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CONFIDENTIAL

Department of External Affairs

Subject: KOREA: STATUS OF FORCES Claims negotiations

File No. 7-2-4-2
Volume I
From 20 Feb 1952
To 30 Nov. 1955

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Date	Referred To	Date	Referred To	Returned

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DATE / DATE:
March 22, 1991

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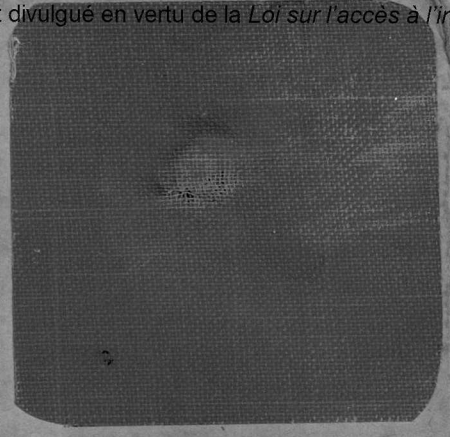

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FOR SUBSEQUENT CORRESPONDENCE SEE NEXT PART OF FILE

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URGENT

CONFIDENTIAL

November 25, 1955.

7-2-4-2

Memorandum for the Ambassador - through Mr. Halstead

You have expressed the desire of reading over again the letter which I prepared last week for Ottawa on the subject of claims negotiations in Korea for utilities services. I now attach the file with this letter, together with the enclosures referred to therein for your attention. I met with Basil Greenhill at the British Embassy this morning to obtain further information concerning the present status of the negotiations. He told me that U.N. Command were now expecting a reply from the Korean Minister of Finance to their letter of October 28, 1955. Consequently the talks have not yet started and, therefore, it is not too late, even if we lost the first round by default, to try to win the second. Basil Greenhill has called a meeting at junior level of representatives of the British Commonwealth missions concerned for Monday morning at 11:00 o'clock. Brigadier Alderson, our representative on the negotiating team,will not attend, but Colonel Daunt will represent BCFK. It is my understanding that at that meeting Greenhill will suggest that Brigadier Alderson be persuaded to make further representations to U.N. Command in Tokyo concerning the neglect of the latter to secure the Commonwealth views prior to entering into correspondence with the Korean authorities. Greenhill does not rule out the possibility of requesting the heads of missions concerned to agree to hold a meeting next week on that specific subject with the Commander-in-Chief, BCFK, General Bierwirth. General Bierwirth will be in Tokyo on Tuesday for approximately four days. I should be grateful if you would let me know whether you agree to my saying at the meeting that you would be available next week to meet the Commander-in-Chief with your colleagues.

Ambassador says yes. J.H.

2. I personally believe that for the time being this is the best course of action open as I really doubt the ability of Brigadier Alderson to put our views across to the U.N. Command officers concerned, all Americans. Brigadier Alderson was entrusted with the task of bringing to the attention of

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these officers the comments of the Commonwealth side on the draft reply to the Minister of Finance of the Korean Government, with the result that you know. The reply was sent without taking into consideration our legitimate objections. It seems, therefore, useless to again ask Brigadier Alderson to try to secure more cooperation from the U.N. Command. With your permission again I will take the stand at Monday's meeting that not too much hope should be put in that course of action and that better results would be achieved if the Commander-in-Chief was advised to meet with the higher authorities at U.N. Command. Rather than staying in Tokyo where all decisions prior to the opening of talks are being taken, Brigadier Alderson spends most of his time in Kure and consequently cannot keep a close eye on the action taken by his U.S. colleagues. Furthermore, he does not seem to be too much convinced himself of the necessity of keeping the U.N. Command in step. You will note from the notes of the meeting he had at Pershing Heights on October 25, 1955, that he did not put up too much of a fight with regard to the comments the Commonwealth diplomatic representatives had to make on the action taken by the U.N. Command. At the same time, he is very jealous of his prerogatives, and, therefore, he might not like the idea of having his Commander-in-Chief told by implication by Commonwealth representatives that he is not up to par.

Ambassador says OK J.H.

3. At Mr. Halstead's suggestion I intend, following Monday's meeting, to draft for your approval a short telegram to Ottawa referring to our letter of this week, in which we would request that approval for the two courses of action now open be given: Representations to CINCUNC through General Bierwirth, and failing this, representations at diplomatic level. The telegram would, of course, take into consideration the decision reached at the meeting. I understand from Basil Greenhill that Sir Esler has given his concurrence on these points and that he would not be reluctant to have a heads of Commonwealth missions meeting next week to meet the Commander-in-Chief, BCFK.

4. The reluctance of the U.N. Command to keep us informed originates, in all likelihood, in their false interpretation of the Agreed Instructions, as shown by the notes of the meeting held at Pershing Heights on October 25, 1955. It seems that they believe that since the Instructions were agreed to in Washington by all Commonwealth governments concerned, there is no longer any need to consult Commonwealth representatives, contrary

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to Article 8 of these same Instructions. The point could be made that the Instructions are not extremely clear in that regard. The U.S. officers at U.N. Command seem also to treat this matter with a considerable amount of casualness, as shown by the fact that they told Brigadier Alderson on October 25 that the reply to the Korean Minister of Finance had been despatched while in fact it was issued three days after.

5. At any rate, if we are to have our say in the negotiations it is essential that the point we made, that they be not started without first having the Koreans agree to the principles established in the Instructions, be met by the U.N. Command.

G. Bertrand

It seems to me we are justified in asking Ottawa to adopt a fairly strong stand on this — unless we establish now the obligation of the U.N. Command to carry out prior consultations with us & to take serious account of our views, our interests are likely to go by default in the forthcoming negotiations with the 5. Koreans (which are likely to be difficult enough without the added complication of a lack of coordination on the Allied side).

J.W.

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G. Bertrand/jt

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (FILE COPY)

NUMBERED LETTER

CONFIDENTIAL

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: The Canadian Embassy, Tokyo, Japan

Reference: Your Telegram No. L-185 of October 18, 1955

Subject: Korea - Status of Forces - Claims Negotiations

Security:

No: 1181

Date: November 23, 1955

Enclosures:

Air or Surface Mail: Air

Post File No: ~~210-7-13~~ 7-2-4-2

Ottawa File No. 50069-11-40

References
cc Military Attache

Internal Circulation

Distribution to Posts

Ext. 182B (Rev. 2/52)

On September 16, 1955, the U.N. Command sent to the Minister of Finance of the Korean Government a letter inviting the opening of talks on the settlement of claims for utilities services on a basis in line with the Agreed Instructions to the U. N. Command, except for the following two minor changes:

(a) In the letter, a copy of which is attached, the phrase "except to the extent that payment has already been made" was omitted in the reference to the U.N. view that no payment should be made in respect of utilities services furnished during hostilities. It was felt that this phrase might stimulate Korean demands for more payments in advance of negotiations. The only payments which have already been made are in respect of transportation.

(b) References to gas were omitted as there was none in Korea, and references to real estate were added.

2. The Korean Minister of Finance, in his reply dated October 1, a copy of which is attached, suggested that the United Nations Command were repudiating their obligations and stated that in the viewpoint of the Korean Government, all reasonable claims for real estate and utilities services, past and future, should be met in full without any offsetting.

3. A draft reply to that letter, copy of which is attached, was prepared by the U.N. Command which was objectionable on two scores, first in that in para. 3 the U.N. Command was exposing itself to Korean claims for settlement for utilities services provided before the date on which any agreement which emerges from the forthcoming talks comes into effect. Paragraph 4 of the Agreed Instructions states that it is the U.N. position that there should be no payments for utilities services by the U.S. and other U.N. Forces, except to the extent that payment has already been made, for the period between the Armistice and the effective date of the agreement. Therefore (paragraph 5 of the Instructions refers) Korean claims for the period prior to the effective date of the agreement should not be recognized. In spite of this, the last paragraph of the draft reply from the U.N. Command spoke of settlement of past claims; - there seemed to be a danger there of inviting attention to claims which it had already been agreed that the U.N. side should not recognize. The second objection was that it suggested that meetings should begin before the Government of the Republic of Korea had agreed to accept

. . . 2

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the principles for the conduct of the negotiations laid down in the Agreed Instructions.

4. The U.N. Command's draft reply was not shown for comments or approval to the BCFK officers interested in the negotiations and consequently the Commonwealth diplomatic missions concerned could not have the opportunity of expressing their views. However, advantage was taken of the presence in Tokyo of Brigadier Alderson, BCFK, to have a meeting at the British Embassy to discuss this omission and comment on the draft reply. Brigadier Alderson, who is the Commonwealth representative and as such a member of the U.N. negotiating team, was in Tokyo to meet the U.S. officers at the U.N. Command, who are concerned with the talks. It was decided at the issue of the meeting that he should request that BCFK be placed on the distribution list for all papers relating to the talks since they are U.N. negotiations. It appeared that this point was agreed to by the U.N. officers concerned. It was decided also that the Brigadier should take up the two criticisms of the U.N. Command's draft. The reply of the U.N. Command officers concerning the first objection was that the word "settlement" could cover the case of a waiver of past claims. As to the second, they stated that CINCUNC had delegated to the 8th Army and General Harmony the task of carrying out the negotiations, and that as long as that applied they did not wish to depart from their policy and wished General Harmony and Mr. Kim to carry out discussions rather than the U.N. Command in Tokyo. During that meeting, which took place on October 25, Brigadier Alderson was told that the draft reply had been despatched to the Korean Minister of Finance along the lines of the so-called 8th Army Amendment which re-affirmed the principle that the negotiations should not be started unless the Korean Government had agreed to accept the principles for their conduct laid down in the Agreed Instructions. It appeared from the meeting that two of the three points made by Brigadier Alderson had been met by the U.N. Command, but that the third, the reference to past claims, had gone by default as a result of the delay by the U.N. Command in supplying BCFK representatives with copies of the correspondence.

5. On November 18 we received through the British Embassy in Tokyo a copy of the letter which was actually issued by the U.N. Command to the Korean Minister of Finance. A copy is attached. You will note that it had not already been issued on October 25, when Brigadier Alderson went to the U.N. Command, but was in fact issued on the 28th; that it does not take into account the so-called 8th Army Amendment but follows closely on the draft originally prepared by U.N. Command. Thus the latter have, in fact, ignored both the points made by Brigadier Alderson, although it would appear that, despite the delay in providing us with copies of the relevant documents, there was still time for these points to be taken into consideration before the letter to the Koreans was despatched.

6. This is the situation as it stands now. Brigadier Alderson will be in Tokyo in the near future, at which time he will meet again representatives of the Commonwealth missions concerned. It seems that if we want to avoid the opening of the talks before the Korean side has agreed to accept the principles for their conduct, further approaches will have to be made to the U.N. Command. Since Brigadier Alderson, who is the Commonwealth representative and as such a member of the U.N. negotiating team, has failed in his representations, the next step appears to be for the Commander-in-Chief, BCFK, to approach CINCUNC to obtain assurance that more cooperation be extended to the Commonwealth representatives. Failing this, it would be in order to consider

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the possibility of an approach at the diplomatic level, a course of action about which we should like to have your comments as soon as possible.

7. We add for your information certain details given by Brigadier Alderson on the services and facilities which have been provided to the Koreans. In Brigadier Alderson's estimation it is clear that for the period between the armistice and the date of any agreement which might be reached, the U.N. Forces as a whole have given much more than they have received. The Korean main claim was for rail transportation; but the railways have been rehabilitated and re-equipped by the U.N. Forces, and up to the Armistice have been staffed by them. So far as electricity was concerned, the Americans had their own generators which supplied the cities, and they had imported coal and other fuel. The water supplies have been restored by the Americans and the U.N. Forces have rehabilitated many buildings and handed them over to the Koreans. The Brigadier foresees certain difficulties in dividing the consumption of water and electricity between the U.S. Forces and DCFK, but so far as water is concerned, a fairly accurate estimate could be made on the basis of the average daily consumption per man; but there is no basis on which any similar estimate could be made for electricity.

T.C.D.-

The Embassy

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210-7-13

(1193/1/18/55)

CONFIDENTIAL

BRITISH EMBASSY,
TOKYO.

Canadian Embassy - Ambassade du Canada - TOKYO - Japan
NOV 18 1955

November 16, 1955.

My dear Gérard,

Would you please refer to the record of Brigadier Alderson's meeting with Colonel Riley on October 25 to discuss Korean claims matters, a copy of which I enclosed with my compliments slip of November 4. In that record it was stated (1) that a reply to the Korean letter of October 1 had already been issued and (2) that it was along the lines of the so-called "8th Army amendment", that is, it took account of the view that negotiations should not start before the basic principles governing them had been agreed with the R.O.K. It thus appeared from this record that one of the two points that we agreed at our Commonwealth meeting of October 25 should be made to U.N. Command had been met but that the second - that the draft reply to the Koreans laid too much stress on past claims - had gone by default as a result of the delay by the U.N. Command in supplying us with copies of the correspondence.

2. I now enclose a copy of the letter which was actually issued by the U.N. Command to the Koreans. As you see, (1) it had not already

/been

Mr G. Bertrand,
Canadian Embassy,
Tokyo.

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been issued on October 25 but was in fact issued on the 28th; (2) it does not take into account the "8th Army amendment" but follows closely on the draft originally proposed by U.N. Command, a copy of which was enclosed with my letter to Cunninghame of October 20 (copied to you and to Austin). Thus, U.N. Command have in fact ignored both our points although it would appear that, despite the delay in providing us with copies of the relevant documents, there was still time for them to be taken into consideration before the letter to the Koreans was issued.

3. I understand that Brigadier Alderson will be in Tokyo again very shortly and it may be that we shall then have the opportunity to discuss this matter together again.

4. I am sending copies of this letter and its enclosure to Austin in the Australian Embassy and Cunninghame in the New Zealand Legation.

Yours ever,

Bill Greenhill.

(B. Greenhill)

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British Embassy,
Tokyo.

UNCLASSIFIED

(1193/1/15/55) November 4, 1955.

8

WITH THE COMPLIMENTS
OF
B. GREENHILL,
HER BRITANNIC MAJESTY'S EMBASSY.

Mr. G. Bertrand,
Canadian Embassy,
Tokyo.

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340-0

NOTES OF MEETING HELD AT PERSHING HEIGHTS ON 25 OCT 1955

Present:	Brig	B. E.	ALDERSON.	FA BCFK
	Lt Col	W. W. D.	DAUNT.	BCFK
	Lt Col		RILEY.	HQ, UNC.
	Capt	H. W.	POPE.	JBLO.

The meeting opened at 1440 hours.

Brig ALDERSON:

There has been apparently a misunderstanding on the matter of the British Commonwealth representative on the Korean Negotiations. I have been appointed to represent the Commonwealth views and it is my intention to deal with you on any problems which may arise. In my absence, either Col DAUNT or Capt POPE will be in touch with you. The Commonwealth Embassies will NOT be brought into any discussions with you.

