporarily release the above-mentioned three (3) Korean detainees without losing time, and render them proper medical treatment. It is understood that in this regard that their temporary release does not affect their detainee status.

It is also understood that their temporary release
is based on an emergent measure taken from humanitarian
viewpoint, and that it is provisional pending a final settlement
of the problems in accordance with Article 2 of the Agreed
Minutes which was signed on December 31, 1957.

Tokyo, August 18, 1958

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MT-013

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(CABLE) C O D E (CONFIDENTIAL) URGENT

58.3.19

OFFICE OF THE PRESIDENT POREIGN MINISTER

ACCOMPANIED BY MINISTER YIU AND MR KYUNG KEUN CHANG CMA I MET AMBASSADOR SAWADA AT THREE PK ON AUGUST MINTESPTH AT JAPANESE PORKIGH MINISTRY PD AFTER INTRODUCING MR CHANG TO MR SAWADA CHA I TOLD HIM THAT I HAD EXPECTED DURING MY ABSENCE SETTLEMENT OF DETAINERS PROBLEM IN QUESTION AND CONSIDERABLE PROGRESS OF WORKS OF COMMITTEES WHICH WERE FUNCTIONING CMA BUT CONTRARY TO MY EXPECTATION OM THE JAPANESE SIDE HAS NOT ACCEPTED OUR MINIMUM COMPLITIONS FOR THE SETTLEMENT OF THE DETAINERS ISSUE IN QUESTION PD I CONTINUED THAT I REGRETTED NO PROGRESS HAD BEEN MADE OF WORKS OF VARIOUS COMMITTEES AND THAT THE ABOVE SITUATION WAS PARTICULARLY RESERVITABLE IN THE LIGHT OF THE PACT THAT THE KOREAN SIDE HAD TAKEN THE VERY SINCERS CHA REASONABLE AND EVEN CONCILIATORY POSITION REGARDING THE OVERALL TALKS AND PARTICULARLY CONCERNING THE DETAINER ISSUE PD I ALSO REGRETTED THAT JAPANESE PAPERS AND MAGAZINES PREQUENTLY CARRIED STORIES CRITICIZING GROUNDLESSLY THE REPUBLIC OF KOREA CHA WICH WOULD CREATE QUITE ADVERSE REFERCT ON THE COMPERENCE ATMOSPHERE PD I REQUESTED MR SAWADA TO TAKE UP TE ABOVE MATTERS & TO PREMIER KISHI AND TO GIVE US PAVOURABLE REPLY TO OUR PROPOSAL REGARDING THE DETAINER ISSUE AS EARLY AS POSSIBLE FOR SMOOTH PROCEEDING OF THE CONFERENCE PD I TOLD HIM IN THIS CONNECTION THAT IF THE DETAINER ISSUE IS NOT SETTLED CMA IT WOULD CELIGE THE KOREAN SIDE TO CONSIDER THAT IT WOULD RE OF NO USE TO OPEN ONLY THE PISHERIES COMMITTEE MEETING ON AUGUST THESTY PD MR SAWADA SAID THAT ME WOULD HOLD A MEETING OF HIS DELEGATION AND TO TAKE UP THE MATTER TO PREMIER KISHI ADDIEG THAT HE WOULD DO HIS BEST TO SETTLE THE DETAINER ISSUE AS EARLY AS POSSIBLE PD NOW CHA UNDER THESE CIRCUNSTANCES CHA UNLESS JAPANESE SIDE GIVES US ANY PAVOURABLE REPLY ON DETAINEE ISSUE CMA THE

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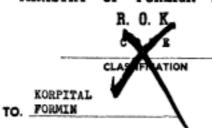
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MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM

TOKYO



NO. MT-018 DATE. 08281730

THE JAPANESE FOREIGN MINISTRY NOTIFIED
THIS OFFICE AUGUST 28 AFTERNOON THAT THE JAPANESE
GOVERNMENT DECIDED TO RELEASE ON PAROLE ANOTHER
KOREAN DETAINES VERY MEARLY OUT OF THE 92 DETAINEES
IN QUESTION AFTER CONSULTATION WITH MEDICAL DOCTOR
DUE TO SERIOUSNESS OF HIS DEMENTIA. HIS NAME IS
KIM IL HO.

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MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM R. O. K.

NO. MT-023

58.9.5

TOKYO

TO. KYUNG MU DAI, FOREIGN MINISTER

EYE MET MR ITAGAKI AT 11:30 AM (SEPTEMBER 5) TO PRESS THE JAPANESE FURTHER TO COME TO OUR TERMS IN CONNECTION WITH THE DETAINER ISSUE. EYE REPEATEDLY REFERRED TO THE POINTS OF WHICH OUR SIDE MADE REPRESENTATION. MR SAWADA ON SEPTEMBER 4TH REGARDING THE JAPANESE ORAL STATEMENT IN QUESTION AND TOLD HIM THAT AS THE ORAL STATEMENT IS HARDLY . "" ACCEPTABLE TO US AS IT, APPROPRIATE AMENDMENT SHOULD BE MADE ALONG THE LINE OF THE KOREAN POSITION. EYE FURTHER SAID TO THE EFFECT THAT IN CASE JAPANSE SIDE FAILS TO GIVE US A SATISFACTORY REPLY BY THE END OF NEXT WEEK, I'VE WOULD BE OBLIGED TO ISSUE A STATEMENT CHARGING THAT THE JAPANESE HAVE NO SINCERITY IN SETTLING PROBLEMS WITH KOREA. MR ITAGAKI REPLIED THAT THOUGH HE FELT IT VERY DIFFICULT TO COME TO KOREAN TERMS AS A WHOLE HE WOULD DO WHAT HE COULD IN THIS REGARD, ADDING THAT AS HE BELIEVED THE QUESTION WAS ALREADY BEYOND THE POWER OF THE ADMINISTRATIVE OFFICIALS,

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COMMUNICATIONS ROOM

MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM R. O. K.

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TO. PAGE 2

INMEDIATELY REPORT ON MY REPRESENTATION TO PREMIER KISHI FOR INSTRUCTIONS. HE ALSO SAID THAT HE WOULD GIVE A REPLY AS SOON AS HE RECEIVED ANY INSTRUCTIONS FROM THE HIGHER LEVEL OF HIS GOVERNMENT. FOR DETAILS LETTER WILL FOLLOW.

MINISTER YIU



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Innex I

- /D R A F T /

Korean Proposal at the Committee on Legal Status of Korean Residents in Japan (September 6 , 1958)

Whereas the Republic of Korea and Japan recognize, as a result of the coming into force of the Treaty of leace signed at the city of San Francisco, September 8, 1951, the necessity to affirm the nationality of Koreans residing continuously in Japan since the date of the termination of hostilities of the Pacific war or since prior thereto; and

Whereas the two countries recognize that it is desirable to take a special measure as regards the treatment of those Koreans after the affirmation of nationality mentioned above;

The Republic of Korea and Japan have accordingly concluded the present Agreement.

#### Article 1

In present Agreement, the expression "Korean residents in Japan" shall mean Koreans residing continuously in Japan since the date of the termination of hostilities of the Pacific war or since prior thereto.

#### Article 2

(1) The Republic of Korea and Japan confirm that Korean residents in Japan are nationals of the Republic of Korea.

/(2) The

(2) The Republic of Korea and Japan recognize
the validity of the results effected, at any time
before the coming into force of the present Agreement,
by the application of laws of either Contracting Party
with respect to the personal status of Koreans and
Japanese in relation to each other.

#### Article 3

- (1) In the case that a Korean resident in Japan submit, within two years after the coming into force of this Agreement, an application to the Japanese Government for permanent residence together with a registration certificate issued by the Government of the Republic of Korea, the Japanese Government shall grant permission therefor. In this case, none of the provisions of the Japanese laws governing aliens in general in relation to conditions, procedures and fees for granting permanent residence shall be applicable.
- Agreement, the authorities concerned of the Republic of Korea and Japan will consult with each other on the compulsory deportation of a Korean resident in Japan who may have been granted permission for permanent residence under the preceding paragraph, relating to such matters as are required for the enforcement thereof.

#### Article &

A Korean residence in Japan shall be entitled to the rights on property enjoyed by him in Japan at

/the time

the time of the coming into force of the present Agreement which aliens in general are not entitled to enjoy, as long as he resides continuously in Japan.

#### Article 5

A Korean resident in Japan shall be entitled to engage in the occupation (except occupation of public officers) followed by him at the time of the coming inte force of the present Agreement which aliens in general are not permitted to follow under the provisions of the Japanese laws, as long as he residue in Japan continuously.

#### Article 6

- (1) In the case that any of Korean residents in Japan returns to the Republic of Korea after the coming into force of the present Agreement, neither customs duties nor any other charges shall be imposed him in relation to any movables owned by and taken away with him. The types and quantity of movables to be taken away will be negotiated separately.
- (2) The repatriator prescribed in the preceding paragraph may remit to the Republic of Korea the funds he owns through the procedures to be negotiated separately.

### Article 7

The present Agreement shall be ratified by both Contracting Parties in accordance with their respective constitutional procedures, the instrument, of ratifications shall be exchanged at \_\_\_\_\_\_

/The present

PISHERIES CONMITTEE MEETING WILL NOT BE HELD ON AUGUST TWENTY

PD WE ARE NOW USING THE OPENING OF THE PISHERIES COMMITTEE MEETING

AS A LEVER FOR SETTLEMENT OF THE DETAINER ISSUE IN PAVOUR OF

OUR SIDE PD

AMBASSADOR LIMB

AUGUST 19, 1958

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OFFICE OF THE PRESIDENT

POREION MINISTER

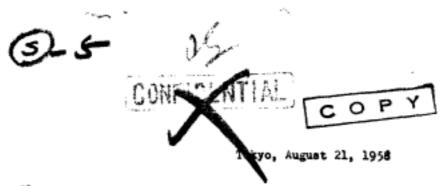
TOGETHER WITH MINISTER YIU AND MR CHAB CMAL MET VICE FOREIGN
MINISTER YANADA PRON FIVE PN TO FIVE FIFTY PN ON AUGUST
TWENTY AT THE JAPANESE POREIGN MINISTRY PD AT THIS MEETING
CMA WE MADE ANOTHER STRONG REPRESENTATION AS WE DED YESTERDAY
TO AMBASSADOR SAWADA PARTICULARLY REGARDING THE MATTER ON
SOME KORBAN DETAINEES IN QUESTION AT ONURA PD IN THIS
CONNECTION MR TAMADA STATED THAT ALTHOUGH IT WAS VERY
DIPPICULT TO COMPLY WITH THE KORBAN REQUEST PARTICULARLY
IN COMMECTION WITH THE PROBLEM ON QUOTE WRITTEN ASSURANCE
UNQUOTE CMA HE WOULD MAKE MORE EPPORTS CONTINUOUSLY IN THIS
REGARD TO WORK OUT A SCLUTION TO THIS PROBLEM PD FOR DETAILS
MINISTER YIUS LETTER WILL POLLOW VIA NEXT POUCH PD

AMBASSADOR LIMB

AUGUST 20, 1958

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No. 21

Dear Mr. President:

Following my return here on Monday, August 18, with our Fisheries representative Chang Kyung Keun and Counselor Choi Kyu Hah, I received a briefing on the latest development on the talks with Japan, particularly in regard to the current detainee issue, while I had been away. The issue, in relation to some Korean detainees who are allegedly desirous of going to 'north' Korea.

I have been informed that we presented the Japanese with a very sincere and conciliatory proposition for the settlement of the current detainee issue which, however, has not yet been accepted by them. Although the Japanese orally promised not to send the paroled detainees to north Korea, they refused to yield to our request to give us written assurances to that effect. As a result, there had been no progress in the other Committee proceedings.

Under such circumstances at a staff menting held following my return here, it has been decided that the scheduled opening of the Fisheries Committee be postponed until the detainee issue is settled, in order to apply pressure upon the Japanese, and that I meet Japanese officials concerned to press our point to them once again.

Thus, I visited Ambassador Sawada and Vice Foreign Minister Yamada at 3 p.m. Tuesday, and 5 p.m. Wednesday, respectively. Minister Yiu and Mr. Chang accompanied me on these visits. Contents of the talks at these meetings have already been reported in my cables, MT-Ol3 and Ol4, of which copies are enclosed herewith.

/I told

His Excellency Dr. Syngman Rhee President of the Republic of Korea

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I told the Japanese officials that it was regrettable that there had been no progress, during my absence from Tokyo, in the current talks and that the Japanese side failed to accept our reasonable and conciliatory proposition for the settlement of the current detained issue. We also told them that a practise of the Japanese press to denounce Korea groundlessly on the detained issue did not serve the smooth proceedings of the talks and, therefore, should be discontinued.

We also made it clear that the Korean side was of the opinion that until a settlement of the current detained issue is reached, the opening of the Fisheries Committee should be postponed. We stated that if the Japanese side wanted the smooth operation of the overall talks in future, the highest officials, such as Premier Kishi and Foreign Minister Fujiyama, should direct the lower-level officials to agree to our terms on the detained issue. Ambassador Sawada replied in this regard that the matter would be taken up with Prime Minister Kishi and he would inform us of its result.

At our meeting with Vice Minister Ismada, as reported in my cable, he stated that it was extremely difficult to give us any written assurances that the released detainess would not be sent to north Korea, however, he said he would give the matter further study, to find a solution to the issue.

I also visited Ambassador MacArthur at 11:30 a.m. today to give him a full explanation on the current detainee issue. I have reported in this regard in detail under separate cover.

With sentiments of loyalty and esteem, I remain, Most respectfully,

Encls.

101

0333



Tokyo, August 21, 1958

No. 22

Dear Mr. President:

I called on US ambassador Douglas MacArthur II at his office at 11:30 a.m. today and talked for about 50 minutes. Minister Yiu and Representative Chang Kyung Keun accompanied me bn this visit.

After I introduced Mr. Chang who is our representative to the Fisheries Committee, the US Ambassador asked me when the Committee was going to meet. I told him that we wanted to start fisheries discussion as soon as possible, as evidenced from the arrival of Mr. Chang. However, a complicated issue arose in connection with Japan's unilateral decision to release in Japan some Korean detainess at Onura Camp.

We explained to him that at the Kores-Japan Working Committee headed respectively by Minister Yiu and Director Itagaki the Japanese representative promised not to send to north Korea nor release in Japan those Korean detainess who allegedly desire to go to the north, which is clearly recorded. Despite such Japanese action, our side took a very conciliatory attitude for the smooth proceedings of the overall talks and agreed to the contemplated parole, from the humanitarian viewpoint, provided Japan assures us in writing merely that "they would not be sent to the north after their release in Japan". Notwithstanding such a reasonable proposition from our side, the Japanese have not yet agreed to do so, thus our side was obliged to postpone the opening of the scheduled Fisheries Committee, pending a settlement of the current detaines issue.

Mr. MacArthur told us that his Government was not in support of the idea of forcibly sending aliens to destinations which are not of their own choosing. He further stated

/that be

His Excellency Dr. Syngman Rhee President of the Republic of Korea 102

that he understood that Japan would not send them to north Korea after their release, although he thought that it was difficult for the Japanese to give us written assurances to such effect.

we told MacArthur that 'north' Korea, being an integral part of the Republic of Korea, is presently under unlawful occupation by the Communists, and, therefore, our Government could not tolerate any of our nationals being sent to that part of our territory where their safety is not guaranteed.

We also pointed out that Japan made a number of oral commitments in the past on various issues and actually broke them on several occasions in the absence of written assurances. Therefore, we continued, we cannot feel secure until written assurances are given on the current detained issue. Mr. MacArthur understood charpoint.

When Mr. Chang told MacArthur that since the Middle-east crisis, Japan seemed to have taken increasingly neutralistic stand, MacArthur opined that Japan was an independent country and as such wanted to pursue her own foreign policy. Citing the US-British and US-ROK relations, the US "mbassador said that, though they all were good allies to each other, that did not mean that they were in agreement on all issues. he further advised us that as the present Japanese administration headed by Mr. Kishi is, in his opinion, sincere toward the settlement of the pending issues with Korea, it would be to the disadvantage of Morea, unless a settlement was sought while Mr. Mishi was still in power. We thought that the more the settlement of the pending problems was delayed, the more difficult such settlement would be. We told him that our side had always teen sincere on this matter and expected the same from Japan.

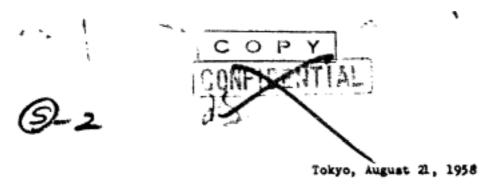
Finally, amb. Facarthur told us that he would shortly meet Japanese officials concerned and do what he personally could, in connection with the present situation. Any further development in this regard would be reported promptly.

with sentiments of loyalty and esteem, I remain,

Most respectfully,

103

0335



No. 95

#### Excellency:

In compliance with cable No. FT-092 of August 16, from the Foreign Minister concerning the parole of the three (3) Korean detainees at omura Camp, this office prepared a note verbale, as enclosed copy, stating that our Government, from the humanitarian standpoint, requests that the said three detainees be paroled under the Japanese Government responsibility, with understanding that such an action was only an emergency measure without affecting their status as detainee and that the final settlement of the detainee issue would be made in accordance with Article 2 of the Agreed Minutes signed on December 31, 1957.

Following the return here of Ambassador Limb and arrival of Mr. Chang Kyung Keun, they met Ambassador Sawada and Vice Foreign Minister Tamada at 3 p.m. Tuesday (Aug. 19) and 5 p.m. Wednesday (Aug. 20), respectively to press the Japanese side for its acceptance of our terms, as instructed in a Foreign Minister's letter, Woijung No. 2024. Our side also told them that pending the complete settlement of the current detainee issue, no meeting of the Fisheries Committee would be held, despite the original schedule of a meeting on Aug. 20.

The Japanese side, as reported in the cable from Amb. Limb, repeated its insistence that it was very difficult for them to give us the requested written assurances that the paroled detainess would not be sent to north Korea. Details in this regard, I believe, are being reported by Amb. Limb separately.