The misunderstanding has been purely local and the position as outlined to you some time ago still stands.

At a meeting of Embassy representatives it was agreed that the negotiations would be carried out by the duly appointed representative - that is myself.

Col DAUNT or Capt POPE in my absence will be the channel of communication with you.

Col RILEY:

Whatever British Commonwealth wanted and whichever representative they appointed for these negotiations was perfectly satisfactory to us. However at a recent meeting with Major JOHNSTONE the question was raised of a telegram referring to a meeting in SEOUL. The Embassies apparently thought that there may have been some political implication to this meeting. This was not the case.

Brig ALDERSON:

That is understood. I have discussed the matter with the C-in-C BCFK. He agrees that, as the appointed representative [illegible] the job, and that the normal liaison relations will stand.

Col RILEY:

If there are any reports to be submitted, how will this be done - through BCFK, the Liaison Group etc.

Brig ALDERSON:

That raises another point. The negotiations are a United Nations matter. Last time we had a meeting you told me you would let me have copies of certain correspondence. In the meantime a letter was received from the ROK and a draft reply was sent out. We were not on the distribution list, and we did not get the information until some time later.

We therefore request to be included in the distribution of anything on the policy of the negotiations.

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Col RILEY:

After our conference we wrote to Mr. KIM what was discussed and agreed. A reply came from Mr. KIM. As we had no intention of altering our stated policy our reply was not sent to you.

Brig ALDERSON:

The letter referred to, included a suggested reply by 8th Army. We think it is not strong enough. It also included a reference to "a settlement of past claims".

Col RILEY:

The word "settlement" may cover the case of a waiver of past claims.

Col RILEY:

The C-in-C delegated to 8th Army and General HARMONY the task of carrying out the negotiations. As long as that applied we did not wish to depart from our policy and wished Gen HARMONY and Mr. KIM to carry out discussions rather than this Headquarters.

Brig ALDERSON:

Have you replied to Mr. KIM yet ?

Col RILEY:

Yes, along the lines of the 8th Army amendment.

A general discussion took place on the discussions between 8th Army and ROK.

Brig ALDERSON:

Can BCFK be put on the distribution list ?

Col RILEY:

We will send copies of correspondence to you through Capt POPE UN Liaison Section.

Brig ALDERSON:

We have decided then

(a) that there will only one means of communication.

(b) The Liaison Group will represent British Commonwealth in my absence.

The Embassies may want a meeting of Heads of Missions later.

I do not know for certain but will let you know.

Meeting closed at 1500 hours.

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TRANSMITTAL SLIP

TO: 1 CANADIAN EMBASSY, TOKYO, JAPAN

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA

Security: CONFIDENTIAL

Date: October 31, 1955

Air or Surface: Air

No. of enclosures: 1

210-7-13.

The documents described below are for your information.

Despatching Authority: Legal/W.M. Wood/KE

Embassy - Ambassade
NOV 8 1955
Japan
Tokyo

Copies	Description	Also referred to:
	Copy of letter sent to Mr. Pyman, First Secretary of the Australian High Commissioner's Office, dated Oct. 31, 1955 re: U.N. Negotiations for Settlement of Claims and Accounts in Korea.	DM/ND (Mr. Anderson) DM/Fin. (Mr. Hockin)

NO.	INIT.
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Ext. 250 (Rev. 10/51)

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CONFIDENTIAL

Ottawa, October 31, 1955

Dear Mr. Pyman,

In reply to your letter 112/1/6 of 24 October, 1955, I wish to inform you that the Canadian authorities have no objection to the amendments proposed by the United Kingdom authorities to the draft instructions to the Commonwealth Representative on the United Nations negotiating team.

The Canadian authorities have suggested that the intent of paragraph 4 (vi) (b), in its amended form, might be clearer if it were worded as follows:

> "The rates for utilities consumed should be no less favourable than utility rates charged to any other consumers or to other United Nations Forces, whichever are the lower."

Yours sincerely,

G. SICOTTE

FOR THE
(Gilles Sicotte)

T.A. Pyman, Esq.,
First Secretary,
Australian High Commissioner's Office,
Ottawa.

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COPY

28 October 1955

My dear Mr Minister:

This will acknowledge receipt of your letter of 1 October, 1955, relating to the settlement of claims and accounts in Korea, in which you request reconsideration of the principles conveyed to you by my letter of 16 September 1955.

The matter of settlement for past utilities services and real estate furnished the Unified Command by Republic of Korea agencies has been the subject of consideration for several months. The principles outlined in the referenced letter are considered more than equitable in that a mutual waiver of past claims is proposed even though the value of the materials, supplies, equipment and services furnished Korean utility agencies by the nations comprising the Unified Command far exceeds the value of utilities services and real estate furnished in return by the Republic of Korea. The great community of effort exerted by the nations comprising the Unified Command in assisting the Republic of Korea throughout the years during which hostilities prevailed prompted the proposal to waive past claims and accounts and to enter into new arrangements for the payment of utilities services on a current basis.

Your letter of 1 October 1955 has been furnished the Commanding General, United States Army Forces, Far East and Eighth United States Army, who has been designated as the Executive Agent of the United Nations Command with responsibility to negotiate with your Government for the settlement of past claims in the fields of utilities services and real estate, and for new arrangements for the provision of future utilities services. Major General John W. Harmony, the representative of the Commanding General, United States Army Forces, Far East and Eighth United States Army, is prepared to meet with you at a time which is mutually agreeable.

Sincerely,

Elmer J. Rogers, Jr.
Lieutenant General, USAF
Chief of Staff

His Excellency Hyun Chul Kim
Minister of Finance
Republic of Korea
Seoul, Korea

CONFIDENTIAL

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CONFIDENTIAL

BRITISH EMBASSY,

TOKYO.

October 26, 1955.

Mr Bertrand

Canadian Embassy - Ambassade du Canada
OCT 27 1955
TOKYO - TOKYO

WITH THE COMPLIMENTS

OF

Chancery,

HER BRITANNIC MAJESTY'S EMBASSY

Mr G. Bertrand,
Canadian Embassy,
Tokyo.

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210-7-13.

CONFIDENTIAL

KOREAN CLAIMS NEGOTIATIONS

Record of a meeting held in the British Embassy, Tokyo, at 9.30 a.m. on Tuesday, October 25, 1955

Present:

Brigadier B. E. Alderson	B.C.F.K.
Lt. Col. W. W. Daunt	"
Major R. S. V. Johnstone	"
Capt. H. Pope	"
Mr R. W. L. Austin	Australian Embassy
Mr R. R. Cunninghame	New Zealand Legation
Mr G. Bertrand	Canadian Embassy
Mr B. Greenhill	British Embassy
Mr J. M. Furley-Smith	" "

Draft reply to R.O.K. letter of October 1

1. Mr Greenhill said that in the British Embassy's view Col. Riley of U.N. Command had misinterpreted the agreed instructions to the C.-in-C., U.N. Command, in particular paragraph 9. The Embassy considered that the Commonwealth diplomatic representatives should be consulted from the start; i.e., they should see in draft all letters to the R.O.K. about the opening of the talks and have the opportunity to comment if they so wished.

2. Brigadier Alderson said that as the Commonwealth representative he was a member of the U.N. negotiating team, and the C.-in-C., B.C.F.K., should be included in the distribution list for copies of any documents (such as the draft reply to the Korean letter of October 1) which would then be passed to Commonwealth Missions in Tokyo. It was agreed that Brigadier Alderson should ask for this to be done when he saw Col. Riley in the afternoon. If there was any difficulty, the next step would be for the C.-in-C., B.C.F.K., to approach U.N.C., and if this failed the matter would have to be taken up at diplomatic level.

3. On the actual wording of the draft, Mr Greenhill said that the third paragraph was open to two criticisms:

(a) It opened the way for negotiations to start before the basic principles governing them had been agreed with the R.O.K. This might mean that the negotiating team might spend a lot of time discussing the principles before they could start on the proper negotiations.

(b) The draft seemed to lay too much stress on past claims in a way which might encourage the Koreans to press this issue.

4. As regards (a), it was agreed after discussion that when Brigadier Alderson saw Col. Riley he should express Commonwealth support for an amendment making this point which the U.S. 8th Army Command had already requested. As regards (b), the Brigadier said that his instructions and those to U.N. Command

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made it clear that past claims should be excluded from any settlement which might be reached. It was agreed that he would also raise this point with the U.N. Command.

Meeting of Heads of Commonwealth Missions with C.-in-C., U.N. Command

5. Mr Greenhill said that the British Embassy felt that such a meeting, if it was held, would provide an opportunity for stressing to the C.-in-C., U.N. Command, the Commonwealth interest in the negotiations and might give useful backing to Brigadier Alderson. The Embassy was, however, still without instructions from London. In subsequent discussion it transpired that none of the other Commonwealth Missions had received instructions either. The general feeling was that in fact a meeting with U.N. Command could serve little purpose.

Commonwealth Diplomatic Observer

6. Mr Greenhill said that Mr Phelps, the Financial Adviser in the British Embassy, had now left Tokyo and his replacement, who had not yet been named, could scarcely arrive for at least a month. If the negotiations opened before a replacement arrived, the Embassy would be unable to release Mr Furley-Smith and could not therefore supply the observer. Brigadier Alderson said he did not think it necessary to warn U.N. Command in advance of this possibility; they would probably make no difficulty if in the event it proved necessary to substitute somebody else for Mr Furley-Smith or to do without a "diplomatic observer" for a spell. Since the negotiations were to be a straightforward payment for services rendered, he himself doubted whether the absence of a financial expert would cause any inconvenience.

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CONFIDENTIAL

BRITISH EMBASSY,
TOKYO.

(1193/1/11/55)

October 20, 1955.

My dear Gérard,

We have just received from B.C.F.K. copies of correspondence which has been going on between the U.N. Command and the Korean Minister of Finance on the subject of the Korean claims negotiations.

2. I now enclose copies of the three main letters in the series:

(1) The U.N. Command's letter to the Korean Minister of Finance of September 16 inviting the opening of talks to be held on ~~the~~ basis, which is, in fact, that of the Agreed Instructions to the U.N. Command.

(2) The Korean Minister of Finance's reply of October 1, which suggests that the U.N. Command are repudiating their obligations and states that, in the view of the Korean Government, all reasonable claims for real estate and utilities services, past and future, should be met in full without any offsetting.

(3) The U.N. Command's draft reply to this letter. This is being circulated by the U.N. Command to its staff departments, but it can be maintained, on the basis of paragraph 9 of the Agreed Instructions, that appropriate Commonwealth representatives may comment upon the draft.

3. My own preliminary view is that the U.N. Command's draft reply is weak in two points: the first, in that in paragraph 3 there may be a danger that the U.N. Command is exposing itself to Korean claims for settlement for utilities services provided before the date on which any agreement which emerges from the forthcoming talks comes into effect. Paragraph 4 of the Agreed Instructions states that it is the U.S. position that there should be no payments for utilities services by the U.S. and other U.N. forces, except to the extent that payment has already been made, for the period between the Armistice and the effective date of the agreement, and that therefore - paragraph 5 of the Instructions - Korean claims for the period prior to the effective date of the agreement should not be recognised.

/In

Mr. G. Bertrand,
Canadian Embassy,
Tokyo.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

In spite of this, the last paragraph of the U.N. Command's draft reply speaks of General Harmony as having "been designated as executive agent with responsibility to negotiate.....for the settlement of past claims in the field of utilities services and real estate and for new arrangements for the provision of future utilities services". There would seem to be a danger here of inviting attention to claims which it is already agreed that we shall not recognise.

The second criticism might be that the letter is at fault in suggesting that meetings should begin before the Government of the Republic of Korea have agreed to accept the principles for the conduct of the negotiations laid down in the Agreed Instructions.

5. Brigadier Alderson will be in Tokyo this weekend and he has asked if he might meet representatives of the Commonwealth Missions here to discuss this whole subject on Tuesday, October 25. He is due to see the U.N. Command in the afternoon of that day, and I would propose that we should hold the meeting in my office at 9.30 on the morning of October 25 when we can go into these matters. It will be especially important to know then whether any Commonwealth Mission has received a brief for the meeting with C.-in-C., U.N. Command, envisaged in paragraph 8 of the Agreed Instructions.

6. I am writing similarly to Austin in the Australian Embassy and Cunningham in the New Zealand Legation.

Yours ever,

Basil Greenhill.

(B. Greenhill).

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

Draft of Proposed Reply from United Nations Command to Korean Minister of Finance

This will acknowledge receipt of your letter of 1 Oct 55 relating to the settlement of claims and accounts in Korea, in which you request reconsideration of the principles expressed to you in the letter of 16 Sep from this Hq.

The matter of settlement for past utilities services and real estate furnished the Unified Command by ROK agencies has been the subject of consideration for several months. The principles outlined in the reference letter are considered more than equitable in that a mutual waiver of past claims is proposed even though the value of the materials, supplies, equipment, and services furnished Korean utility agencies by the nations comprising the Unified Command far exceeds the value of utilities services and real estate furnished in turn. The common goal of the nations comprising the Unified Command to assist the ROK prompted the proposal for waiver of past claims and accounts, and to enter into new arrangements for payment for utilities services on a current basis.

Your letter of 1 Oct 55 has been furnished the CGAFFE/8a who has been designated as executive agent with responsibility to negotiate with your Government for the settlement of past claims in the fields of utilities services and real estate, and for new arrangements for the provision of future utilities services. General John W. Harmony, the representative of CGAFFE/8a, is prepared to meet with you at such time as is mutually agreeable.

Document disclosed under the *Access to Information Act*
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annex 2.

Letter of October 1 from Korean Minister of Finance to United Nations Command

Please refer to your letter of 16 September 1955 as to claims against the United Nations Command for services and real estate.

The first paragraph of that letter expresses the willingness of the United Nations Command to negotiate the settlement of such claims. Yet, in effect, the remainder of the communication categorically repudiates all past claims for services and real estate and all future claims for the latter. Your prior unilateral repudiation of the claims is a negation of true "negotiation".

The viewpoint of the Government of the Republic of Korea is that, despite the generous military and economic assistance furnished by the United States and other nations in the common fight against communist expansion, all reasonable claims for real estate and services furnished to the United Nations Command in Korea by individuals, corporations and Government should be met in full without offsets in respect of equipment, etc. furnished to Korea.

I would refer you to the letter of 17 August 1954 from the U.S. Comptroller of the Army (Lt General Decker) to the Republic of Korea Economic Coordinator. That letter stated that "the Government of the United States proposed to initiate negotiations on behalf of the United Nations for settlement in one agreement for past claims, except tort claims", and that the Commander-in-Chief, United Nations Command, was authorised to advise the Republic of Korea Government "that the Government of the United States proposes to initiate negotiations directed toward the establishment of financial arrangements for the settlement of bills incurred in the future". General Decker's letter also stated that negotiations would be instituted within two months, i.e. by 17 October 1954.

I thus request that "the position of the United States and of those nations furnishing military forces and field hospitals in Korea" as explained in your letter under review should be reconsidered and that an initial conference be convened on 17 October 1955 in Seoul to discuss the principles of admissibility and to negotiate an equitable settlement of outstanding claims and accounts. I shall have the pleasure to represent the Government of the Republic of Korea for the conference."

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

U.N. Command's letter to the Korean Minister of Finance.

16 September 1955

My dear Mr. Minister:

Reference is made to your letter of 27 July 1955 and the reply of the Commander-in-Chief, United Nations Command thereto dated 20 August 1955. The purpose of this letter is to inform you that the United Nations Command is now prepared, at such time and place as you may indicate, to negotiate the settlement of claims and accounts for utility services, i.e., the use of transportation and communications sytems or the use or consumption of electricity, water, steam heat, light and power, however produced, and for the use of real estate, on behalf of the United States and on behalf of the governments of those nations furnishing military forces and field hospitals to the Unified Command. The United Nations Command is also prepared to negotiate arrangements pertaining to the future provision of utility services to United States Forces and to the forces of other nations furnishing military forces and field hospitals to the Unified Command by your Government on a current basis.

As a basis for negotiation of an equitable settlement of claims and accounts as defined above, it is proposed that the over-all period be considered under three separate headings, generally as follows:

a. The hostilities period prior to the cease-fire order of 27 July 1953.

b. The post-hostilities period beginning 28 July 1953 and extending to the effective date of new arrangements entered into between agencies of the respective governments.

c. The future use period beginning on the effective date of the new arrangements.

It is the position of the United States and those nations furnishing military forces and field hospitals to the Unified Command that:

a. Claims and accounts shall not accrue for (1) damage resulting from combat activities, and (2) taxes, interest and similar charges.

b. No payment should be made for utility services furnished during the hostilities or post-hostilities periods in view of the assistance furnished by the United States and by those nations furnishing military forces and field hospitals to the Unified Command in maintaining the security of the Republic of Korea, and in view of the value of equipment, materials, supplies and services furnished by those nations to help maintain the Republic of Korea utilities in operation.

c. No payment should be made for the use of real property, i.e., land, buildings and other structures, or for the removal, modification or restoration of any real property altered during its use at any time by the United States and by those nations furnishing military forces and field hospitals to the Unified Command.

d. After the effective date of the new arrangements, entered into by the United States and by those nations furnishing military forces and field hospitals to the Unified Command and the Republic of Korea, utility services furnished by the Republic of Korea to those forces should be on a current basis.

000443

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Your agreement is requested to the above general principles for the bulk settlement of claims and accounts for utility services and use of real estate furnished by the Republic of Korea to the United States and those nations furnishing military forces and field hospitals to the Unified Command.

The position of the United States and of those nations furnishing military forces and field hospitals in Korea is that no payment should be made for utility services furnished prior to the effective date of new arrangements. However, if the Republic of Korea so desires, the Unified Command is prepared to enter into a detailed comparison of Republic of Korea claims and accounts for utility services furnished by the Republic of Korea and the equipment, materials, supplies and services furnished to the Republic of Korea in support of the Republic of Korea utilities. For this purpose, the value of equipment, materials, supplies and services provided to the Republic of Korea by the United States and by those nations furnishing military forces and field hospitals to the Unified Command, on the one hand, and utility services furnished to such forces by the Republic of Korea, on the other hand, during the post-hostilitiel period only, should be utilised as offsets, one against the other, on a cumulative basis. In computing the value of claims and accounts, the military conversion rate applicable during the time the equipment, materials, supplies and/or services were furnished should be used.

It will be appreciated if you will furnish this Headquarters the name of your representative with whom the Commanding General, United States Army Forces, Far East and Eighth United States Army, or his representative should consult concerning this matter.

Sincerely,

"Elmer J. Rogers, Jr."
Lieutenant General, USAF
Chief of Staff.

His Excellency Hyun Chul Kim
Minister of Finance
Republic of Korea
Seoul, Korea

Copies to:
Minister of Transportation, ROK
Minister of Commerce and Industry, ROK
Minister of Communications, ROK
Minister of National Defence, ROK

000444

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

210-7-13

TRANSMITTAL SLIP

TO: THE CANADIAN EMBASSY,
TOKYO, JAPAN

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL
AFFAIRS, OTTAWA, CANADA

Security: CONFIDENTIAL

Date: October 19, 1955

Air or Surface: Air

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: Legal/W.M. Wood/KE

Copies	Description	Also referred to:
	Copy of letter to Mr. Pyman of the Australian High Commissioner's Office, Ottawa, dated Oct. 13, 1955 re: Korea Status of Forces Claims Negotiations.	DM/ND DM/Fin. Washington Canberra

Canadian Embassy - Ambassade du Canada
OCT 25 1955
TOKYO - Canada

NO.	INIT.
AMBASSADOR	
1 NEWTON	
HALSTEAD	
RETTIE	
ROBERTSON	
2 BERTRAND	

file

000445

Ext. 250 (Rev. 10/51)

(Instruction on Reverse Side)

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INSTRUCTIONS

1. This form may be used in sending material for informational purposes from the Department to posts abroad and vice versa.

2. This form should *NOT* be used to cover documents requiring action.

3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.

4. The form should bear the security classification of the material it covers.

5. The column for "Copies" should indicate the number of copies of each document transmitted. The space for "No. of Enclosures" should show the total number of copies of all documents covered by the transmittal slip. This will facilitate checking on despatch and receipt of mail.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

CONFIDENTIAL

Ottawa, October 13, 1955

Dear Mr. Pyman,

May I refer to your letter No. 112/1/6 of 28 September, 1955, signed by Mr. Hutton, concerning the draft instructions to the Commonwealth Representative on the United Nations negotiating team, which will be negotiating with the Republic of Korea for a settlement of claims and accounts in respect of facilities and services supplied to the United Nations Forces in Korea.

I am pleased to inform you that the Canadian authorities approve, in principle, the draft instructions enclosed with your letter.

I have also been requested to indicate that it is the understanding of the Canadian authorities that the military conversion rate mentioned in paragraph 4 (v) (c) of the draft instructions, is meant to cover all methods by which the United States Forces have converted currency, including the "auction" method, which has been used most recently. As you may know, the matter of conversion rates in Korea has been an extremely ticklish one in the past. It is important, therefore, in the view of the Canadian authorities, that the rates used at these negotiations should approximate as far as possible the conversion rates agreed between the United States and the Republic of Korea and that they should, at least, be no less favourable than those that have been agreed upon between the Commonwealth countries and Korea.

Yours sincerely,

GILLES SICOTTE

(G. Sicotte)
Legal Division

J.A. Pyman, Esq.,
First Secretary,
Australian High Commissioner's
Office,
O t t a w a.

000447

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

CIPHER MESSAGE

ARMY MESSAGE

(INCOMING)

CLASSIFIED

PLACE FROM	DATE & TIME
OTTAWA ONT	18 OCT 55

Mr. Hobstead - for action J.H.
Mr. Bertrand Jay
Please return with file.
B.

210-7-13

ROUTINE

Canadian Embassy - Ambassade du Canada
OCT 19 1955
TOKYO

FROM EXTERNAL OTTAWA

TO CDN EMBASSY TOKYO

CONFIDENTIAL

L-185

CONFIDENTIAL

REFERENCE YOUR LETTER NUMBER 1013 OF SEPTEMBER 16 SUBJECT KOREA - STATUS OF FORCES CLAIMS NEGOTIATIONS.

WE HAVE INFORMED THE AUSTRALIAN HIGH COMMISSIONERS OFFICE HERE THAT THE CANADIAN AUTHORITIES APPROVE THE DRAFT INSTRUCTIONS TO THE COMMONWEALTH REPRESENTATIE ON THE UNITED NATIONS NEGOTIATING TEAM.

THE SAME TI E WE HAVE INDICATED OUR VIEW THAT THE MILITARY CONVERSION RATE MENTIONED IN PARAGRAPH FOUR (V)(C) OF THE DRAFT INSTRUCTIONS SHOULD APPROXIMATE, AS FAR AS POSSIBLE IN THE CONVERSTION RATES AGREED BETWEEN THE UNITED STATES AND KOREA, AND AT LEAST BE NO LESS FAVOUEABLE THAN RATES AGREED BETWEEN COMMONWEALTH COUNTRIES AND KOREA.

WE HAVE MADE THIS COMMENT BECAUSE WE WERE SOMEWHAT CONCERNED LEST THE INSTRUCTIONS THAT THE COMMONWEALTH REPRESENTATIVE AT THE UN NEGOTIATIONS SHOULD PREJUDICE OUR POSITION DURING THE PROPOSED CANADA - KOREA BILATERAL NEGOTIATIONS REGARDING SETTLEMENT FOR CURRENCY DRAWINGS MADE BY CDN FORCES IN KOREA. (YOUR LETTER 980 OF SEPTEMBER 7 1955 REFERS).

908/AK/19/1700I OCT 55

By Secure Means

COPY 1

C.A.F.B. 338 (4 PARTS)
125M-4-53 (6830)
H.Q. 4554-B-338

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER 7-2-4-2

TO: ...ne Canadian Embassy,
.....Tokyo, Japan.....

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: ..Earlier correspondence.....

Subject: ....Discussions with Christian Science.
.....Monitor correspondent re article....
.....on Korea in June 8 issue

Security: Unclassified

No: Y-657

Date: October 17, 1955.

Enclosures: One

Air or Surface Mail:

Post File No: ~~210-7-13~~

Ottawa File No.	

Canadian Embassy - Ambassade du Canada - TOKYO - OCT 25 1955

References

We attach an article from the Christian Science Monitor of September 27 on the same subject as the article in the June 8 issue. As you will see, Mr. Walker's picture is one of practically unrelieved gloom. It would seem too that United States officials working in Korea are trying to "grin and bear it", but they have no illusions. We think it rather a good thing that Mr. Walker is trying to convey these things to the U.S. public which in the past has been fed on accounts of the aid going to Korea coupled with rather glowing references to the patriotism and energy of President Rhee and his government.

2. Recently we checked the records concerning newspapers and other publications received by your mission, and find you do not have a subscription to the Christian Science Monitor. We understand that while you have taken your quota of foreign papers you have only taken 4 out of 6 allowed Canadian papers. If you wished to request the Christian Science Monitor by surface mail we are under the impression that the Library Committee would receive such a request sympathetically especially if endorsed by the Far Eastern Division. Walker writes somethoughtful reports which you might like to see. On the other hand there would be a delay of up to four weeks in receiving the paper which would reduce its value. Would you let us know whether you wish such a request placed before the Library Committee.

Internal Circulation

Historical Research

NO.	INIT.	
1	~~AMBASSADOR~~	for comments
2	NEWTON	
	~~HALSTEAD~~	
	RETTIE	
	ROBERTSON	
3	BERTRAND	(for action)

for Under-Secretary of State for External Affairs

Distribution to Posts

Ext. 181A (Rev. 2/52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS

Subject UN - Korea

Date SEP 27 1955 Publication CHRISTIAN SCIENCE MONITOR

Seoul Writes... An Informal News Report

By GORDON WALKER, Chief Far Eastern Correspondent of The Christian Science Monitor

U.S. Aid Efforts in Korea Frustrated

Although the United States Government has spent more than $1,000,000,000 in South Korea since the end of the Korean war, there is virtually nothing to show for it.

The average Korean is better off, on an individual basis. But South Korea is still as far away from economic stability as ever. And this means, over the long haul, that the individual is actually in no better position.

American aid administrators here are almost unanimously pessimistic and discouraged over their inability to make any headway.

Their unanimous opinion is that, under prevailing conditions within the Republic of Korea Government, further United States aid to South Korea will not make any appreciable difference for decades to come.

Blaming the ROK Government for unwise economic policies and failure to comply with United States aid administration requirements, these officials point out that inflation is reaching "disastrous" proportions.

They point out that the aid program has been in effect for three years, and that under the original program, a viable economy should be possible within another two years.

Instead, it is now as far away as it was in 1953.

* * *

This correspondent talked with numerous United States State Department, Army, and International Cooperation Administration officials, seeking some optimistic aspect of the Korean aid program.

None was forthcoming. One official said he was asked recently to prepare recommendations for tightening up United States controls over aid administration and for making general improvements. When he had prepared his recommendations, he stated that he was appalled to discover that they were almost exactly the same as those he had submitted three years ago.

A typical example of the difficulties which United States authorities have in trying to help the ROK Government is the inability to get the ROK Government to comply with Washington's request that a counterpart fund agreement be concluded.

When United States authorities submitted a draft agreement, it was rejected by the ROK Government as a "violation of sovereignty." Later, when a less comprehensive agreement was drafted by the United States side, it was returned by the ROK Government with amendments which virtually negated the entire intended purpose.

Another basic problem is the effort to get the ROK Government to turn over more industries to private ownership. This is one of the fundamental aims of the aid program as outlined by the United States Congress.

The effort is almost a complete failure. Unrealistic price fixing by the ROK National Assembly prohibits accumulation of capital in private hands. And constant tension aroused by ROK Government actions, such as the recent demonstrations against the Neutral National Armistice Inspection teams, frightens away those few South Koreans who might undertake long-term investment.

United States aid authorities suspect that President Rhee himself is against private ownership. The trend at the moment is perhaps best typified by recent ROK Government action in turning over coal, steel, and iron industries to the ROK Army.

One of the sorest points between United States and ROK authorities here is refusal of the ROK Government to do business with Japan. This, according to United States aid officials, is hampering the United States aid program seriously, both from a short-range and a long-range standpoint.

* * *

Refusal of the ROK Government to purchase fertilizer in Japan during the month of September, for instance, is jeopardizing the entire coming rice crop. It is too late to make purchases of fertilizer elsewhere, yet the ROK Government is still holding out.

Recently, a bearing burned out in generators of a thermal power plant. South Korean officials sought to grind new bearings in one of their own railway shops.

United States aid authorities pointed out this was impossible. The Koreans agreed to have the work done in Japan only after the United States side had threatened that failure to follow this course of action might prejudice further aid funds for power projects.

Similiarly, the United States is currently training some 45 Korean power engineers in American schools because the ROK Government refuses to accept Japanese technical assistance or to send Korean trainees to Japanese institutions.

If Japanese technical assistance could be utilized, it would save the United States taxpayer considerable money.

Still another issue which has United States aid authorities worried is refusal of the ROK Government to sell surplus rice to Japan. There is concern that if this course of action continues, Japan will be forced to develop other markets and Korea will lose the Japan market entirely.

The ROK Government, according to United States quarters, not only refuses to sell rice to Japan but also refuses to let the United States know how much surplus rice is available.

These and other problems connected with the United States aid program in South Korea have left a bitter taste in the mouths of United States representatives in the Army, State Department, and International Cooperation Administration.