It appears to me, however, that the Japanese side is taking a unusually stiff attitude regarding the current detainee issue, despite our very reasonable and

/conciliatory

His Excellency President Syngman Rhee

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conciliatory proposition for the purpose of attainment of smooth operation of the overall talks. I took note of cable No. FT-093 of Aug. 20, instructing us not to open the fisherats Committee until the complete settlement of the current detainee issue and I am fully in accord that such a measure will be effective in applying pressure on Japan for her acceptance of our terms concerning the written assurances.

With sentiments of loyalty and esteem, I remain, Most respectfully,

A.T.K.

Encls.

105 . 0337

•

MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM R. O. Z.

NO. MT-015 DATE.08231800

TOKYO

COMMUNICATIONS ROOM

TO. FOREIGN MINISTER

AT AROUND 11:40 THIS MORNING ( AUGUST 23 ) THE JAPANESE FOREIGN MINISTRY NOTIFIED THIS OFFICE THAT THE JAPANESE GOVERNMENT WAS CONTEMPLATING TO MAKE A PROVISONAL RELE'SE OF 2 PRO-COMMUNIST KOREAN DETAINEES FROM OMURA ON AUGUST 25 FOR THE SAME REASON AS IN CASE OF THE 3 DETAINEES WHO HAD BEEN RELEASED ON AUGUST 18.

URGENT GOVERNMENT INSTRUCTIONS WOULD BE HIGHLY APPRECIATED
REGARDING WHETHER THIS OFFICE MAY REQUEST THE JAPANESE
FOREIGN OFFICE TO MAKE A PROVISIONAL RELEASE OF THE SAID
2 KOREANS IN QUESTION THROUGH A NOTE VERBALE WITH WORDINGS ALONG
THE LINE OF THE PREVIOUS CASE OF THE PROVISIONAL RELEASE
3 DETAINEES.

KORDIPSION

1958 AUG 24 11:00 AM

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### MINISTRY OF FOREIGN AFFAIRS

NO. FT-075

DATE OF AST 030

August 24, 1958

TELEGRAM

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COPY TO AMBASSADOR LIMB PD

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ARE INSTRUCTED TO UNDERSTAND OUR POSITIONS AS ARE CLARIFIED IN FOLLOW 1 \* CT

THESE ONE AND TWO CWA AND TO INTERMENT ITEM THREE OF THE TABLE PD

Otigin:

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ITEM ONE IN THE VIEW OF SHE GOVERNMENT C'A THE PRESENT SITUATION

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SET FORTH OUR POSITION CHA ALTERNATIVE TWO OF WOLJUNG TWO ZERO TWO FOUR

CHAPTER

HAT IN THE LIGHT OF OUR CONCILIATORY ATTITUDE SHOWN THEREBY PD FROM

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CASES OF PATIENT DETAINERS WHICH THE JAPANESE GOVERNMENT IS CONTEMPLATING

TO RELEASE TEMPORARILY PO CHA BUT WILL SEEK A DOLUTION ASPECT FOR

ITEM TWO THE MISSION IS ADVISED THAT THE GOVERNMENT HAS NO

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AS IS RELATED TO FUNDAMENTAL PRINCIPLE MILCH CONCERNS OUR VITAL INTERESTS

AND ON WHICH WE WILL NEVER BARGAIN MITH THE JAPANESE UNDER ANY CIRCUMSTANCE PD

ITEM THREE UNDER THE PRESENT CIRCUMSTANCES CWA THE MESSION IS

INSTRUCTED TO SEND A NOTE VERBALE WITHOUT DELAY TO THE JAPANESE GOVERNMENT

TO THE FOLLOWING EPFECT COLON

QUOTE AS THE JAPANESE SIDE IS WELL AWARE CHATTHE KOREAN SIDE HAS
NO COJECTION TO THE TEMPORARY RELEASE AS SUCH OF THOSE DETAINEES AT
OMURA DETENTION CAMP CHA PARTICULARLY THOSE MIN ARE IN INCHINENT DANGER OF
LIFE CHAIP IT IS CLEARLY UNDERSTOOD THAT THEY CHA AFTER BEING RELEASED CHA
MILL NOT BE ALLOWED TO GO TO THE AREA OTHER THAN SUCH PLACES AS TO BE
DESIGNATED BY THE REPUBLIC OF EOREA PD IN THIS CONNECTION CHATTHE EOREAN
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FORMERS REPRESENTATION CHAIN AUGUST TWELFTH CHAINE HIM FIVE EIGHT
CHAIN MINCH MINISTER YIU OF THE BOREAU RESSION IN JAPAN TO ME ITAGALESE

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## MINISTRY OF FOREIGN AFFAIRS

NO.

R. O. K.

Page 3

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DELIVERED THE POLICINESS FORTS OF NOW PROCESS TO PROTECT OF ALGUST TWELFTH QUOTED PARENTHESIS

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IS COMMENDED FOR CLASSQUENCES WHICH MIGHT ARISE FROM JAPANESE

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SIDE AND JAPANESE UNILATERAL ACTION CHATTE JAPANESE GOVERNMENT SHOULD

BE SCIETY RESPONSIBLE PD UNDER THE CHRICKISTANCES CHATTE KOREAN SIDE

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AUGUST TWELFTH CHA AS IT IS INDISPENSABLE AT LABSENT FOR THE KOREAN

SIDE TO KNOW CLIARLY WHAT THE LATTERS REAL INTENTIONS ARE ON THE

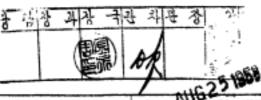
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POREIGN MINISTER



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#### Excellency:

- 1. Last Saturday noon the Japanese Foreign Office telephoned this office, informing that two more persons among those who allegedly desire to go to north forea, are slated to be paroled today (Monday, Aug. 25), for the same reason as with the case of the three persons previously paroled. Cable No. MT-Ol5 has been sent in this regard and this office has just received cable No. FT-O95 from the Foreign Ministry on this matter.
- 2. As I reported in my letter No. 95 of August 21, we have notified the Japanese that until the written assurances that these parolees would not be sent to the north, are given us, no meeting of the Fisheries committee would be held. There has so far been no response from the wapanese side in this respect.

According to the press report, Prime Minister Kishi who was an a stumping tour, stated in Fukuoka that the issue must be discussed further with the Korean side. As Foreign Minister Fujiyama returned Junday morning from Kew York where he attended the emergency session of the UN General Assembly, Fremier Kishi will talk with him on this matter before deciding on their attitude toward this problem.

3. Ambassador Linb met Sawada at an informal luncheon this noon where he invited the latter. According to the Ambassador, Sawada told him that he (Sawada) discussed the detainee issue and the relevant situation with Premier Kishi a few days before and believed that a settlement

/would

His Excellency President Syngman Rhee

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would have to await the return of Foreign Minister Fujiyama, etc.

4. Judging from the current situation the Japanese side will reach some kind of decision before Fujiyana's departure for New York again to attend the UN General Assembly about Sept. 3 and approach our side. This office will continue to press the Japanese side for its acceptance of our terms.

With sentiments of loyalty and esteem, I remain,

Most respectfully,

4.T.K.

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0344

TO : His Excellency the President

FROM : Vice Foreign Minister

SUBJECT : Conversation with Ambassador Dowling

Ambassador Dowling called on me at 2:00 p.m. today and made the following representation on the case of Mr. Robert Winter, a U.S. citizen who is presently held by the Prosecutors Office under the suspicion of having violated our foreign exchange control law.

#### Dowling:

Speaking of the case of Mr. Robert Winter, he has been under detention by the Korean authorities for 18 days as he was held for 10 days by the Metropolitan Police and 8 days by the Prosecutors Office.

I hope the Korean authorities concerned will expedite the investigation on his case and proceed with examination without detaining the accused. In asking this, I have no slightest intention of raising objection to or interfering with the rights of the Korean authorities to arrest, investigate and interrogate U.S. citizens violating Koreans laws and regulations in force, but, since Korea is making efforts to invite American capitals into Korea, I

/would think

would think that frequent disputes of this nature between the Korean suthorities and American businessmen in Korea might give an impression to the U.S. Congressmen as if the Korean side were placing pressure on American businessmen, which will put the State Department (Mr. Robertson in particular) in a very difficult position.

I have not heard of any case in which Korean businessmen were arrested by the Korean authorities under suspicion of having violated the foreign exchange regulations. The Republic of Korea is obliged by treaty to accord the national treatment to American businessmen, and I cannot understand why the Korean authorities detained American citizen for such a long period while they took no action toward Korean nationals of similar category. Besides, the American citizen under question will not be able to run away even if he was peroled. I hope that the Foreign Ministry will use its good offices on the case of Mr. Winter.

Kim

I will take up this matter with the Justice Ministry this afternoon and will see to it that every measure that is permissible within the Korean relevant law be taken for Mr. Winter. As you say, we are easer to invite American capitals into Korea, but we do not want capitals to be introduced and managed by such American businessmen who would violate our laws and regulations. I don't think /the U.S.