Perhaps the only encouraging aspect of the entire aid program is the fact that despite the mountains of obstacles which face them, American aid officials continue to make a sincere and earnest effort to get things done and to stretch the aid dollar as far as possible.

As one observer put it, every American connected with the Korea aid program should get a medal, even though it may be a losing battle.

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[redacted]

BRITISH EMBASSY,
TOKYO.

CONF[redacted]TIAL

September 23, 1955.

WITH THE COMPLIMENTS

OF
B. Greenhill,
HER BRITANNIC MAJESTY'S EMBASSY

Mr Newton 23/

To see pls
+ file

Mr. G. Bertrand,
Canadian Embassy,
Tokyo.

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210-7-13

FA 202/100/55

CONFIDENTIAL

Note for record

KOREAN CLAIMS NEGOTIATIONS

Brigadier Alderson, accompanied by Major Crosby and Major Johnstone, came to the Embassy on Saturday morning, September 17, for a brief discussion on the forthcoming negotiations. Mr. Ogilvy-Webb, Mr. Greenhill, Mr. Phelps and Mr. Furley-Smith were present.

2. The brigadier said he had seen Lt-Col. Riley, the staff officer dealing with the question in U.N. Command, on the previous day and had been shown the drafts of a letter from the C.-in-C., U.N. Command (CINCUNC) to the Koreans and a directive from CINCUNC to the American Forces, Far East (AFFE). There was some uncertainty about the proper addressee of the letter to the Koreans, which might delay matters a little, and in any case the directive to AFFE made it clear that negotiations were not to be opened until there was complete agreement among all concerned on the U.N. side as to the line to be taken.

3. In general the letter to the Koreans and the directive to AFFE (the latter of which was a rigidly drafted document leaving no loopholes) followed the lines of the directive which CINCUNC had himself received; but there were two deviations -

(a) In the letter, the phrase "except to the extent that payment has already been made" has been omitted in the reference to the U.N. view that no payment should be made in respect of utility services furnished during hostilities. It was felt that this phrase might stimulate Korean demands for more payments in advance of the negotiations. The only payments which have already been made are in respect of transportation.

(b) In both documents, references to gas had been omitted as there was none in Korea, and references to real estate had been added.

B.C.F.K. would be receiving copies of these documents and would pass copies to the British Embassy.

4. Brigadier Alderson said he had a complete statement of all the services and facilities which had been provided, and it was clear that for the period between the Armistice and the date of any agreement which might be reached the U.N. forces as a whole had given much more than they had received. The Koreans' main claim was for rail transportation; but the railways had been rehabilitated and re-equipped by the U.N. forces (and, indeed, up to the Armistice had been staffed by them). So far as electricity was concerned, the Americans had their own generators, which also supplied the cities, and they had imported coal and other fuel. The water supplies had been restored by the Americans, and the U.N. Forces had rehabilitated many buildings and handed them over to the Koreans.

5. The Brigadier said there would be difficulty in dividing the consumption of water and electricity between the U.S. forces and B.C.F.K. So far as water was concerned, a fairly accurate estimate could be made on the basis of the average daily consumption per man; but there was no basis on which any similar estimate could be made for electricity.

6. Mr. Phelps said that, while the U.N. Forces as a whole had no doubt, as the brigadier said, ~~have~~ given more than they had received during the period between the Armistice and any agreement, this might not be so as regards the Commonwealth contingent alone. The brigadier said he had clearly understood that for this purpose the U.N. Forces would be treated as a whole, not individually.

/7.

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7. Various other matters were also discussed briefly, as follows:-

(a) Brigadier Alderson said that at present B.C.F.K.'s hwan receipts from disposals would probably be sufficient for their needs to the end of the year; but the position might change if, as was rumoured, the Americans granted a 75% wage increase to Korean employees.

(b) Major Crosby said that, in making disposals in Korea, B.C.F.K. had not recently experienced any "ganging-up" by Korean purchasers. They had taken steps to prevent this by operating a system of multiple tender-boxes (one in each unit).

(c) Major Crosby said he had been investigating delays in Customs clearance in connection with disposals in Japan. It seemed that in many cases the delay was caused by the purchaser, who was sometimes late in applying for clearance and sometimes held up the necessary payment to the Customs because of shortage of funds.

000453

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G. Bertrand / jt

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (FILE COPY)

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: The Canadian Embassy, Tokyo, Japan.

Reference:

Subject: Korea - Status of Forces Claims Negotiations

Security: Confidential

No: 1013

Date: September 16, 1955

Enclosures:

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.	

References

We have received from the Australian Embassy a copy of the draft instruction to the Commonwealth representative on the United Nations negotiating team. The Australian Embassy has informed us that copies had been referred to the other Commonwealth countries concerned for their approval. We should be grateful if, at your convenience, you would let us know directly whether the draft meets with your approval.

T. F. M. NEWTON

The Embassy.

Internal Circulation

Distribution to Posts

Ext. 182B (Rev. 2/52)

000454

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

G. Bertrand/jt

Our File No. 210-7-13
CONFIDENTIAL

Pls return with attachment before filing

Tokyo, September 3, 1955.

Dear Dick,

This is to thank you for your letter of September 1, 1955, to which was attached the draft instruction to the Commonwealth representative on the United Nations negotiating team. I assume that, as soon as approved by our government we will be informed directly of their agreement. Meanwhile this draft will certainly prove useful.

Yours sincerely,

GB

G. Bertrand,
Third Secretary.

R. W. L. Austin, Esquire,
Second Secretary,
Australian Embassy,
Tokyo.

(1) ~~The Ambassador~~ Mr Newton To see pls. — + file YB.

(2) Received. We had Bellett have a word about this: was us Press statement of negotiations Sept 12/22 T.C.D

(3) I don't think the negotiations have started yet. Any news about them will have to come to us through U.K. Embassy in Tokyo. (Basil Greenhill, with whom we keep in touch.) YB

000455

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

CONFIDENTIAL

AUSTRALIAN EMBASSY,
TOKYO.

1st September, 1955.

Dear Gerrard,

Following our telephone conversation this morning I am enclosing the Draft Instruction to the Commonwealth Representative on the United Nations Negotiating Team. External Affairs informs us that copies are being forwarded to the other Commonwealth Countries concerned and that this draft should be used as a guide only until it has been approved by them.

Yours sincerely,

(R.W.L. Austin)
Second Secretary

Mr. G. Bertrand.
Canadian Embassy,
T O K Y O.

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Document divulgué en vertu de la *Loi sur l'accès à l'in*

RECEIVED

AUSTRALIAN EMBASSY
TOKYO

CONFIDENTIAL.

CABLEGRAM.
INWARDS.

31st August, 1955.

FROM : EXTERNAL, CANBERRA.
NO : 229.

My 228. Draft Instruction to Commonwealth Representative on United Nations Negotiating Team.

The Commonwealth Representative is a full member of the United Nations Negotiating Team for the purposes of the actual negotiations with the Korean Authorities. He therefore acts as a member of the Team responsible to the Commander-in-Chief United Nations Command who has been charged with final responsibility for conducting the Negotiations on behalf of all the United Nations with forces in Korea.

2. In accordance with paragraph 1 above, the Commonwealth Representative will observe and follow any instructions on the conduct of the Negotiations which may be issued to the Negotiating Team by the Commander-in-Chief, United Nations Command. Outside the negotiations with the Koreans, in his discussions and dealings with other members of the Team and in the formulation of recommendations to the Commander-in-Chief, United Nations Command, he will represent and press the views and objectives of Commonwealth Governments as conveyed to him in this and other directives issued to him before the commencement of negotiations and subsequently while the Negotiations are in progress.

3. The Commonwealth Representative is responsible for the preparation and prompt despatch of reports on the conduct and progress of negotiations generally, with particular reference to aspects of interest to all or any of the Commonwealth Governments concerned. In the preparation of these reports, the Commonwealth Representative and the Commonwealth Diplomatic Observer advising him will work closely together as a team, the Commonwealth Representative will report to the Commander-in-Chief BCFK, who will forward such reports together with any comments he may wish to make to the United Kingdom, Canadian and Australian Embassies and to the New Zealand Legation in Tokyo. (In order to expedite action the Commonwealth Representative may, at the same time, send information copies of his reports to the Commander-in-Chief, BCFK, direct to these Diplomatic Missions and to the United Kingdom Legation, Seoul, and the Australian Delegation to UNCURK, Seoul). The Diplomatic Missions will then relay the reports to their respective governments, also sending copies direct to their Mission in Washington should any major issues arise which might be of such importance as to warrant a concerted Commonwealth approach direct to the United States Department of State. (Commonwealth Missions in Tokyo will have discretion to settle on the spot without reference to Governments any minor matters arising out of the Negotiations, but they will refer to Governments any matters of major importance or any matters involving financial commitments beyond those authorised in this directive.

4. For the purposes of the actual negotiations with the Korean Government, the Commonwealth Representative shall have due regard to the following principles which are similar in substance to those agreed upon by Commonwealth Countries for the guidance of the United Nations Negotiating Team :-

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'informatio*

(i) The negotiations shall be confined to settlement of accounts presented by the ROK for the supply of utility services provided to BCFK and other United Nations Forces in KOREA both before and after the termination of hostilities. Subject to sub-para (vii) hereunder the Commonwealth Representative will also make initial arrangements with the ROK regarding procedures for settlement of charges for utility services to Commonwealth Countries in future. See para. (ii).

(ii) For the purposes of this instruction the term "Utility Services" means the use of transportation and communication systems or use or consumption of electricity, gas, water, steam heating, light, and power however produced.

(iii) Except to the extent that payment has already been made, NO payment should be made for the use of facilities, i.e. Real Property including land, buildings, and other structures, furnished by the ROK Government to BCFK and other United Nations Forces either during or after hostilities, or in the future.

(iv) With respect to the period between the Armistice and the effective date of the proposed Agreement, except to the extent that payment has already been made, there should be NO payments by British Commonwealth Countries and other United Nations concerned for utility services. In view of the assistance furnished by the United Nations Forces in maintaining the security of the ROK, and in view of the value of equipment, materials and supplies furnished to the ROK with respect to utilities mentioned in Paragraph 4 (ii) above.

(v) While ROK claims for the period to the effective date of the Agreement should NOT be recognised, detailed comparison of the ROK Bills, and value of equipment, materials and supplies furnished to the ROK may be made for the purpose of supporting the position stated above, although it is considered desirable to avoid entering into such details. In any such comparison, the following principles should be applied :-

(a) The value of items furnished to the ROK by countries supplying forces to United Nations Command should NOT include the value of assistance furnished under Economic Aid Programme CRIK, FOA Relief Aid furnished from United States Defence Budget prior to CRIK appropriations, contributions to UNKRA and material and direct forces support furnished to the ROK Forces.

(b) ROK bills should NOT include any ascertainable direct or indirect tax element including assessments, interest, fees, and/or other charges. The Tax Relief Annex in the United States Mutual Defence Assistance Agreement with Japan may be helpful as an example of types of taxes and procedures used in other countries.

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Document divulgué en vertu de la *Loi sur l'accès à l'information*
RECEIVED

(c) Where an exchange rate is necessary to conversion of bills stated in HWAN, the Military Conversion Rate applicable during the period the supplies were provided will be used.

(vi) (a) British Commonwealth countries are prepared as of the effective date of the proposed Agreement to settle for utility services requested and actually received from the ROK by BCFK after that date. Settlement for such Post-Agreement Utility Services should take into account the value of BCFK equipment, materials, supplies, and services furnished from that date to the ROK.

(b) The rate for utilities consumed should be NO less favourable than utility rates charged to any other consumers.

(c) The final draft of any proposed written arrangements covering the furnishing of utility services in future to BCFK should be submitted to Commonwealth countries for approval in the manner outlined in Para 3 above.

(vii) For purposes of procedure for settlement of charges for utility services (vide (i) above), the Commonwealth Representative shall have regard to any agreement reached by Representatives of United Nations Governments on methods by which ROK bills for future utility services can be handled and settled separately by BCFK and other United Nations Forces with the ROK after the effective date of the proposed Agreement.

5. Should the ROK suggest that the discussions be broadened to include questions of jurisdiction, other types of claims or accounts, or any other Status of Forces matters, the Commander-in-Chief, United Nations Command, has been instructed to state that he has NO authority to consider those matters. If the ROK presses this aspect, the Commander-in-Chief, United Nations Command, has been instructed to refer the matter to WASHINGTON, but as far as practicable such referrals should NOT interrupt efforts to reach agreement re accounts for utility services.

6. Such further instructions as Commonwealth Governments may decide to issue during the course of the Negotiations will be conveyed through the Commander-in-Chief, BCFK, to the Commonwealth Representative by the UNITED KINGDOM Embassy, TOKYO which will be responsible for arranging consultation and co-ordination between the Commonwealth Diplomatic Missions concerned.

7. In consultation with the Commonwealth Diplomatic Observer the Commonwealth Representative should immediately report any inconsistencies or differences of interpretation between the instructions issued to him on behalf of Commonwealth Governments and the instructions issued to the Negotiating Team from time to time by the Commander-in-Chief, United Nations Command.

8. A copy of the General Directive issued by the UNITED STATES State Department to the Commander-in-Chief, United Nations Command, which has been agreed to by the Commonwealth countries concerned, is attached for the information of the Commonwealth Representative.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

210-7-13

TO: THE CANADIAN EMBASSY,
TOKYO, JAPAN

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA

Security: CONFIDENTIAL

Date: August 2, 1955

Air or Surface: Air

No. of enclosures: 4

The documents described below are for your information.

Despatching Authority: Legal/W.M. Wood/KE

Copies	Description	Also referred to:
	Copy of Letter No. 1263 of July 25, 1955 from Washington with encls. re Korean Claims Negotiations.	DM/ND DM/Fin.

NO. / INIT.
AMBASSADOR
NEWTON
HALSTEAD
RETTIE
ROBERTSON
2 BERTRAND

AUG. 9 1955

CANADIAN EMBASSY - AMBASSADE DU CANADA
AUG 9 1955
TOKYO - TOKIO

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

INSTRUCTIONS

1. This form may be used in sending material for informational purposes from the Department to posts abroad and vice versa.

2. This form should ***NOT*** be used to cover documents requiring action.

3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.

4. The form should bear the security classification of the material it covers.

5. The column for "Copies" should indicate the number of copies of each document transmitted. The space for "No. of Enclosures" should show the total number of copies of all documents covered by the transmittal slip. This will facilitate checking on despatch and receipt of mail.

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (~~DUPLICATE~~ XXXXXXXX)

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN AMBASSADOR, WASHINGTON, D. C.

Reference: Our teletype WA-1161 of July12/1955

Subject: Korean Claims Negotiations

Security: CONFIDENTIAL

No: 1263

Date: July 25, 1955

Enclosures: 2

Air or Surface Mail:

Post File No:

Ottawa File No. 50069-M-40

References

Internal Circulation

Distribution to Posts

Attached for your information are copies of a Note from the Acting Secretary of State informing the Chiefs of Missions of Governments participating in the Korean action that the United States Government is instructing the Commander-in-Chief of United Nations Forces in the Far East to enter into discussions with the Republic of Korea for the settlement of accounts arising out of the furnishing of utility services by the Republic of Korea to the United Nations Forces in Korea.

2. The Note states that CINCUNC is being instructed to provide general information on the nature and progress of the negotiations with the ROK Government to United Nations Governments desiring such information. The Acting Secretary of State has asked that there be no disclosures to the public for the time being of the position to be adopted by CINCUNC in these negotiations.

3. Copies of our Note acknowledging the Acting Secretary's communication are also attached.

(Sgd.) A.D.P. Heeney

Ext. 182C (Rev. 2 /52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

The Acting Secretary of State presents his compliments to Their Excellencies and Messieurs the Chiefs of Mission of the Governments participating in the Korean action, and has the honour to inform the Chiefs of Mission that the United States Government is instructing the Commander-in-Chief of United Nations forces in the Far East to enter into discussions with the Republic of Korea for the settlement of accounts arising out of the furnishing of utility services by the Republic of Korea to United States and other United Nations forces in Korea. Utility services mean the use of Korean transportation and communication systems and of electricity, gas, and water.

The discussions with the Republic of Korea will deal with utility services furnished both in the past and in the future. With respect to services furnished in the past and position will be taken that no payment should be made by United States or other United Nations Governments in view of the assistance provided by the United States and other United Nations forces in maintaining the security of the Republic of Korea and in view of the value of equipment, materials and supplies furnished to the Republic of Korea by the United States to help maintain the utilities in operation.

With respect to services furnished in the future, that is, after the effective date of an agreement with the Republic of Korea, the Commander-in-Chief of United Nations forces is being authorized to say that the United States is prepared to pay for utility services requested and actually received from the Republic of Korea for United States forces. The Commander-in-Chief of United Nations forces in the Far East is being instructed to make no commitment on behalf of other United Nations Governments to pay for utility services furnished to their forces in the future, but to inform the Republic of Korea that arrangements

.... 2

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

for settlement for services furnished to other United Nations forces should be a matter for consideration between the governments to which such forces belong and the Republic of Korea. The Koreans will be asked to agree, however, that principles included in any agreement between the United States and the Republic of Korea for exclusion of tax elements from utility charges and for nondiscrimination in the fixing of utility rates should also be applied to any settlements between other United Nations Governments and the Republic of Korea.

The proposal for separate arrangements for settlement of future utility charges between United Nations Governments and the Republic of Korea is in line with proposals previously made by the United States Government to most of the participating governments with respect to the settlement of any claims arising as a result of the furnishing of materials, supplies, services and facilities to the United Nations Governments by the Government of Korea, whether directly or through the United Nations Commander. This principle of separate settlement has already been included in bilateral agreements between the United States and several of the countries participating in the United Nations action.

The Commander-in-Chief of United Nations forces is being instructed to provide general information on the nature and progress of the negotiations to United Nations Governments desiring such information. It is requested that there be no disclosure to the public, at least at this time, of the position which the Commander-in-Chief of United Nations forces will take in the discussions.

Department of State,
Washington,

July 18, 1955

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

CIRCULAR DIPLOMATIC NOTE TO FOREIGN DIPLOMATIC REPRESENTATIVES WHOSE GOVERNMENTS PARTICIPATED IN THE KOREAN ACTION

Sent to:

Australia

Belgium

Canada

Colombia

Ethiopia

France

Greece

Luxembourg

Netherlands

New Zealand

Philippines

Thailand

Turkey

United Kingdom

Union of South Africa

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

No. 504

The Canadian Ambassador presents his compliments to the Secretary of State and has the honour to acknowledge the Acting Secretary of State's Note of July 18, 1955 informing the Ambassador that the United States Government is instructing the Commander-in-Chief of the United Nations Forces in the Far East to enter into discussions with the Republic of Korea for the settlement of claims arising out of the furnishing of utility services by the Republic of Korea to United Nations Forces in Korea.

The Ambassador notes that the Commander-in-Chief of the United Nations Forces in the Far East is being instructed to provide general information on the nature and progress of the negotiations with the Republic of Korea to United Nations Governments desiring such information. The Ambassador has also noted the Acting Secretary's request that there be no disclosure to the public, at least at this time, of the position which the Commander-in-Chief will take in these negotiations.

The information given in the Acting Secretary's Note has been forwarded to the Canadian Government.

The Canadian Embassy,
Washington, D. C.

A.D.P.H.

July 25, 1955

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

G. Bertrand/jt

Confidential

Our File No. 210-7-13

Tokyo, July 22, 1955.

It was indeed a very good idea to prepare from various telegrams received from London a statement of the amended instructions as they now stand to the Commander-in-Chief, United Nations Command, concerning the forthcoming Korean claims negotiations. I wish to thank you sincerely for passing on to me a copy under cover of your letter of July 19, 1955.

Yours sincerely,

G. Bertrand.

Basil Greenhill, Esquire,
The British Embassy,
Tokyo.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

BRITISH EMBASSY,
TOKYO.

CONFIDENTIAL

(1193/76/55)

July 21, 1955

Canadian Embassy - Ambassade du Canada
JUL 25 1955
TOKYO - TOKYO

WITH THE COMPLIMENTS

OF
B. Greenhill
HER BRITANNIC MAJESTY'S EMBASSY

Mr G. Bertrand,
Canadian Embassy,
Tokyo.

Document disclosed under the *Access to Information Act*
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210-7-13

CONFIDENTIAL

(1193/76/55)

Washington to Foreign Office, telegram No. 385 Saving of July 8.

Your telegram No. 3172 of July 87.

KOREAN CLAIMS NEGOTIATIONS

The State Department were very grateful for your prompt reply. They agree with your point about taking into account equipment supplied by the other United Nations governments, but thought it unnecessary to insert this in the instructions. Presumably the Commonwealth representative on the negotiating team will be able to make the point clear to the R.O.K. The State Department comment that in any case we should be able to ensure that henceforward we shall deliver equipment only on the understanding that it would be included in an eventual settlement.

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

CIPHER MESSAGE

ARMY MESSAGE

(INCOMING)

CLASSIFIED

PLACE FROM | DATE & TIME

OTTAWA ONT 20 JUL 55

210-7-13

ROUTINE

EXTERNAL AFFAIRS - AFFAIRES EXTÉRIEURES
JUL 22 1955
CANADA - TOKYO - CANADA

FROM EXTERNAL OTTAWA

TO CDN EMBASSY TOKYO

Mr. Bertrand
Mr Newton
(on return)
E.K.

CONFIDENTIAL

NO 129 JULY 20 CONFIDENTIAL

JUL. 22.1955

REFERENCE YOUR TELEGRAM NO 91 OF july 6 AND OUR TELEGRAM NO 120 OF JULY 9 1955.

KOREAN CLAIMS NEGOTIATIONS.

WE HAVE NO COMMENTS TO OFFER ON THE QUESTION RAISED IN PARAGRAPHS 8 AND 9 OF THE NEW INSTRUCTIONS FOR CINCUNC, AND WE ARE PREPARED TO LEAVE IT TO YOUR JUDGEMENT TO PUT FORWARD AT THE DISCUSSIONS IN TOKYO ANY SUGGESTIONS YOU THINK WILL BE USEFUL.

IN DUE COURSE WE SHOULD BE INTERESTED TO KNOW WHAT PROPOSALS BCFK MAY MAKE REGARDING THE BEST METHOD FOR SETTLING FUTURE ACCOUNTS WITH THE KOREANS.

By Secure Means

749/AK/22/0935I JUL 55

C.A.F.B. 338 (4 PARTS)
125M-4-53 (6830)
H.Q. 4554-B-338

COPY 1

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210-7-13
INDEXED

BRITISH EMBASSY,
TOKYO.

CONFIDENTIAL

July 19, 1955.

Dear Bertrand,

Korean Claims Negotiations

In the past few weeks we have been sending you copies of telegrams which we have received from London about the forthcoming Korean claims negotiations. These involved a series of amendments to the original draft instructions to be sent to the C.-in-C., United Nations Command. We discovered that the successive telegrams of amendment, together with the original, produced a confusing picture which it was difficult to follow, and we have therefore prepared from these telegrams a statement of the amended instructions as they now stand.

You may find it useful to have the copy which I am enclosing with this letter.

Yours Sincerely,
Basil Greenhill

(B. Greenhill)

Mr G. Bertrand,
Canadian Embassy,
Tokyo.

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CONFIDENTIAL

(1193/74/55)

BRITISH EMBASSY,
TOKYO.

July 16, 1955

WITH THE COMPLIMENTS

OF
B. Greenhill
HER BRITANNIC MAJESTY'S EMBASSY

Mr Newton
Upon return

Mr G. Bertrand,
Canadian Embassy,
Tokyo.

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CONFIDENTIAL

(1193/74/55)

210-713
INDEXED

Washington to Foreign Office, telegram
No. 1622 of July 12.

Korean Claims Negotiations.

The three other Commonwealth Governments have agreed to the amended draft. The instructions are now being issued and at the same time circulated to members of the 16.

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

FA 153/100/55

CONFIDENTIAL

KOREAN CLAIMS NEGOTIATIONS

Revised Instructions to the C.-in-C., U.N. Command

Instructions for settlement of R.O.K. claims:

1. Since the principal difficulty incident to the settlement of R.O.K.-U.N. Command accounts arises from accounts for utility services, it has been decided that the proposed settlement with the R.O.K. should be limited to such accounts. Consequently this instruction concerns bills which the R.O.K. Government has presented requesting payment for various utility services made available by the R.O.K. to the U.S. and other U.N. Forces in Korea both before and after the termination of hostilities.

2. For the purposes of this instruction the term "utility services" means the use of the transportation and communication systems or the use or consumption of electricity, gas, water, steam heat, light and power, however produced.

3. Except to the extent that payment has already been made, it is the position of the U.S. and other U.N. Governments directly concerned that no payment should be made for utility services furnished during hostilities. For your information it is also the position of such Governments that no payment should be made for the use of facilities (i.e. real property, including land, buildings and other structures) furnished by the R.O.K. Government to the Forces of those Governments either during or after hostilities.

4. With respect to the period between the armistice and the effective date of the agreement, except to the extent that payment has already been made, it is the U.S. position that there should be no payments for utility services by the U.S. and other U.N. Forces in view of the assistance furnished by the U.S. and other U.N. Forces in maintaining the security of the R.O.K. and in view of the value of the equipment, materials and supplies furnished to the R.O.K. with respect to the utilities mentioned in paragraph 2.

5. While R.O.K. claims for the period prior to the effective date of the agreement should not be recognised, the U.N. Command may enter into a detailed comparison of R.O.K. bills and the value of the equipment, materials and supplies furnished to the R.O.K. for the purpose of supporting the position stated, although it is desirable to avoid entering into such details.

6. In any such comparison the following principles should be applied:

(a) The value of items furnished to the R.O.K. by the U.S. and other countries supplying Forces to the U.N. Command should not include the value of assistance furnished under economic aid programs, C.R.I.K., F.O.A., relief aid furnished from the defense budget prior to C.R.I.K. appropriations, contributions to U.N.K.R.A. and material and direct forces support furnished to the R.O.K. Forces.

(b) R.O.K. bills should not include any ascertainable direct or indirect tax element including assessments, interest, fees and other charges. The Tax Relief Annex in the Mutual Defense Assistance Agreement with Japan may be helpful as an example of the types of taxes and procedures used in other countries.

(c) Where an exchange rate is necessary to the conversion of bills stated in hwan, the military conversion rate applicable during the period the service or supplies were provided will be used.

/7.

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7. (a) The U.S. is prepared as of the effective date of the agreement to settle for utility services requested and actually received from the R.O.K. by the U.S. Forces after that date. Settlement for such post-agreement utility services should take into account the value of U.S. equipment, materials, supplies and services furnished from that date to the R.O.K. This would not include assistance furnished under the economic aid program, C.R.I.K., F.O.A., relief aid furnished from the defense budget prior to C.R.I.K. appropriations, contributions to U.N.K.R.A. and material and direct forces support furnished to the R.O.K. Forces.

(b) With respect to any utility services furnished by the R.O.K. to other U.N. Forces after the effective date of the agreement, either directly or indirectly through the U.N. Command, arrangements for settlement should be a matter for consideration between such Governments and the R.O.K.

(c) Settlement by the U.S. or other U.N. Governments with the R.O.K. for utility services should not include any ascertainable direct or indirect tax element including assessments, interest, fees and other charges. The rate for utilities consumed should be no less favourable than the utility rate charged to other consumers.

8. The C.-in-C., U.N. Command, should endeavour to reach agreement with the representatives of other U.N. Governments in Tokyo on the methods by which R.O.K. bills for utility services can be handled and settled separately by the U.S. and other U.N. Forces with the R.O.K. after the effective date of the agreement.

9. Request that the U.N. Command discuss with the U.S. Embassy and appropriate Commonwealth representatives the most advisable means of clarifying the above guidelines with the R.O.K. To the extent that the above arrangements can be handled vis-a-vis the R.O.K. as a technical administrative matter it would be preferable to do so in order to avoid the problem expanding to the political level. Request that you make arrangements for an Embassy, Seoul, observer with your negotiating team and Commonwealth representatives on your negotiating team.

10. Commonwealth representatives have been consulted and all Governments participating in the U.N. action in Korea are being informed of the substance of this instruction. Participating Governments requesting information in the field should be generally informed from time to time on the nature and progress of the negotiations.

11. Should the R.O.K. suggest that the discussions be broadened to include questions of jurisdiction, other types of claims or accounts or any other Status of Forces matters you should say you have no authority to consider these matters. If pressed by the R.O.K., you should refer such proposals to Washington. Such a referral should not interrupt efforts to reach agreement concerning accounts for utility services.

12. Desire that you keep Washington currently advised of the progress of the discussions and that you submit for approval the final draft of any written arrangements proposed for conclusion, except for technical contractual arrangements covering the furnishing of utility services to the U.S. Forces in the future.

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BRITISH EMBASSY,
TOKYO.

CONF[illegible]NTIAL

July 12, 19 55.

(1193/72/55)

Mr Newton
To see + file
Yes.

WITH THE COMPLIMENTS

OF

B. Greenhill
HER BRITANNIC MAJESTY'S EMBASSY

1. Mr. R. M. Miller,
   New Zealand Legation.

2. Mr. G. Bertrand,
   Canadian Embassy.

3. Mr. R.L.W. Austin,
   Australian Embassy.

4. Lt. Col. W.W.D. Daunt,
   British Commonwealth Sub Area.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

210-7-13

CONFIDENTIAL

Foreign Office to Washington, Telegram No. 3172 of July 8.

"Your Telegram No. 1567: Korean Claims Negotiations.