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the U.S. Congress would object to our Government's apprehending American citizens who violated Korean laws and regulations. I will talk with the Justice Minister this afternoon and ask him to take appropriate steps to meet with your request.

#### Dowlings

Regarding the Korea-Japan talks, as I have told you before, no government will resort to the means of forceful repatriation. The so-called World Peace Congress which was held recently in Tokyo to protest and oppose to the use of nuclear power, was attended by representatives from many countries, but Japan refused to issue visas to those representatives from north Korea although Japan granted entry permits to the representatives from north Viet-Kinh, Red China and East Germany. This will show that Japan does not recognize north Korean puppet regime, and I firmly believe that even if Japan released those pro-communist threans in Japan, she will never repatriate them to north Korea.

It will be impossible for Japan, however, to effectively apprehend every attempts of smuggling into Japan by foreign nationals just as Japan is incapable of being held responsible for not being able to prevent smuggling out from Japan of Koreans. Japan thus would not comply with the Korean demand for forceful repatriation, but I think the Japanese side will be able to promise that they would not send those Koreans to north Korea. In this connection, I

/feel that

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feel that the Japanese side might be able to give a written assurance to the Korean side with some rewording on the Korean proposal on the matter.

Kimt

The repatriation in the case of the Korean detainees is not "repatriation" but "deportation". International precedence regarding deportation shows that the deporting state may send the deportees in accordance with their nationality and addresses before their departure for the smuggling. The nationality of those detainees now at issue is the Republic of Korea and their addresses before their smuggling into Japan were in Korea, and I can hardly understand how the Japanese side is going to justify the reason for its sending these Koreans to north Korea. Departation in itself means a forceful repatriation. If Japan is to stick to ith so-called non-forceful repatriation principle, they should release those Koreans in Japan since these Koreans prefer to remain in Japan. If they are to deport any of them, their destination cannot be any other place than the If Japan has any sincerity Republic of Morea. toward the settlement of the issues between the two countries, Japan should accept our proposal on this matter, and I hope you will strongly advise Ambassador MacAlthur to persuade the Japanese side into accepting our proposal.

/Dowlings

Dowlings

I can understand your reasoning, but I hope you will reconsider the Japanese position. I would like to talk with you more on these matters, and I am wondering whether we could meet again at the Secul Country Club at 4:00 p.m. on Thursday so that we may have a frank exchange of views while playing golf together.

Kimt

If nothing urgent comes up until that time, I will be very pleased to meet you there.

If Your Excellency approves my meeting Amb. Dowling next Thursday at the Country Club, I will do so.

I would be most grateful if Your Excellency gives me instructions as to what subjects to talk with and what specific points to sound out from him.

Most respectfully,

0348

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MINISTRY OF FOREIGN AFFAIRS

INCOMING

ATION

NO. -<del>KT-016</del> DATE-08261000

TELEGRAM

TOKYO

TO. KYUNG MU DAI & FORESON MINISTER

I RECEIVED FORMIN CABLE INSTRUCTIONS FT-095 OF AUGUST 25 REGARDING DETAINEE ISSUE PRESENTLY PENDING. AS MINISTER YIU IS EXPECTED TO MEET MR ITAGAKI, DIRECTOR OF THE ASIAN AFFAIRS BUREAU OF THE JAPANESE FOREIGN OFFICE AT 10:30 AM AUGUST 26, HE WILL MAKE A STRONG VERBAL REPRESENTATION ALONG THE LINE WITH THE CONTENTS OF ITEM 3 OF THE FORMIN CABLE. JUDGING FROM PREMIER KISHIS ATTITUDE AND WEAT AMBASSADOR SAWADA TOLD ME AT MY LUNCHEON WITH HIM AUGUST 25 (MINISTER YIU WAS PRESENT AT THIS LUNCHEON), IT IS VIEWED THAT THE JAPANESE SIDE IS APPARENTLY TRYING TO WORK OUT A SOLUTION TO THE PRESENT IMPASSE BETWEEN KOREA AND JAPAN. AMBASSADOR SAWADA REQUESTED US TO WAIT FOR THE JAPANESE REPLY REGARDING OUR PROPOSAL ON THE DETAINEES ISSUE UNTIL THE END OF THIS WEEK. IT IS ALSO REVEALED THAT CONCERNING THE RESOLVING OF THE PRESENT IMPASSE THERE ARE TWO FACTIONS DASH ONE FAVOURING THE COMPROMISE WITH CHECKIVED

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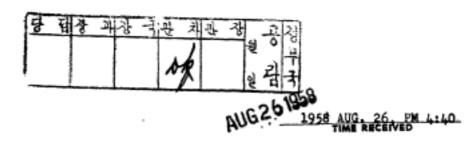
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SIDE, THE OTHER AGAINST COMPROMISE. UNDER THE CIRCUMSTANCES, IF WE MAKE REPRESENTATION IN A WRITTEN FORM AT THIS STAGE, SUCH AS NOTE VERBALE AS WAS INSTRUCTED, I AM AFRAID THAT SUCH A WRITTEN DOCUMENT MIGHT BE UTILIZED BY THE -NO-COMPROMISE FACTION OF THE JAPANESE SIDE AS ITS PRETEXT OF PURSUING SO-CALLED STRONG ATTITUDE TOWARD KOREA. IN VIEW OF THE ABOVE, I STRONGLY RECOMMEND THAT WE WAIT UNTIL THE END OF THIS WEEK FOR RESULT OF AMBASSADOR SAWADAS EFFORTS.

豆喜習

AMBASSADOR LIMB



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NO. MT-017 DATE, 08261200

TOKYO

KYUNG MU DAI FOREIGN MINISTER

AS ALREADY REPORTED BY AMBASSADOR LINB IN HIS CABLE NO .- OLG. I MET HR ITAGAKI AT HIS OFFICE AT 10:30 AM ON AUGUST 26, 1958. I MADE A STRONG VERBAL REPRESENTATION ALONG THE LINE OF THE GOVERNMENT INSTRUCTIONS CONTAINED IN FORMIN CABLE NO. FT-095. MR ITAGAKI TOLD ME THAT THE REASON WAY THE JAPANESE SIDE HAS BEEN UNABLE TO GIVE A REPLY TO THE KOREAN AIDE MEMOIRE OF AUGUST 12TH, 1958 WAS THAT THE FOREIGN OFFICE WAS STILL ADJUST-ING THE VIEWS AMONG THE MINISTIRES CONCERNED, SUCH AS JUSTICE MINISTRY, WELFARE MINISTRY AND NATIONAL POLICE DEPARTMENT. HE CONTINUED THAT THE DELAY IN GIVING ANSWER TO THE KOREAN SIDE WAS SOLELY CAUSED BY HIS MINISTRY'S CONTINUANCE OF EFFORTS TO WORK OUT A SOLUTION TO THE KNOTTY PROBLEM NOW AT ISSUE. I STRONGLY TOLD HIM THAT THERE WAS NO ALTERNATIVE TO THE KOREAN PROPOSAL, BEING VERY CONCILIATORY, MADE IN THE AIDE MEMOIRE UNDER REFERENCE AND URGED HIM TO GIVE A REPLY IMMEDIATELY. HE FINALLY SAID THAT THE JAPANESE SIDE WOULD 2/ ..... ( MORE )

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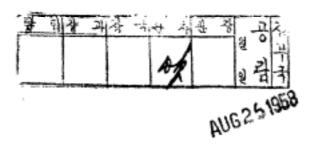
# MINISTRY OF FOREIGN AFFAIRS R. O. K.

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PAGE - 2

MAKE EVERY EFFORT TO GIVE A REPLY TO THE ALDE MOMOLRE BY THE END OF THIS WEEK ANY FURTHER DEVELOPMENT WILL BE REPORTED TO THE GOVERNMENT PROMPTLY.

MINISTER YIU



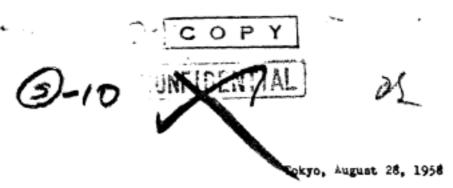
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RECORMENDATION MINISTRY OF FOREIGN AFFAIRS OUTGOING TELEGRAM August 26, 1958 OR BEN C LIMB KORDIPSION RECABLE MT SERO ONE SIX PD YOUR RECOMMENDATION HAS BEEN APPROVED PD FOREIGN MINISTER Origin: Indo. : Dist. Desired (Offices (inly) TELEGRAPHIC TRANSMISSION AND DRAFTED BY OFF: CLASSIFICATION APPROVED BY CLEARANGE: REPRODUCTION FROM THIS COPY, IF CLASSIFIED, IS PROHIBITED CENSOR 121 COMMUNICATION SECTION 0353



No. 97

## Excellency:

I beg to acknowledge with appreciation the receipt of letter No. 50 of August 25 from the Office of the President.

 I received also Cable No. FT-095 of August 25 from the Foreign Minister, instructing this office to immediately send a note verbale concerning the current detained issue to the Japanese Foreign Office.

As a result of the delegates' meeting called to study the above Government instructions, it has been agreed that it is to our advantage to withhold such note verbale until the end of this week, in view of the Japanese attempt to work out a solution to the issue. Cable No. NT-Ol6 of August 16 has thus been sent, containing the above recommendations, to which an approval has already been received from the Government.