We agree to the amendment in para. 2 of your telegram under reference. As provided in the case of the United States in para. 7(A) of the draft instructions the various settlements to be made by the other United Nations Governments should of course take into account any equipment materials etc. these governments may have furnished to the Republic of Korea."

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BRITISH EMBASSY,
TOKYO.

CONFIDENTIAL

(193/71/55)

July 11, 1955

210-2-13

WITH THE COMPLIMENTS

OF

B. Greenhill

HER BRITANNIC MAJESTY'S EMBASSY

1. Mr. R. M. Miller,
   New Zealand Legation.

2. Mr. G. Bertrand,
   Canadian Embassy.

3. Mr. R.L.W. Austin,
   Australian Embassy.

4. Lt. Col. W.W.D. Damnt,
   British Commonwealth
   Sub-Area.

Mr Newton
+ file

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CONFIDENTIAL

Washington to Foreign Office, telegram No. 1567 of July 7.

"Your telegram No. 3112.

KOREAN CLAIMS NEGOTIATIONS

You will have seen from my telegram No. 1544 that your first amendment is unnecessary.

2. The State Department and Department of Defence would prefer to substitute for your second amendment the following:

Remove last two sentences of sub-paragraph 7(a) to form a new sub-paragraph 7(c) beginning "settlement by U.S. or other U.N. Governments with R.O.K. for utility services should not include any ascertainable ....."

3. Alternatively though less willingly they would accept your amendment on the clear understanding that the phrase "on the lines of (a) above" does not repeat not mean that the other U.N. Governments could take into account the value of U.N. equipment, materials, supplies and services in making arrangements for the settlements of bills for utility services furnished by the R.O.K. to the forces of the other U.N. Governments.

4. I should be grateful for early authority to accept one or other of these proposals."

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Document divulgué en vertu de la Loi sur l'accès à l'information

CIPHER MESSAGE

ARMY MESSAGE

(INCOMING)

CLASSIFIED

NO.	INIT.
1 ~~AMBASSADOR~~	
4 NEWTON	JY
~~HALSTEAD~~	
2 RETTIE	R
ROBERTSON	
3 BERTRAND	VB

PLACE FROM: OTTAWA ONT

DATE & TIME: 9 JUL 55

210-7-13

ROUTINE

file

Canadian Embassy - Ambassade du Canada - TOKYO - JUL 11 1955

FROM EXTERNAL OTTAWA

TO BEAVER WASHINGTON EX122

INFO CDN EMBASSY TOKYO

CONFIDENTIAL

NO 120 JUL 9 CONFIDENTIAL

REFERENCE YOUR TELEGRAM NO WA1087 OF JUNE 30. SUBJECT KOREAN CLAIMS NEGOTIATIONS.

YOU MAY INFORM THE STATE DEPARTMENT THAT WE AGREE WITH THE TERMS OF THE NEW NEGOTIATING INSTRUCTIONS FOR CINCUNC. WE SHALL BE SENDING THE CANADAIN EMBASSY, TOKYO OUR VIEWS ON THE QUESTION MENTIONED IN PARAGRAPHS 8 AND 9 OF THE INSTRUCTIONS.

By Secure Means

720/AK/11/1010I JUL 55

C.A.F.B. 338 (4 PARTS)
125M-4-53 (6830)
H.Q. 4554-B-338

COPY 1

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: THE CANADIAN EMBASSY,
TOKYO, JAPAN

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA

Security: CONFIDENTIAL

Date: July 8, 1955

Air or Surface: Air

No. of enclosures: 1

The documents described below are for your information.

File 210-7-13

Despatching Authority: Legal/W.M. Wood/KE

Copies	Description	Also referred to:
	Copy of telegram No. WA-1087 of June 30, 1955 from Washington re: Korea - Settlement of Claims and Accounts	London, Canberra, Wellington DM/ND DM/Finance

Canadian Embassy - Ambassade du Canada - TOKYO - JUL 15 1955

NO. INIT.
AMBASSADOR
NEWTON
HALSTEAD
RETTIE
ROBERTSON

000481

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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INSTRUCTIONS

1. This form may be used in sending material for informational purposes from the Department to posts abroad and vice versa.

2. This form should ***NOT*** be used to cover documents requiring action.

3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.

4. The form should bear the security classification of the material it covers.

5. The column for "Copies" should indicate the number of copies of each document transmitted. The space for "No. of Enclosures" should show the total number of copies of all documents covered by the transmittal slip. This will facilitate checking on despatch and receipt of mail.

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INCOMING MESSAGE

COPY

FROM: THE CANADIAN EMBASSY, WASHINGTON.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification: CONFIDENTIAL

File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-1087	June 30, 1955.

Departmental Circulation

THE MINISTER
UNDER-SEC'Y
ASSOC/U/SEC'Y
ASSIST/U/SECS
POL COOR SECT.

Done_____

Date_____

References

Done_____

Date_____

Reference: Our letter 957 of June 8.

Subject: Korea - Settlement of Claims and Accounts.

Please look for our letter 1121 of today's date which will go forward in tomorrow's bag. It will cover a new United States draft instruction with respect to a settlement of claims and accounts with the ROK Government, which it is hoped may be sent to CINCUNC sometime next week.

2. The new instruction is drafted with an eye to avoiding the difficulty inherent in earlier drafts that United States claims might be used to offset the possible obligations of other United Nations Governments to the ROK. This question of offsets created a legal problem for the United States. The new instruction provides for the washing out of all claims and counterclaims prior to the effective date of the agreement, i.e., a political decision to be taken by both sides to wipe the slate clean without going into the question of claims and counterclaims. Various elements of the earlier draft continue to appear in the new draft but they are in the main window dressing. The object of including these carry-overs from the earlier draft is to put CINCUNC in a position to impress the ROK that, if an agreement was reached upon the basis of claims and counterclaims, the ROK might be in a less favourable position than would be the case if all claims and counterclaims were washed out.

3. This change in approach has led to the need for considerable re-drafting of the earlier instruction but the practical effect of the new draft would seem to be the same as that which would have arisen out of the earlier draft instruction to which our agreement was given.

4. The State Department would be grateful if it could have your comments on the new draft by July 6.

Ext. 220 (rev. 10/53)
53 P. 179

Document disclosed under the *Access to Information Act*
Document divulgué en vertu ~~de la Loi~~ *sur l'accès à l'information*

M. Bertrand.

CONFIDENTIAL

BRITISH EMBASSY,
TOKYO.

July 7, 1955.

210-7-13
INDEXED

My dear Bertrand,

I enclose two copies of the minutes of the meeting of Commonwealth Heads of Mission at the British Embassy on July 5 to discuss the Korean claims negotiations.

2. I should be grateful if you would let me know if you have any comments.

Yours ever,

Basil Greenhill.

(B. Greenhill).

Canadian Embassy - Ambassade du Canada
JUL 8 1955
RECEIVED - TOKYO - REÇUE

Mr. G. Bertrand,
Canadian Embassy,
Tokyo.

July 8/55

Bertrand BR
~~Mr Newton~~
to see + file
BR

(4)

(3) Cossaboom informed 7/7.

(2)

(1) The Ambassador
Would you please let me know whether you agree with these minutes, so that I may inform Greenhill.
7/7

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

CONFIDENTIAL

Minutes of Meeting at the British Embassy
on Tuesday, July 5, 1955

Present:

H.E. the British Ambassador
H.E. the Australian Ambassador
H.E. the Canadian Ambassador
The New Zealand Chargé d'Affaires
Mr. Jamieson, Australian Embassy
Mr. Phelps, British Embassy
Mr. Greenhill, British Embassy
Lt.-Col. Daunt, B.C.F.K.

Korean Claims Negotiations - Washington Telegrams to London Nos. 1516 to 1518

It was agreed that the main danger to be guarded against in the forthcoming talks in Korea was that assistance provided by the United States to Korea might be used as an offset against R.O.K. claims against the United States and forces under United States' command only, leaving Commonwealth Governments to negotiate on their own. The forthcoming meeting with the C.-in-C., U.N. Command, in Tokyo, envisaged in paragraph 8 of Washington telegram No. 1517 would, however, provide an opportunity to endeavour to safeguard against this.

2. Heads of Mission agreed that two exercises are envisaged in the Washington telegrams: the first a meeting of Commonwealth Heads of Mission concerned in Tokyo with the C.-in-C., U.N. Command, for which instructions will be received from Commonwealth Governments and which should be preceded by a further meeting of Commonwealth Heads of Mission; the second the negotiations in Seoul at which the Commonwealth will be represented by Brigadier Alderson as a member of the negotiating team, supported by Mr. Furley-Smith.

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CONFIDENTIAL

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BRITISH EMBASSY,
TOKYO.

July 7, 1955.

CONFIDENTIAL

NO.	INIT.
AMBASSADOR	
NEWTON	
HALSTEAD	
RETTIE	
ROBERTSON	
BERTRAND	

Canadian Embassy - Ambassade du Canada
JUL 7 1955
TOKYO - TOKYO

WITH THE COMPLIMENTS

OF
CHANCERY
HER BRITANNIC MAJESTY'S EMBASSY

1. Mr. R. M. Miller,
   New Zealand Legation.

2. Mr. G. Bertrand,
   Canadian Embassy.

3. Mr. R.L.W. Austin,
   Australian Embassy.

4. Lt. Col. W.W.D. Daunt,
   British Commonwealth
   Sub-Area.

Mr Newton
To see us upon return

File

000487

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

210-7-13
INDEXED

Foreign Office telegram to Washington No. 3112 of July 5.

Your telegrams Nos. 1516 and 1517:

Korean Claims Negotiations.

We agree to the revised instructions.

Our only comments are on para. 7, where we consider that the words "for United Nations" in sub-para 7 (A) should be deleted so that the passage would run "by United States Forces", and that the words "on the lines of (A) above" should be inserted after "arrangements for settlement" in sub-para 7 (B).

2. As pointed out in para. 2 of my telegram No. 1416 Saving we are particularly anxious to avoid incurring a dollar liability as a result of these ngotiations. This point was met by the State Department (your telegram No. 207 saving). We should however be grateful if you would remind them of our views.

3. On Commonwealth consultation we agree that Washington would not now be suitable. Since the present Commander-in-Chief of the United Nations Command is prepared to play an active part in the negotiations. We agree therefore that consultation should take place in Tokyo. This would in fact amount to little more than acting as a clearing house for transmitting information to Commonwealth Governments as proposed in Tokyo Telegram No. 82, since all important decisions would be referred to Governments.

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Document divulgué en vertu de la Loi sur l'accès à l'information

DEPARTMENT OF NATIONAL DEFENCE
MESSAGE FORM
FOR CLASSIFIED MESSAGES ONLY

INDICATE DEGREE OF PRECEDENCE		FOR MESSAGE CENTRE USE ONLY	MARK X TO INDICATE SECURITY CLASSIFICATION	
			TOPSEC	
OPERATIONAL IMMEDIATE			SECRET	
PRIORITY	X		CONFD	X
ROUTINE		GR	RESTD	
IF NOT MARKED WILL BE TRANSMITTED DEFERRED				

FROM: DOLCAN TOKYO

TO: EXTERNAL
OTTAWA

210-7-13

INFO

ORIGINATOR'S NO. 91

SUBJECT: KOREAN CLAIMS NEGOTIATIONS: BEGINS

COMMONWEALTH HEADS OF MISSION IN TOKYO YESTERDAY WERE HANDED REVISED SET OF SUGGESTED INSTRUCTIONS FOR KOREAN CLAIMS NEGOTIATORS AT MEETING IN BRITISH EMBASSY. SINCE STATE DEPARTMENT WAS TO GIVE COPIES TO COMMONWEALTH EMBASSIES IN WASHINGTON ON JUNE 30 IT WAS DECIDED TO AWAIT FURTHER WORD FROM VARIOUS COMMONWEALTH CAPITALS REGARDING APPROVAL OF DRAFT BEFORE ACTION CAN BE TAKEN HERE AS SUGGESTED ON RELEVANT PORTIONS OF REVISED DRAFT. MAY WE HAVE YOUR INSTRUCTIONS WHEN FORMULATED. DAVIS

T. G. DAVIS

ORIGINATOR	TELEPHONE	DATE - TIME GROUP	FILE NO.
T.F.M. Newton		July 6, 1955 Z	

C.N.S. 1320JC
C.A.F.B. 1617 HQ 4554-B-1617
250M-1-52 (5592)
R.C.A.F. 542

REFERENCE COPY

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

BRITISH EMBASSY,
TOKYO.

CONFIDENTIAL

July 4, 1955

WITH THE COMPLIMENTS

OF
CHANCERY
HER BRITANNIC MAJESTY'S EMBASSY

1. Mr. A. B. Jamieson,
   Australian Embassy.

2. Mr. T.F.M. Newton,
   Canadian Embassy,

3. Mr. R.L.G. Challis,
   New Zealand Legation.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

Washington to Foreign Office

Telegram No. 1516

Korean claims negotiations.

On June 30 the State Department gave representatives of this and Australian, Canadian and New Zealand Embassies a revised draft of instructions to CINCUNC text in my immediately following telegram.

2. The purpose of paragraph 4 of this draft is to get round the legal objections to offsetting other U.N. liabilities against U.S. assistance. The State Department fear that the R.O.K. may insist that the agreement be in part retrospective. If they do Cincunc will refer to Washington and the Commonwealth will again be consulted.

3. It is also intended that the agreement should make no explicit waiver claims arising before the agreement itself comes into effect. The Comptroller of the Army apparently wishes to leave open the possibility (admittedly remote) of recovering from the R.O.K. for the "material and direct forces support furnished to R.O.K. forces" (paragraphs 6(a) and 7(a) of the draft instructions).

4. The State Department confirm that intention of paragraphs 7(b) and 8 of the draft is that, except insofar as it deals with U.S. forces, agreement will be in the broadest terms.

5. Change of U.S. position on place for consultations (paragraph 9 of draft) is result of agreement between Departments of State and Defence and due to -

(a) desire to keep the details in the military channel;

(b) demise of K Com Z and

(c) willingness of the new Cincunc to play a more active rôle.

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Washington to Foreign Office

Telegram No. 1517

Korean Claims Negotiations

Following is text of draft instructions:

Instructions for settlement of ROK claims:

1. Since principal difficulty incident to settlement ROK-UNC accounts arises from accounts for utility services, it has been decided that proposed settlement with ROK should be limited to such accounts. Consequently this instruction concerns bills ROK Government has presented requesting payment for various utility services made available by the ROK to U.S. and other U.N. Forces in Korea both before and after the termination of hostilities.

2. For purposes of this instruction the term "Utility Services" means the use of transportation and communication systems or the use or consumption of electricity, gas, water, steam heat, light and power, however produced.

3. Except to extent payment has already been made, it is the position of the U.S. and other U.N. Governments directly concerned that no payment should be made for utility services furnished during hostilities. For your information it is also position of such Governments that no payment should be made for the use of facilities [i.e. real property, including land, buildings and other structures] furnished by ROK Government to Forces of those Governments either during or after hostilities.

4. With respect to period between armistice and effective date of agreement, except to extent payment has already been made, it is U.S. position that there should be no payments for utility services by U.S. and other U.N. Forces in view assistance furnished by U.S. and other U.N. Forces in maintaining the security of the ROK and in view value of equipment materials and supplies furnished to the ROK with respect to the utilities mentioned in para. 2.

5. While ROK claims for period prior to effective date of agreement should not be recognised, UNC may enter into detailed comparison ROK bills and value equipment material and supplies furnished ROK for purpose supporting position stated, although desirable avoid entering into such details.

6. In any such comparison following principles should be applied:

[a] Value items furnished ROK by U.S. and other countries supplying Forces to UNC should not include value assistance furnished under economic aid programs, CRIK, FOA, relief aid furnished from defense budget prior to CRIK appropriations, contributions to UNKRA and material and direct forces support furnished the ROK Forces.

[b] ROK bills should not include any ascertainable direct or indirect tax element including assessments, interest, fees and other charges. Tax relief annex in mutual defense assistance agreement with Japan may be helpful as example of types of taxes and procedures used in other countries.

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

[c] Where an exchange rate is necessary to conversion of bills stated in HWAN, the military conversion rate applicable during period the service or supplies were provided will be used.

7. [a] U.S. is prepared as of effective date of agreement to settle for utility services requested and actually received from ROK by U.S. Forces after that date. Settlement for such post agreement utilities services should take into account the value of U.S. equipment, materials, supplies and services furnished from that date to the ROK. This would not include assistance furnished under the economic aid program, CRIK, FOA, relief aid furnished from defense budget prior to CRIK appropriations, contribution to UNKRA and material and direct forces support furnished the ROK Forces. Settlement for utility services should not include any ascertainable direct or indirect tax element including assessments, interest, fees and other charges. The rate for utilities consumed should be no less favourable than the utility rate charged to other consumers.

[b] With respect any utility services furnished by the ROK to other U.N. Forces after effective date of agreement, either directly or indirectly through the U.N. Command, arrangements for settlement should be a matter for consideration between such Governments and the ROK.

8. CINCUNC should endeavour reach agreement representatives other U.N. Governments Tokyo on methods by which ROK bills for utility services can be handled and settled separately by U.S. and other U.N. Forces with ROK after effective date of agreement.

9. Request UNC discuss with U.S. Embassy and appropriate Commonwealth representatives most advisable means clarifying above guidelines with ROK. To extent above arrangements can be handled vis-a-vis ROK as technical administrative matter would be preferable to do so in order avoid problem expanding to political level. Request that you make arrangements for Embassy Seoul observer with your negotiating team and Commonwealth representatives on your negotiating team.

10. Commonwealth representatives have been consulted and all Governments participating U.N. action Korea being informed substance this instruction. Participating Governments requesting information in field should be generally informed from time to time on nature and progress of negotiations.

11. Should ROK suggest that discussions be broadened to include QN of jurisdiction, other types claims or accounts or any other status of Forces matters should say you have no authority to consider those matters. If pressed by ROK, refer such proposals to Washington. Such referral should not interrupt efforts reach agreement concerning accounts for utility services.

12. Desire that you keep Washington currently advised progress of discussions and that you submit for approval final draft of any written arrangements proposed for conclusion, except for technical contractual arrangements covering the furnishing of utility services to U.S. Forces in future.

000493

Document disclosed under the *Access to Information Act*
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Washington to Foreign Office

Telegram No. 1518

Korean claims negotiations

State Department are considering summoning the 16 next week. They wish to give them details of the recent defection of the YAK pilots to South Korea, in connection with publicity for Communist violations of the Armistice. They would like to deal with the Korean claims negotiations at the same time and hope to have Commonwealth agreement on the draft instructions by then.

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CIPHER MESSAGE

ARMY MESSAGE

(INCOMING)

CLASSIFIED

PLACE FROM	DATE & TIME
OTTAWA, CANADA.	22 JUNE 55 NFT

GB Pls return with file. 210-7-13

FROM: EXTERNAL OTTAWA

TO: CANADIAN EMBASSY TOKYO

CONFIDENTIAL

NO 107 JUNE 22 CONFIDENTIAL

REFERENCE YOUR LETTER NUMBER 662 OF JUNE 3, 1955. SUBJECT STATUS OF FORCES IN KOREA.

WE HAVE NO OBJECTIONS TO THE U.S. RULES REGARDING THE IMPORT OF PERSONAL PROPERTY IN KOREA BY INDIVIDUALS BEING APPLIED TO CANADIAN FORCES BY BCFK

By Secure Means

672/AG/23155oI JUN 55

C.A.F.B. 338 (4 PARTS)
125M-4-53 (6830)
H.Q. 4554-B-338

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CONFIDENTIAL

(1193/59/55)

BRITISH EMBASSY,
TOKYO.

June 14, 1955.

WITH THE COMPLIMENTS

OF
R. H. Ellingworth,
HER BRITANNIC MAJESTY'S EMBASSY

Mr. G. Bertrand,
Canadian Embassy,
Tokyo.

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210-7-13

COPY

CONFIDENTIAL

CONFIDENTIAL

Serial No. D 0203

CIPHER MESSAGE M75

Date - Time of Origin
0706352

From: BRITCOM JAPAN

To: BRICOSAT BRICONORTH

KB 88 G.

Korean Claims Negotiations.

FIRST. Following is extract from DEFENCE MELBOURNE sig COS 94 dated 6 May. Quote.

ONE. Treasury and External Affairs were consulted on question of Commonwealth Representative on Negotiating Team. Matter was taken up with other Commonwealth Countries concerned. All have now agreed to nomination of Brigadier ALDERSON as subject of negotiations is limited to financial matters. This appointment is subject to review if the scope of the negotiations is broadened beyond claims for facilities and services.

TWO. The UNITED KINGDOM Authorities assume that Brigadier ALDERSON will liaise as necessary with The Commonwealth Diplomatic Observer (Mr. FURLEY-SMITH).

THREE. Directive for Commonwealth Representative is under consideration by Treasury and External Affairs and Defence and will be communicated to you as soon as possible.

Unquote.

SECOND. BRICOSAT pass to COMWEL Missions in TOKYO. BRICONORTH info British Minister SEOUL

(Sgd.) D. M. Miller
Ssgt.
072350Z Jun 55.

ROUTINE

BRICOSAT (4)

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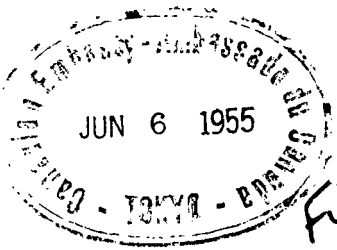
BRITISH EMBASSY,
TOKYO.

June 6 19 55

RESTRICTED
1193/58/55



File
4B

WITH THE COMPLIMENTS

OF
R.H. Ellingworth
HER BRITANNIC MAJESTY'S EMBASSY

Mr. R.W.L. Austin, Australian Embassy

Mr. R.M. Miller, New Zealand Legation

Mr. G. Bertrand, Canadian Embassy

Mr. R.J. Stratton, H.M. Legation,
Seoul.

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210-7-13
INDEXED

RESTRICTED
1193/58/55

Korea - June 6, 1955.
Status of Forces. -

Thank you for your letter No. 1653 of May 23 in which you informed me that the Americans had adopted procedures for the control of imports into Korea and that these differed from earlier drafts only in the rewording of the fourth line of para. 2. I have sent copies of these U.S. instructions to my Commonwealth colleagues, none of whom have commented adversely, and I think therefore it should be in order for B.C.F.K. to follow suit.

2. I am sending a copy of this letter to each of them and also, with a copy of the U.S. instructions, to Dick Stratton in Seoul.

(R.E. Ellingworth)

Major R.C.V. Johnstone,
British Commonwealth Sub Area,
TOKYO.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

G. Bertrand/jt

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: The Canadian Embassy, Tokyo, Japan.

Reference: Our letter No. 514 of April 25,1955

Subject: Korea - Status of Forces

Security: Confidential

No: 662

Date: June 3, 1955

Enclosures: 1

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.

References
Military Attache

Attached for your information is a copy of the instructions now put into effect by the United States Military authorities in Japan to control import into Korea by individuals, of personal property. To our letter under reference was attached two copies of the minutes of a meeting which took place at Headquarters, United Nations Command to discuss this question. At the meeting the BCFK representatives, as well as that of Canada, took the stand that they did not wish to be involved in similar procedures without having an opportunity to study the matter and, by inference, without having the necessary authorization from the governments concerned. Later, BCFK approached the Commonwealth diplomatic missions concerned ~~again~~ to ask whether they would have any objection to their now following the procedures adopted by the U. S. Forces. Before giving a reply we should like to have your approval. We may add here that such a procedure would not have much bearing on the few Canadian troops remaining in this part of the world and that in view of the few military transports available to BCFK, in fact the procedure now applies to most of our personnel, who of necessity have to use U.S. travel facilities.

T. F. M. NEWTON

The Embassy.

This letter drafted + dispatched before I could see letter L-377 of April 19, 1955, from Dept. in which we have implicit approval to decide + take a decision locally.- No action appears necessary now that BCFK has decided to follow suit.- YB. -

Internal Circulation

Distribution to Posts

Ext. 182B (Rev. 2/52)

000500

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210-7-13

TRANSMITTAL SLIP

TO: THE CANADIAN EMBASSY,
TOKYO, JAPAN

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA

Security: RESTRICTED

Date: May 31, 1955

Air or Surface: Air

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: Legal Division/W.M. Wood/KE

Copies	Description	Also referred to:
1	Copy of numbered letter dated May 31, 1955 to the Office of the High Commissioner for Canada, Canberra, concerning: Negotiations on the settlement of claims and accounts in Korea	Wellington, London and Washington

Canadian Embassy - Ambassade du Canada
JUN 7 1955
TOKYO - JAPAN

000501

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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INSTRUCTIONS

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE OFFICE OF THE HIGH COMMISSIONER FOR CANADA, CANBERRA, AUSTRALIA

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference:

Subject: Negotiations on the Settlement of Claims and Accounts in Korea

Security: RESTRICTED

No: 268

Date: May 31, 1955

Enclosures: 2

Air or Surface Mail: Air

Post File No:

Ottawa File No.	
50068-N-40	

References

Internal Circulation

Distribution to Posts

Tokyo ✓
Wellington
London
Washington

good choice
M.

In reply to an inquiry from the Office of the High Commissioner for Australia in Ottawa, we have given our concurrence to the nomination of Brigadier B.E. Alderson, Financial Adviser to the Commander in Chief, British Commonwealth Forces, Korea, as Commonwealth Representative on the United Nations team for these negotiations.

2. A copy of a letter dated May 11, 1955 from the Office of the High Commissioner for Australia together with a copy of our reply are attached for your records.

3. You will note that the appointment of Brigadier Alderson is subject to review if the scope of these negotiations should later be broadened to include questions regarding the status of United Nations forces in Korea.

4. We understand from the Australians here that the United Kingdom have given their concurrence to the appointment of Brigadier Alderson.

Under-Secretary of State
for External Affairs

Ext. 181C (Rev. 2/52)

000503

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

BRITISH EMBASSY,
TOKYO.

RESTRICTED

(1193/56/55) May 25, 19 55.

File WB.

WITH THE COMPLIMENTS

OF

R. H. Ellingworth,
HER BRITANNIC MAJESTY'S EMBASSY

Mr. G. Bertrand,
Canadian Embassy,
Tokyo.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

210-7-13

HEADQUARTERS
FAR EAST COMMAND
APO 500

AGJ 000.5 EJ/C 14 May 1955

SUBJECT: Controls Concerning Property Brought into Korea by Individuals

TO: Commanding General, United States Army Forces, Far East and Eighth United States Army, APO 343
Commander Naval Forces, Far East, c/o FPO San Francisco, California
Commander, Far East Air Forces, APO 925

1. Rescission: Letter, AGJ 000.5 EJ/C, Hq Far East Command, 6 December 1954, subject: "Establishment of Enforcement Procedure to Detect Smuggling in Korea."

2. Individuals, subject to the military jurisdiction of a force which has been sent by any State pursuant to Security Council and General Assembly resolutions which called upon all States to lend every assistance to the United Nations action in Korea, shall be permitted to bring into Korea, free from customs duties and other such charges, only reasonable quantities of privately owned property for personal or family use; provided that the possession or entry into Korea of such property does not otherwise violate force, service or command regulations.

3. These instructions implement the policy stated above by establishing procedures with respect to property brought into Korea by individuals entering the country, where the entry of the individual and his accompanying baggage is by means of United States military transportation. The procedures will come into force and effect forty-five days following the publication date of this letter.

a. The Commander, Far East Air Forces, shall assume responsibility for the enforcement of the procedures at ports of entry under the jurisdiction of the Far East Air Forces.

b. The Commanding General, United States Army Forces, Far East and Eighth United States Army, shall assume responsibility for the enforcement of the procedures at other United States areas and facilities.

c. The Commanding General, United States Army Forces, Far East and Eighth United States Army, is assigned responsibility for printing and distributing supplies of the declaration form provided for hereinbelow (Inclosure 1). Consideration should be given to making the forms

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available to agencies outside of Korea so as to make possible the completion of forms while individuals are en route to Korea. Direct communication to accomplish distribution and to establish appropriate liaison is authorized.

4. Individuals entering Korea by United States military transportation through ports of entry or facilities operated or controlled by the United States forces, shall be grouped as follows:

a. Persons subject to the military jurisdiction of a force which has been sent by any State pursuant to Security Council and General Assembly resolutions which called upon all States to lend every assistance to the United Nations action in Korea.

(1) Not travelling as a component member of a table of organization and equipment unit or provisional unit, which unit or portion thereof is entering Korea on permanent change of station orders applicable to unit members.

(2) Travelling as a component member of a table of organization and equipment unit or provisional unit, which unit or portion thereof is entering Korea on permanent change of station orders applicable to unit members.

b. Persons not subject to the military jurisdiction of a force which has been sent by any State pursuant to Security Council and General Assembly resolutions which called upon all States to lend every assistance to the United Nations action in Korea.

c. Persons not subject to military jurisdiction, paragraph 4b above, but entitled to special treatment because of their status (very important persons, diplomatic personnel, and similar categories).