As stated in Cable No. NT-016, there seem to be two factions in Japanese way of thinking, one favoring a strong attitude toward us on the current detainee issue and the other advocating a solution by compromise so that the overall talks would not be disrupted at this stage. It would, therefore, not be harmful to our side to give a few days for the Japanese side to decide finally on the matter.

3. As already reported, Minister Yiu again me.t Asian Affairs Director Itagaki, urging Japan to reply to our aid memoire without further delay. Itagaki replied that the

/delay

His Excellency President Syngman Rhee

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delay in replying was caused due to his Ministry's efforts to adjust views of various Ministries concerned, such as Ministries of Justice and Welfare, and that he would make his best to give a reply to the Korean side within this week.

4. As reported previously, Ambassador Sawada is also exerting efforts to work out some kind of solution and, therefore, we are now watching carefully the Japanese move in regard to our request. Any further development will be reported promptly.

with sentiments of loyalty and esteen, I remain,

Most respectfully,

4.7.K.

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INCOMING

TELEGRAM

TOKYO

KORPITAL TO. FORMIN

NO. MT-018

DATE. 08281730

THE JAPANESE FOREIGN MINISTRY NOTIFIED THIS OFFICE AUGUST 28 AFTERNOON THAT THE JAPANESE GOVERNMENT DECIDED TO RELEASE ON PAROLE ANOTHER KOREAN DETAINER VERY MEARLY OUT OF THE 92 DETAINEES IN QUESTION AFTER CONSULTATION WITH MEDICAL DOCTOR DUE TO SERIOUSNESS OF HIS DEMENTIA. HIS NAME IS KIM IL HO.

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NO. MT-023 DATE 09051700

8.9.5

TOKYO

TO. KYUNG MU DAI, FOREIGH MINISTER

ETE MET MR ITAGAKI AT 11:30 AM (SEPTEMBER 5) TO PRESS THE JAPANESE FURTHER TO COME TO OUR TERMS IN CONNECTION WITH THE DETAINEE ISSUE. EYE REPEATEDLY REFERRED TO THE POINTS OF WHICH OUR SIDE MADE REPRESENTATION. MR SAWADA ON SEPTEMBER 4TH REGARDING THE JAPANESE ORAL STATEMENT IN QUESTION AND TOLD HIM THAT AS THE ORAL STATEMENT IS HARDLY . .... ACCEPTABLE TO US AS IT, APPROPRIATE AMENDMENT SHOULD BE MADE ALONG THE LINE OF THE KOREAN POSITION. EYE FURTHER SAID TO THE EFFECT THAT IN CASE JAPANSE SIDE PAILS TO GIVE US A SATISFACTORY REPLY BY THE END OF NEXT WEEK, I'VE WOULD BE OBLIGED TO ISSUE A STATEMENT CHARGING THAT THE JAPANESE HAVE NO SINCERITY IN SETTLING PROBLEMS WITH KOREA. MR ITAGAKI REPLIED THAT THOUGH HE FELT IT VERY DIFFICULT TO COME TO KOREAN TERMS AS A WHOLE HE WOULD DO WHAT HE COULD IN THIS REGARD, ADDING THAT AS HE BELIEVED THE QUESTION WAS ALREADY BEYOND THE POWER OF THE ADMINISTRATIVE OFFICIALS,

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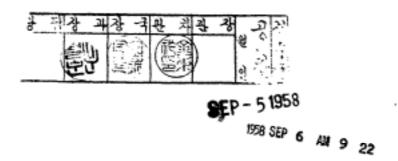
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IMMEDIATELY REPORT ON MY REPRESENTATION TO PREMIER KISHI FOR INSTRUCTIONS. HE ALSO SAID THAT HE WOULD GIVE A REPLY AS SOON AS HE RECEIVED ANY INSTRUCTIONS FROM THE HIGHER LEVEL OF HIS GOVERNMENT. FOR DETAILS LETTER WILL FOLLOW.

#### MINISTER YIU



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Annex I

- /D R A F T /

Korean Proposal at the Committee on Legal Status of Korean Residents in Japan (September 6 , 1958)

₹ 035

Whereas the Republic of Korea and Japan recognize, as a result of the coming into force of the Treaty of Feace signed at the city of San Francisco, September 8, 1951, the necessity to affirm the nationality of Koreans residing continuously in Japan since the date of the termination of hostilities of the Pacific War or since prior thereto; and

Whereas the two countries recognize that it is desirable to take a special measure as regards the treatment of those Koreans after the affirmation of nationality mentioned above;

The Republic of Korea and Japan have accordingly concluded the present Agreement.

#### Article 1

In present Agreement, the expression "Korean residents in Japan" shall mean Koreans residing continuously in Japan since the date of the termination of hostilities of the Pacific war or since prior thereto.

#### Article 2

 The Republic of Korea and Japan confirm that Korean residents in Japan are nationals of the Republic of Korea.

/(2) The

130

(2) The Republic of Korea and Japan recognize
the validity of the results effected, at any time
before the coming into force of the present Agreement,
by the application of laws of either Contracting Party
with respect to the personal status of Koreans and
Japanese in relation to each other.

#### Article 3

- (1) In the case that a Korean resident in Japan submit, within two years after the coming into force of this Agreement, an application to the Japanese Government for permanent residence together with a registration certificate issued by the Government of the Republic of Korea, the Japanese Government shall grant permission therefor. In this case, none of the provisions of the Japanese laws governing aliens in general in relation to conditions, procedures and fees for granting permanent residence shall be applicable.
- Agreement, the authorities concerned of the Republic of Korea and Japan will consult with each other on the compulsory deportation of a Korean resident in Japan who may have been granted permission for permanent residence under the preceding paragraph, relating to such matters as are required for the enforcement thereof.

#### Article &

A Korean residence in Japan shall be entitled to the rights on property enjoyed by him in Japan at

/the time

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The present Agreement shall go into effect on the date upon which the instruments of ratifications are exchanged.

However, the provisions of Article 4 and 5 shall be applicable, retroacting on the date of the first coming into force of the Feace Treaty with Japan signed at the city of San Francisco, 8 September 1951.

IN WITNESS WHENEOF, the representatives of the two Governments, being duly authorized by their respective Governments for the purpose of this Agreement, have signed the present Agreement.

DONE at Tokyo, this \_\_\_\_\_ day of \_\_\_\_ nine hundred fifty eight, in duplicate in Korea, Japan and English languages, each text being equally authentic.

For the Government of the Republic of Korea

For the Governmentof Japan

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September 24, 1958

TO : His E

: His Excellency the President

FROM

: Vice-Minister of Foreign Affairs

SUBJECT

: Recommendation on our proposal for Draft Agreement on Status and Treatment of Korean Residents in Japan at the 4th Korea-Japan Conference

In its instructions dated September 18, 1958 (OJ-3,554) for future conduct of negotiation at the fourth Korea-Japan Conference, Government instructed the Delegation as follows:

"At the Legal Status Committee, our Delegation will present to the Japanese our draft proposal (to be sent soon) for immediate comment by the Japanese side to expedite the proceeding of meeting, particularly sounding out again the Japanese intention as to the problem of nationality of Korean residents in Japan."

Now I submit, for Your Excellency's approval, the draft (A m n e x I ) which will be presented to the Japanese side for its comment. It is not believed that the Japanese side will easily come to our terms on the problem, but it is necessary at this time to downd out Japanese real intentions through its comment on and reaction to the above-mentioned draft.

The enclosed draft is composed of a Preamble and seven articles, among which Article 1 provide for Definition of Korean Residents, Article 2 Nationality, Article 3 for Permanent residence and deportation, Article 4 for Property rights, Article 5 for Occupation, Article 6 for Repatriators' movables and Article 7 for Final clause.

Enclosure: as stated.

Most repectfully,

#### RAIN POINTS OF LLAFT AGE . TEST

- 1. Article 1 (fcope of Moreans under the Agreement): This Agreement is to regulate the status and treatment of those Moreans of prewar category and their descendants.
- article 2 (Nationality of Koreans): They are confirmed to be nationals of the Republic of Korea.
- 3. Article 3 (Permanent residence and deportation):
  Regardless of Japanese laws, the Japanese Government
  should grant the Koreans in question permanent residence
  if they apply therefor together with registration certificate issued by the Korean Government. The Japanese
  Government cannot deport those Koreans without consultation
  with the Republic of Korea.
- 4. Article 4 (Property rights): The Koreans should be entitled to enjoy continuously their property rights which, according to the Japanese law, cannot be enjoyed by aliens.
- 5. Article 5 (Occupation): The Koreans can engage: in all occupation except occupation of public officers of the Japanese Government.
- 6. Article 6 (Properties carried by Korean repatria tees and their remittance of funds): The repatriatees can, without restriction, take away from Japan movables, and can remit the funds he owns to the Republic of Korea.
  - 7. Article 7 (Final Clause): Estification, etc.

P136. 韓日代第 2010 号

檀紀 4291 年(1958年)10 月 2 日

駐日公使 印

外務部長官 閣下

北韓行きを希望するという抑留中の韓人僑胞に関する件 (対 4291 年(1958 年)9 月 18 日付 外政第 3,554 号 対 4291 年(1958 年)9 月 27 日付 電文第 FTB-002 号)

頭の件、代号公文外政第 3,554 号及び電文第 FTB-002 号に基づき、9 月 29 日に本職が日本外務省アジア局長板垣に手渡した当部口上書写本を別添のように送付するものです。 P137. 別添当部口上書 PKM-32 号 写本 一通

# Copy

P8.N-38

#### NOTE VARBALE

The Morean Mission presents its compliments to the Ministry of Foreign Affairs and, with reference to the detainee issue, has the honour to state as follows:

At a meeting with Mr. Osamu Itagaki, Director of the Asian Affairs Bureau of the Japanese Ministry of Foreign Affairs, on August 12, 1858, Minister 2si Ha Yiu of the Korean Mission in Japan presented an Aide Memoire covering the following points:

- 1) The Korean side will have no objection to the temporary release of detainess if the Japanese side assures in writing that it will exercise constant vigilance to those detainess while they are out of the detention camp so that they could not be sent to the area other than such places as to be designated by the depublic of Korea;
- The above suggestion is made with understanding that no discriminatory treatment will be accorded to the detainess by their political affiliation;
- 3) The agreement to be thus entered into is provisional pending a final settlement of the problem at the overall talks in accordance with Article 2 of the Agreed Minutes of December 31, 1957.

In reply to the Korean position as stated above, on September 13, 1958, Mr. Osamu Itagaki delivered an 'Oral Statement' to Minister Tai ha Yiu as follows:

#### "Confidential

\*

138

#### (Oral Statement)

with reference to the Aide Memoire handed by Mr. Tai Ha Yiu to Mr. Osamu Itagaki at the meeting of August 12, 1958, I wish to state that the Japanese Government has the intention, as interim arrangement, to handle the question concerning Korean paroless in due consideration of the request of the Korean side."

/ Though taking

.hou,h taking note of the efforts on the part of the Japanese Covernment toward the settlement of the problem, the Mission wishes to inform the Ministry, with regret, that the Japanese 'Oral Statement' as quoted above does not meet the request of the Korean side as set forth in its Aide Memoire handed by Minister Tai Ha Yiu of the Mission to Mr. Osemu Itageki, Director of the Asian Affairs Bureau of the Ministry of Foreign Affairs on August 12, 1958. However, the Mission hereby proposes that the problem at issue be taken up, for fundamental and satisfactory settlement, at the overall talks in accordance with Article 2 of the Agreed Minutes of December 31, 1957, while the other alenda items are discussed in relevant committees, so that the detainee issue presently under discussion may not further deter the proceeding of the fourth Kores-Japan Overall Talks.

Tokyo, September 27, 1958

0367

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INCOMING TELEGRAM

# MINISTRY OF FOREIGN AFFAIRS R. O. K.

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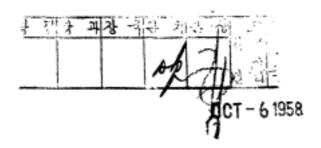
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MTB-009 -Fage 2

TO. \_\_\_\_\_

MINISTER YIU DESCRIDED THAT A FAVORABLE REPLY BE GIVEN TO OUR ENQUECT UNDER REFERENCE AS SOON AS POSSIBLE PD MEXT MENTING WILL BE HELD TEN THIETY AM OCTOBER ELEVEN CMA ONE NIME FIVE EIGHT PD

AMBASSADOR LIMB



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INCOMING TELEGRAM TOKYO R. O. K.

NO. MTA-044 DATE,10061900

TO. KYUNG MU DAI, & FOREIGN MINISTER

SEVENTH MEETING OF THE CONNITTEE ON LEGAL STATUS OF KOREAN RESIDENTS IN JAPAN WAS HELD AT 3:00 PM ON HONDAY (OCT. 6. 1958) AT THE JAPANESE FOREIGN MINISTRY. AT THIS MEETING. THE JAPANESE SIDE REQUESTED US TO GIVE ANSWER TO THE JAPANESE SUGGESTION REGARDING CRITERIA OF DEPORTATION PUT FORWARD IN EARLY PART OF JULY. WE TOLD THE JAPANESE SIDE THAT WE RESERVED OUR COMMENTS ON THE JAPANESE SUGGESTION UNDER REFERENCE AND STRONGLY DEMANDED THAT THE JAPANESE SIDE PRESENT MORE CONSTRUCTIVE IDEAS TO THIS LEETING WITH A VIEW TO BRINGING ABOUT AN EARLY SETTLEMENT OF THE PROBLEMS OF THIS COMMITTEE. IT IS DESIRED THAT OUR DRAFT PROPOSAL REFERRED TO IN SUBITEM ONE OF ITEM 1 OF ANNEX SECOND OF GOVERNMENT INSTRUCTIONS NUMBER WOIJUNG 3554 BE SENT HERE AS SOON AS POSSIBLE, SO THAT WE COULD PRESENT TO THE JAPANESE SIDE AT THE NEXT MEETING WHICH WILL BE HELD AT 3:00 PM ON MONDAY. OCTOBER 13.

INFO. TO:

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COMMUNICATIONS ROOM

137

1958 OCT 7 AM 8:30 - 8 195

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## P142. 外務部政務局 起案用紙

次のように韓日会談首席代表に訓令したらどうだろうか 長官 啣 次官 啣 政務官 啣 課長 担当者 (発送する訓令の内容) 外政第 号

檀紀 4291 年(1958 年)10 月 13 日

外務部長官

第4次韓日会談首席代表 貴下

件名:第4次韓日会談、在日韓人法的問題地位委員会で 提出するわが側提案に関する件。

頭の件に関して過般外政第 3,554 号で発送した訓令で、追送することにした別添のような在日韓人の法的地位及び待遇に関する協定のわが側案を送付するので、同草案の使用においては前記訓令に沿って施行されるよう望むものである。

別添: 在日韓人の法的地位及び待遇に関するわが側協定案 通。

以上

Cctober 10, 1958

70

RESEMBERDATI

: His Excellency the President

FROM :

: Poreign Minister

KPU/118

SUBJUCT: Recommendation on our proposal for Draft Agreement on Status and Treatment of Roman Residents in Japan at the 4th Korea-Japan Conference

In its instructions dated teptember 18, 1958 (OJ-3,554) for future conduct of negotiation at the fourth Korea-Japan Conference, Government instructed the belegation as follows:

"At the legal Status Committee, our Delegation will present to the Japanese our draft proposal (to be sent soon) for immediate comment by the Japanese side to expedite the proceeding of meeting, particularly sounding out again the Japanese intention as to the problem of nationality of Korean residents in Japan."

Now I submit, for Your Excellency's approval, the draft (A n n e x 1) which will be presented to the Japanese side for its comment. It is not believed that the Japanese side will easily come to our terms on the problem, but it is necessary at this time to sound out Japanese real intentions through its comment on and reaction to the above-mentioned draft.

The enclosed draft is composed of a Preamble and seven articles, among which Article 1 provide for Definition of Korean Residents, Article 2 for Nationality, Article 3 for Permanent residence and deportation, Article 4 for Property rights, Article 5 for Occupation, Article 6 for Repatriators' movebles and Article 7 for Final clause.

Most respectfully,

Enclosure: as stated.

Amer 1

/DXNF9/

# Korean troposal at the Committee on Legal : tatus of Korean tesidents in Jaran ( Leptember , 1957)

thereas the reputhic of Korea and Japan recognize, as a result of the coming into force of the Treaty of Feace signed at the city of San Francisco, September 8, 1951, the necessity to affirm the nationality of Koreans residing continuously in Japan since the date of the termination of hostilities of the Pacific War or since prior thereto; and

Whereas the two countries recognize that it is desirable to take a special measure as regards the treatment of those Koreans after the affirmation of nationality mentioned above;

The Republic of Korea and Japan have accordingly concluded the present Agreement.

#### Article 1

In present Agreement, the expression "Korean residents in Japan" shall mean Koreans residing continuously in Japan since the date of the termination of hostilities of the Pacific War or since prior thereto, including descendents of those Koreans.

#### Article 2

- The Republic of Korea and Japan confirm that Korean residents in Japan are nationals of the Republic of Korea.
- (2) The Republic of Korea and Japan recognize the validity of the results effected, at any time before the coming into force of the present Agreement, by the application of laws of either Contracting Party with

/ respect to

respect to the personal status of Koreans and Japanese in relation to each other.

#### Article 3

- (I) In case that a Korean resident in Japan submit, within two years after the coming into force of this Agreement, an application to the Japanese Government for permanent residence together with a registration certificate issued by the Government of the Republic of Korea, the Japanese Government shall grant permission therefor. In this case, none of the previsions of the Japanese laws governing aliens in general in relation to conditions, procedures and fees for granting permanent residence shall be applicable.
- (2) After the coming into force of the present Agreement, the authorities concerned of the depublic of worse and Japan will consult with each other on the compulsory deportation of a Korean resident in Japan who may have been granted permission for permanent residence under the preceding paragraph, relating to such matters as are required for the enforcement thereof.

#### Article 4

A Korean resident in Japan shall be entitled to the rights on property enjoyed by him in Japan at the time of the coming into force of the present Agreement which aliens in general are not entitled to enjoy, as long as he resides continuously in Japan.

#### Article 5

A Korean resident in Japan shall be entitled

/ to engage

to engage in the occupation (except occupation of public officers) followed by him at the time of the coming into force of the present Agreement which aliens in general are not permitted to follow under the provisions of the Japanese laws, as long as he resides in Japan continuously.

#### Article 6

- (I) In case that any of Korean residents in Japan returns to the hepublic of Korea after the coming into force of the present Agreement, neither customs duties nor any other charges shall be imposed him in relation to any movables owned by and taken away with him. The types and quantity of movables to be taken away will be negotiated separately.
- (2) The repatriator prescribed in the preceding paragraph may remit to the hepublic of Korea the funds he owns through the procedures to be negotiated separately.

#### Article 7

The present Agreement shall be ratified by both Contracting Parties in accordance with their respective constitutional procedures, the instruments of ratifications shall be exchanged at

The present Agreement shall go into effect on the date upon which the instruments of ratifications are exchanged.

However, the provisions of Article 4 and 5 shall be applicable, retroacting on the date of the first coming into force of the Peace Treaty with Japan signed at the city of San Francisco, 8 September 1951.

/IN WITHESS

IN WITHERS WHENEOF, the representatives of the two Governments, being duly authorized by their respective Governments for the purpose of this Agreement, have signed the present Agreement.

DCHE at Tokyo, this \_\_\_\_\_ day of \_\_\_\_ nime hundred fifty eight, in duplicate in Korean, Japanese and English languages, each text being equally authentic.

For the Government of the Republic of Korea

For the Government of Japan

0375

외 무 부

ષ્ત્ર

I. The Government has no objection, in principle, to acceptance of deportees (postwar category);

- II. The Government has no objection to held the Working Committee meeting for making arrangements for implementation of the above mentioned deportation;
- III. Before doing that, the Government wishes to know what the Jaranese side meant by "no special problem";
  - IV. The Government does no consider that there is any special problem concerning deportation of Koreans of postwar category.

성무국상

UCI 231958

145

× 0377

P150. 韓日代第 2106 号

檀紀 4291 年(1958年)10 月 20 日

駐日公使 印

外務部長官 閣下

韓日連絡会議開催を提議した日本外務省口上書送致の件

頭の件に関して、別添写本にように日本外務省から口上書が到来したので報告し、これに関しては 10 月 16 日付貴無電指示 FTB-007 号第 3 項によって処理する計画であり、また同無電指示第 3 項で問い合わされた点に関しては、本日本側口上書で日本側の意図を知悉されると思料する

P151.ことを添信します。

別添 同口上書 写本 一通



No. 171/ASN

#### MILESAN STOR

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, regarding the deportation of Korean illegal antrants, has the homour to state as follows:

- The Ministry understands that the Karuan Government has no objection to the acceptance of Korean illegal entrants to be deported by the Japanese Government.
- 2. Accordingly, the Ministry requests that a mosting of the Japan-Morea Working Committee be promptly held to make arrangements for the deportation of the under-mentioned illegal entrants:
- (1) Out of the illegal entrants named in the List propered under date of December 31, 1957 and delivered to the Korean Mission these who are now under detention at the Coura Aliene Detention Comp and about whose deportation there is no special problem.
- (2) Illegal entrants who were detained at the Omura Aliena Detention Coap on and after January 1, 1958 and about whose deportation there is no special problem.
- (3) Illegal entrante after the end of World War II who are now on parel, and about whose deportation there is no special problem.

chini 6,1558

147 Takyo, Cataber 2, 1956.



() 第二次世界大政統丁集の不扱人間者にして収放金された者で、公施二次世界大政統丁集の不扱人間者にして収放金された者で、必当につき問題無き者。 その後輩につき問題無き者。

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MINISTRY OF COMMUNICATIONS

REPUBLIC OF KOREA

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REMARKS:

NK98 SL K177 SA27 TOKYO 77/76 4 1110

KOREACROSS PHYONGYANG

CONFIDENTIAL ) REFERRING YOUR TELEGRAM NOVEMBER FIRST STOP JAPANCROSS AFTER DEEP COMSIDERATION INTERNAL AND EXTERNAL SITUATION AND ALSO DIFFERENT WAYS OF REPATRIATION WISH TO PROPOSE REPATRIATE SHIPWRECKED VIA NAKHODKA BY AVAILABLE SOVIET SHIP STOP IF YOU AGREE TO THIS METHOD JAPANCROSS IS PREPARED OPEN NEGOTIATION WITH SOVIET EMBASSY TOKYO AND HOPE YOU DO THE SAME AT PHYONGYANG STOP PLEASE KEEP IT STRICTLY CONFIDENTIAL STOP IN VIEW DEPARTURE INQUE FOR HANGI QUICK REPLY REQUESTED

0383

155

P156. 逓秘第 556 号

檀紀 4291 年(1958 年)11 月 4 日

逓信部長 印

外務部長官 貴下

不穏外国電報内容通報に関する件

本件、日本赤十字社から親共僑胞送還に関して、「平壌」のいわゆる朝鮮赤十字社宛に発送する電報が当部管下ソウル国際電信電話局に誤送され、参考に通報すると同時に、その写本を別添送付するものである。

OUTGOING TELEGRAM

## MINISTRY OF FOREIGN AFFAIRS

ST-9/11/0 NO. 478-015 DATE//05/800



OUR FACILITIES INTERCEPTED THE FOLLOWING CABLE DISPATCHED ON NOVEMBER POURTH BY JAPAN RED CROSS TO PYONG PUPPET RED CROSS COLON

ARTHR DEEP CONSIDERATION INTERNAL AND EXTERNAL SITUATION AND ALSO
DIFFERENT WAYS OF REPATRIATION WISH TO PROPOSE REPATRIATE SHIPWRECKED
VIA MAKHODKA BY AVAILABLE SOVIET SHIP STOP IF YOU AGREE TO THIS METHOD
JAPANCROSS IS PREPARED OPEN NEGOTIATION WITH SOLVET EMBASSY TOKYO AND
HOPE YOU DO THE SAME AT PYONGYANG STOP PLEASE KEEP IT STRICTLY CONFIDENTIAL
STOP IN VIEW DEPARTURE INQUE FOR HANOI QUICK REPLY REQUESTED G FIVE
THREE TWO UNQUOTE

QUOTE REFERRING YOUR TELEGRAM NOVEMBER PIRST STOP JAPANCROSS

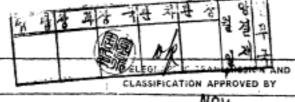
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PLEASE SEARCH OUT CONFIDENTIALLY WHAT IS GOING BETWEEN JAPAN
RED CROSS AND PUPPET RED CROSS AND FOR WHAT THEY ARE NEGOTIATING PD
WITH SERIOUS CONCERN CMA THE MINISTRY AWAITS MISSIONS REPORT IN THIS
CONNECTION PD

VICE FOREIGN MINISTER



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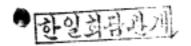
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COMMUNICATION SECTION

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# INCOMING TELEGRAM



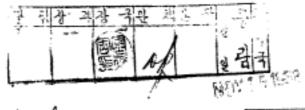
NO. MIB-050 4 DATE, 11141100

With reference to FTB-O15 of November 5 and FTB-O18 of November 12, this office took steps confidentially to get exact information regarding so called negotiations between the Japanese Red Cross and the Puppet Red Cross.

However, so far the story that the Japanese Red Cross is conducting positive negotiations with the Puppet Red Cross or Russian Embassy here has not been confirmed.

This office will be keeping close watches on the case and any development thereof will be reported to you promptly.

Minister Yiu



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(한일의라본거)

MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM CL SSIPECATION

NO. MTB-052 DATE: 11141900

TO. Poreign Minister & Office of the President

It was decided that a meeting of Korea-Japan Working

Committee would be held at 1500 on November 18th. Any government

instructions in connection with the Japanese Note Verbale No.

171-ASM of October 2nd, copy of which was sent to the Government,
will be highly appreciated.

Minister Yiu



NOV 1 5 1958

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COMMUNICATION SECTION

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160 .

#### P161. 外務部

## 檀紀 4291 年(1958年)11 月 17 日

(長官閣下の指示と見解)

- 1. 850 名の抑留者は全部受け取るべきで、一部を残して置くことはできない。
- 2. これに関する政府の政策は代表部が既によく知っていなければならないし、この訓令が行かなくても、850 名北韓送還希望者を除いて受け取るという言質を与えるとは考えない。
- 3. 明日(11.18)会議の経過を見る時まで、本案を保留することが可である。 受命者 政務局長

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Only)

# MINISTRY OF FOREIGN AFFAIRS

NO.

R. O. K. CODE

DAYE NOV 1 7 1958

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SENT TO MINISTER YIU COPY TO AMB LIMB

RECABLE MTB SERO FIVE TWO PD

ITEM ONE COLON TECHNICALLY CHA THE KOREA JAPAN WORKING COMMITTEE IS INDEPENDENT OF THE KOREA JAPAN CONFERENCE PD HOMEVER PLEASE BEAR IN MIND THAT THE TWO ARE CLOSELY RELATED TO EACH OTHER CHA AND THEREFORE CHA ANY EUPTION AT THE WORKING COMMITTEE WOULD AFFECT VITALLY THE PROCEEDING OF THE CONFERENCE SEMICOLON

ITEM TWO COLON AS THE MISSION MAS INSTRUCTED IN PTB ZERO ZERO SEVEN CMA GOVERNMENT IS READY IN PRINCIPLE TO RECEIVE THOSE KOREANS OF POSTWAR CATEGORY PD DU OUR FEAR IS THAT IN TAKING UP THIS ISSUE AT THE PRESENT MORENT CMA WE CANNOT BUT RESUME HOT DEBATE ON COMMUNIST DETAINERS OR PAROLEES PD THAT IS WHY WE PROPOSED CMA IN PRIM NOTE NUMBER THREE TWO DATED SEPTEMBER TWENTY SEVEN CHA TO TAKE UP THE ISSUE OF THIS KIND SOMETIME AT THE OVERALL TALKS SO THAT THE DETAINEE ISSUE MAY NOT FURTHER

ITEM THREE COLON FOR THE PRESENT MOMENT CHA GOVERNMENT DOES NOT THINK IT ADVISABLE TO FULL OUT AN ERUPTIVE ISSUE AT THE WORKING COMMITTEE /OR COMMITTEES

DETER THE PROCEEDINGS OF THE FOURTH KOREA JAPAN OVERALL TALKS SEMICOLON

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# MINISTRY OF FOREIGN AFFAIRS R. O. K.

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SENT TO

OR COMMITTEES OF THE CONFERENCE SEMICOLON

ITEM FOUR COLON BUT BEFORE TAKING UP THIS ISSUE SOONER OR LATER CMA GOVERNMENT CONSIDERS IT HIGHLY NECESSARY THAT THE LEGAL STATUS COMMITTEE SHOULD EXBEDITE SETTLEMENT OF THE PROBLEM OF ARTICLE TWO CHA PARAGRAPH ONE CONCERNING QUOTE NATIONALITY UNQUOTE SEMICOLON

ITEM FIVE COLON THE ABOVE POINTS ARE NOT FOR OUR EXPLANATIONS TO THE JAPANESE SIDE BUT FOR THE MISSIONS INFORMATION PD UNDER THESE CONSIDERATIONS CHAITIE MISSION IS INSTRUCTED TO REMAIN IN A LISTENERS POSITION AT THE WORKING COMMITTEE ON NOVEMBER EIGHTEENTH CMA AND TO MAKE NO SIGNIFICANT COMMITMENT ON OUR POSITION SEMICOLON

ITEM SIX COLON IN THIS CONNECTION CMA THE MISSION IS ALSO INFORMED THAT OUR SIDE WILL WITHHOLD FOR THE TIME BEING REPLY TO THE JAPANESE NOTE VERBALE NUMBER ONE SEVEN ONE ASM DATED OCTOBER SECOND PD

FOREIGN MINISTER



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COMMUNICATION SECTION

159

DRAFTI

MINISTRY OF FOREIGN AFFAIRS

# OUR POSITION

Date: November

Re: Legal Status of Korean Residents in Japan (Refer: MTB-C46,054 and 055, and MID No.2418)

- The Delegation is advised that the Government is ready to receive all Korean residents in Japan for their settlement at home, if the Japanese Government pays due compensation for the present predicement for which the Japanese Government should If the Japanese side be ready to make be responsible. approach to the problem from this angle, the Korean side would revise its draft proposal in entirety.
- Our draft agreement was presented to the Japanese side as an alternative to our position set forth in the preceding paragraph.
- However, it is not for hairsplitting questions and answers that our side presented the draft agreement on October 20, 1958. We presented it for general debte. through which the Committee could and should map out fundamental principles to govern the status of Korean residents in Japan.
- 4. If and after both sides agree on fundamental principles as stated above, the Committee can deliberate on the draft agreement article by article determining the meanings of various terms. This is not the time, when the Committee wastes time in elaborating definition of one term after another.
- Therefore, our side should reserve answers, for the time being, to all the questions prematurely raised up by the Japanese side on November 17, 1958;

/and now

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and now we must know, first of all, about Japanese views on the following matters:

- A) whather the Japanese Government recognizes that those Koreans concerning whom the committee is seeking an agreement are nationals of the Republic of Korea;
- B) whether the Japanese Government is ready grant them permanent residence in Japan if they so desire, and assure that they enjoy their lives as human beings;
- C) whether in Japan its laws and regulations are criteria for circumscribing the scope of an international agreement on the subject now under debate;
- D) whether the Japanese Government is intending to grant Koreans in Japan a sort of "special status" different from other aliens, and if so, what such status will be.
- E) whether the Japanese side shares the view with the Korean side that to grant all of Koreans in Japan permanent residence is not a sole way to the settlement of the problem of Koreans in Japan, as the Korean side is ready to encourage their repatriation to home only if the Japanese Government is ready to pay due compensation for their compulsory emmigration to Japan and their predicament of living since that time.

/We believe

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We believe that Japanese clarification on the above-mentioned points would expedite an accord on fundamental principles to govern the proposed agreement on the subject.

- 6. However, the Delegation is exclusively informed of what the Government has in mind concerning those question which the Japanese side recently raised up. They are as follows:
- It is our view that the cate of the termination of hostilities of the Pacific War is August 9, 1945.
- Article 1 of the draft agreement means those lineal descendants of Koreans continuously residing in Japan since the date of the termination of hostilities of the Pacific War or since prior thereto, who are nationals of the Republic of Korea by the Nationality Law of the Republic of Korea; and it should cover all the descendants to follow without limit of time so long as this Agreement remains in effect; the draft agreement provides for nothing about "places of their living," but will there be any actual question when they gave up their residence in Japan?
- 3) The Japanese question item 8 seems to have been raised up with a malicious intent; in any civilized country, descendants of those aliens residing in that country with the status of permanent resident are usually granted permanent residence; our side wishes, in this regard, to know what the Japanese practice is on this point.

/ 4) Those

- 4) Those Koreans who would not take the prescribed procedures for the permanent residence should be governed also by the proposed agreement, though Article 3 may not apply to those Koreans logically.
- 5) Even before the end of the 2 year period stipulated in Article 3 of the draft agreement, deportation of Koreans may be carried out if and when consulation is made with the Korean side.
- 6) By the word, "Consultation" in paragraph 2 of Article 3 of the draft agreement, our side take it that deportation of Koreans can be carried out only with the consent of the other party case by case; "Such matters as are required for the enforcement thereof" mean "requirements for implementing deportation".
- 7) Paragraph 2 of Article 3 will not apply to those who would not obtain due permanent residence under paragraph 1 of the same article.
- 8) Instead of answering the Japanese question concerning the meanings of Articles 4 and 5 in relation to paragraph 3 of Article 7 and our reservation item 3, we may suggest to the Japanese side that the phrase "the Present Agreement" in Article 4 and 5 be replaced by the phrase "the Peace Treaty with Japan signed at the City of San Francisco, September 8, 1951, while withdrawing paragraph 3 of Article 7 and our reservation item 3.
- As regards Article 6, the Korean residents in Japan in this Article includes their descendants

/including those

including those who might be born in distant future.

- 10) The Japanese position concerning paragraph 1 of Article 6 (MTB-046) is unacceptable.
- 11) We take the position that "procedures" stipulated in paragraph 2 of Article 6 does not include the question on the amount of money to be remitted, and accordingly, we cannot accept the Japanese position that the amount of money remitted should be limited.
- 12) We have no objection in principle to setting up a Working Party Meeting to deal with matters concerning Article 6, but we consider that time has not yet come for the committee to set up such meeting because we believe that adjustment of difference of views on basic points of the draft agreement is to be more urgently done.

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#### MINISTRY OF FOREIGN AFFAIRS

# OUR POSITION

Decume	M No.			Dates	18:58
Re:	The Probl	Lem of Kon tention at	reans of t Omura	Postwar Detention	Categor (Camp
	(Refer:	MTB-052,	HID No.	2166)	

- 1. As the Mission was instructed in FTB-007, our Government is ready to receive, in principle, those Koreans of postwar category. But our fear is that in taking up this issue at the present moment, we cannot but resume hot debate on Communist detainees or parolees. That is why we proposed, in PKM Note number 32 dated September 27, to take up the issue of this kind sometime at the overall talks so that the detainee issue may not be further deter the proceedings of the 4th Korea-Japan overall talks.
- For the present moment, we do not consider it advisable to pull out an eruptive issue at the Working Committee in connection with the detainee issue.
- 3. Before taking up this issue sooner or later, we consider it highly necessary that the Legal Status Committee should expedite its proceeding particularly concerning the problem of "Nationality" in accordance with government instructions.
- 4. The Mission is informed that our side will withhold for the time being reply to the Japanese Note Verbale No. 171/ASN dated October 2, 1958.

5. place suprit the Delegation's chewation's be recommendations, in the segurds on this subject.