5. When persons identified in paragraph 4a(1) above enter Korea through ports of entry or facilities operated or controlled by the United States forces:

a. Each individual shall complete and immediately upon or following debarkation submit to the United States forces port authorities in triplicate a declaration form.

b. This declaration form, Inclosure 1, shall be used to describe the privately owned property being brought into Korea by the declarant (property carried in by the individual, hold or other baggage arriving with the individual, and other property held at the port awaiting the arrival of the individual). Military equipment and supplies which have been issued to or purchased by a declarant will not be listed or described in the declaration form. Reasonable quantities of privately owned personal effects, owned by and being brought into Korea for the personal use of

000506

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the declarant, or for the use of a member of the family of the person making the declaration, may be described as "personal effects and clothing," without further detailed description, except that all items of property identified by serial numbers (expensive cameras, etc.) must be itemized and described separately.

c. Upon receipt, port authorities shall take the following actions concerning the declarant, the declaration form, and the property of each individual at the port of entry:

(1) United States forces authorities will review forms presented by individuals subject to United States courts-martial jurisdiction, and conduct spot checks or examinations of hand carried and other baggage or property at the port, noting on the declaration forms, that such spot checks or examinations have been accomplished. The examination may be similar to checks or inspections conducted by customs authorities. One copy of the noted form shall be returned to the declarant. One copy of the noted form shall be forwarded immediately to the nearest customs office of the Korean Government. In the event a spot check or examination results in the location of contraband property or items in excess of usual requirements, contraband and items identified as in excess of usual requirements shall be segregated from the other property of the individual concerned. Disposition of the property so segregated, and actions taken with respect to an individual who has attempted to bring into Korea the segregated items, shall be pursuant to applicable service or command regulations. Where segregated property has been or is to be disposed of pursuant to applicable service or command regulations, the copy of the declaration form forwarded to the Korean Customs office shall include remarks as to the property segregated and as to its disposition or pending disposition.

(2) When persons, identified in paragraph 4a(1), above, not subject to United States courts-martial jurisdiction, arrive in Korea, United States forces authorities shall channel such persons and the declaration forms presented by them to the representative at the port of the force which has jurisdiction over such individuals. As requested, United States forces authorities shall assist this force representative, in actions taken by the representative similar to the spot checks or examinations discussed above. If there is no representative at the port of the force which has jurisdiction over an individual:

(a) Local United States military authorities may act for such force in the spot check or examination at the request of appropriate authorities of the concerned force.

(b) The individual and his property and baggage may be provided transportation to the nearest unit of the force to the port, for spot check or examination by competent officials of the force.

000507

Document disclosed under the *Access to Information Act*
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AGJ 000.5 EJ/C 14 May 1955
SUBJECT: Controls Concerning Property Brought into Korea by Individuals

(c) As requested by the appropriate authorities of the concerned force, the spot check or examination may be deferred until the arrival at the port of entry of a force representative.

6. Persons identified in paragraph 4a(2) above will not be required to complete or submit Inclosure 1, except at the direction of the officer in charge of the unit.

7. When persons identified in paragraph 4b above enter Korea through ports of entry or facilities operated or controlled by the United States forces, it shall be the responsibility of the United States military authorities of the concerned port of entry or facility to turn over such individuals and their property and baggage to the nearest Korean Government customs office immediately following the debarkation of the individual from the aircraft or vessel.

8. When persons identified in paragraph 4c above enter Korea through ports of entry or facilities operated or controlled by the United States forces, such persons shall be placed in touch with representatives of an appropriate agency or government in Korea, and actions with respect to clearing such personnel and their property and baggage into Korea through Korean Customs shall be the responsibility of such representatives.

9. The procedures stated above do not limit or restrict usual law enforcement activities, or additional measures taken separately or in cooperation with Korean officials designed to prevent or detect smuggling or the introduction of contraband property into Korea.

BY COMMAND OF GENERAL TAYLOR:

C. W. Nelson

C. W. NELSON
Colonel, AGC
Adjutant General

1 Incl
Declaration Form

000508

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DUTY FREE
BAGGAGE DECLARATION FORM
FOR USE IN KOREA

I_____, attached to the Armed Forces
(Name, rank and serial number, printed)

of_____, have arrived at the port of_____,
(Insert name of Nation) (Insert port name)

Korea, on or about_____.
(Insert arrival date)

I have with me the baggage enumerated and described below:

Foot Lockers and Trunks	Hand Bags	Boxes	Bags	Baskets	Parcels	Others	Total

Note: List separately all items of property identified by serial numbers (expensive cameras, etc.). Reasonable quantities of clothing and personal effects, may be described as "personal effects and clothing" without further detailed description.

Container Description	Description of Articles in Named Container	Quantities	Value

I certify, in consideration of the duty-free import privilege made available to me, that all items of property being brought into Korea by me, and hereinabove declared, individually by item, or by general description, are my privately owned property; being brought into Korea for my personal use or for the personal use of my family. I further certify that no item of this property is being brought into Korea for sale, or for any use other than the uses named in the preceding sentence.

Date_____Declarant_____
Signature

(Each of the triplicate copies will be signed separately.)

FOR USE BY CERTIFYING OFFICER:

Having been designated to review the above form, and to conduct a spot-check or examination of the baggage being brought into Korea at this time by the above named declarant at the above named port, I certify that I have accomplished the actions designated.

Check box applicable:

☐ I have found no abuse of privilege, and so certify.

☐ I have found an abuse of privilege, and have taken the remedial actions described below:

Incl #1

_____
Name, Rank, Serial No., Unit, Address

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. NEWTON/bm *(FILE COPY)*

DESPATCH

[redacted]

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY
TOKYO, JAPAN

Reference:

Subject: Korea: Status of Forces Agreement

Security: CONFIDENTIAL

No: 561

Date: May 4, 1955

Enclosures:

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.	

References

Although negotiations regarding claims and accounts between U.N. and R.O.K. negotiators are shortly to be opened in Seoul, it would appear that consideration of any full status of forces agreement, as opposed to mere claims negotiations, can be postponed for some time, if not indefinitely.

2. A United Kingdom despatch from Seoul to London recounts a conversation between Carl Strom, Charge d'Affaires at the U.S. Embassy in Seoul and Dick Stratton, First Secretary at the United Kingdom Legation, in which Strom revealed that the U.S. Embassy had recently been approached by an American economic adviser to Dr. Rhee called Harold Lady. Lady had been presented for comment with a draft status of forces agreement including jurisdiction by Korean courts and made the mistake of assuming that it had been prepared by the U.S. Embassy in Seoul. When informed that the U.S. Embassy knew nothing of it and that the draft must have been prepared by the Koreans, Lady told Strom that he thought he could pigeon-hole it for some months to come. Strom seemed confident that Lady would manage to do so.

T. F. M. NEWTON
The Embassy.

Internal Circulation

Distribution to Posts

Ext. 180B (Rev. 2/52)

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

Mr. Newton

MAY 6 1955

210-7-13

HEADQUARTERS
FAR EAST AIR FORCES
APO 925

2 May 1955
0800

Immediate Release No. 3117:

HQ. FEAF, TOKYO -- The 13th Flight, Royal Hellenic Air Force, which fought side-by-side with U. S. Air Force personnel during the Korean War, is returning to Greece May 7.

Forty-two men of the flight will make the long trip home to Athens from Ashiya Air Base in five C-47 cargo planes. The flight will be made via Saigon, Rangoon, Calcutta, Delhi, Karachi, Dhahran, Baghdad and Cyprus.

The departure of the 13th, which recently has been stationed at Ashiya AB, in southern Japan, brings to an end a remarkable joint effort by Greek and USAF personnel.

From the spring of 1951 until this month the Greek flyers assisted the United Nations effort by providing troop and cargo airlift for UN forces in Korea.

Arriving in the Far East in December, 1950, the overseas detachment of the Royal Hellenic Air Force was assigned to the 21st Troop Carrier Squadron of the 315th Air Division at Tachikawa Air Base near Tokyo.

The next March they moved to Korea where they became identified with the 6461st Troop Carrier Squadron, part of the 483rd Troop Carrier Wing at Ashiya. This was the famous C-47 squadron that took the name of "Kyushu Gypsies" because of the many times it changed bases.

Evidence of the way the Greek flyers felt about their U.S. Air Force squadron is the pride they have all taken in buying and wearing blue baseball caps with "Kyushu Gypsies" in white letters on the front.

The Greeks learned to enjoy the Americans' holidays--Thanksgiving, Christmas, the 4th of July, and in turn the Americans were invited to share with the Greek Gypsies' observance of Easter and of July 20, anniversary of Greek Air Force Day. Greek music, dances, food and wine joined the way of life of the Americans in Korea.

(over)

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The first Greek flight commander was Major John Gorenko and its first big mission was to help the Gypsies evacuate wounded and half-frozen Marines from a rice paddy strip at Hagaru-ri in December, 1950.

With no previous flying experience in Korea, and having just newly learned to understand the American voices rattling in their earphones, the Greek aircrews braved enemy gunfire to do their part.

From then on the Greeks flew as perfect teammates with the American Gypsies and carried thousands of passengers and enormous quantities of cargo on the Korean airlift.

Decorations won by members of the Greek flight include the U. S. Presidential Citation, the Air Medal, the Bronze Star, the Korean Service Medal and the U. N. Medal.

Although the entire detachment is returning to Greece, it will not lose its identity, according to Major Theodore Boukouvalas, flight commander. The men will continue to serve together. A special request will be made by the flight to allow it to use officially the name "Gypsy Flight." Most of the air crewmen and ground crews have already sent their Gypsy caps home to their families.

How the Greeks felt about their overseas service in Korea with the Gypsies was expressed by Major Boukouvalas, who said:

"All my personnel have felt very happy at enjoying the co-operation of the Americans in flying for the United Nations in Korea. The Royal Hellenic flight was under the direction of the 6461st Troop Carrier Squadron and we received everything we needed at all times.

"During all the years we worked with this squadron, the commander of the squadron, and even the commander of the 483rd Troop Carrier Wing here in Japan, acted as father to us. Also the co-operation here was a big training exercise for us. It was a new system of flying for in Greece we had no Ground Control Approach system. Here we learned to use GCA and after we get home we can teach it to others.

(more)

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"The only real difficulty we found was the language barrier but after a few weeks we learned. Everyone was very kind, very patient. The boys who ran the GCA were always most thoughtful of us Greeks. They took care in guiding us to speak slowly and plainly so we could understand, and in bad weather they gave us priority. These things come from the heart. We take remembrance of these back to Greece in our hearts. Our life with the Gypsies in Korea was very pleasant and they gave us a big party before we left Korea."

Colonel Jamie Gough, Mercedes, Texas, commander of the 483rd Troop Carrier Wing at Ashiya had this to say about the Greek Gypsies:

"It is with regret that we say goodby to the Greek detachment of the 6461st Troop Carrier Squadron. Through the Korean war, and since, these officers and airmen of the Royal Hellenic Air Force have lived, worked and shared the daily hardship with our Gypsy squadron like brothers. Their work with us has been a genuine demonstration of United Nations co-operation and has been visible proof to the enemies of democracy that the free nations are able and determined to stand together.

"It is remarkable that these airmen who came from Greece not knowing our language could so quickly adjust themselves and start carrying their share of the load. As air crewmen and maintenance men they showed themselves to have the skill of courage that has made Greece a great and proud nation. It has been an honor for the 483rd Troop Carrier Wing to have been host to these intrepid members of the Royal Hellenic Air Force."

END

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: [redacted]E CANADIAN EMBASSY,
TOKYO, Japan

FROM: Under-Secretary of State for External Affairs
Ottawa,

Security: CONFIDENTIAL

Date: April 29, 1955

Air or Surface: Air

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: Legal/W.M.Wood/IL

210-1-22

Copies	Description	Also referred to:
	Telegram No. EX-711 dated April 20/55, to Canadian Embassy, Washington, re: KOREA - Negotiations on the Settlement of Claims and Accounts	LONDON ~~TOKYO~~ CANBERRA WELLINGTON

Canadian Embassy - Ambassade canadienne
MAY 6 1955
TOKYO - Japan

000514

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

Document disclosed under the *Access to Information Act*
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INSTRUCTIONS

1. This form may be used in sending material for informational purposes from the Department to posts abroad and vice versa.

2. This form should ***NOT*** be used to cover documents requiring action.

3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.

4. The form should bear the security classification of the material it covers.

5. The column for "Copies" should indicate the number of copies of each document transmitted. The space for "No. of Enclosures" should show the total number of copies of all documents covered by the transmittal slip. This will facilitate checking on despatch and receipt of mail.

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

Security CONFIDENTIAL

MESSAGE FORM

OUTGOING

File No. 50069-M-40

FROM: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

TO: THE CANADIAN EMBASSY,
WASHINGTON, D.C.

Message To Be Sent
AIR CYPHER
EN CLAIR
CODE
CYPHER Auto XX

Priority

ORIGINATOR
(Signature)
M.M.Wood/IL
(Name Typed)
Div. Legal
Local Tel. 2002

APPROVED BY
(Signature)
M.H.Wershof
(Name Typed)

Internal Distribution:
S.S.E.A. - U.S.S.E.A.

D.L.(1)
Far Eastern

Done
Date

Copies Referred To:
D/M Nat.Def.
D/M Finance
By bag: LONDON
TOKYO
CANBERRA
WELLINGTON

Done
Date

Ext. 97 (Rev. 1/52)

No. X-711 | Date April 20, 1955 | For Communications Section Only sent - April 20, 1955

REFERENCE: Your telegram No. WA-589 of April 12, 1955

SUBJECT: KOREA- Negotiations on the Settlement of Claims and Accounts

You may inform the State Department that we agree to the proposed revisions in the text of the negotiating instructions as indicated in para 3 of your telegram under reference.

EXTERNAL

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER G. Bertrand/bl

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: ...THE.CANADIAN.EMBASSY,..TOKYO,..JAPAN.

Reference: .Our..Letter..No..388.of.March.25,..1955.

Subject:...Korea.--.Status.of.Forces.

Security: ....CONFIDENTIAL

No: 514

Date: ....April.25,..1955

Enclosures: 2

Air or Surface Mail: ...Air

Post File No: 210-7-13

Ottawa File No.	

References

FILE
E.H. WYSE

Attached are two copies of the minutes prepared by BCFK of a meeting which took place at Headquarters United Nations Command, Tokyo, to discuss the draft "Controls Concerning Imports into Korea by Individuals", a copy of which was referred to you under cover of our letter under reference. Attached as well are two copies of a letter on the same subject dated April 20, 1955, from the British Embassy, Tokyo, to BCFK. Both attachments are self-explanatory. We may add here that the Canadian representative at the meeting held at H.Q. U.N. Command, was Captain Frank Léger, Deputy Judge Advocate General, Canadian Army Far East.

Military Attaché.

R. L. ROGERS

The Embassy.

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Distribution to Posts

Ext. 182B (Rev. 2/52)

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

TO: CANADIAN EMBASSY,
TOKYO, Japan

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: Your letter No. 399 of March 25, 1955

Subject: KOREA- Status of Forces

Security: CONFIDENTIAL
No: L- 277
Date: April 19, 1955
Enclosures: nil
Air or Surface Mail: Air
Post File No: 210-7-13

Ottawa File No.
50069-M-40
INDEXED

References

Canadian Embassy - Ambassade du Canada - TOKYO - Japon
APR 25 1955

CIRCULATE TO:
1 700
2 277
3 ke.
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Hold for Mr. Newton's return from Korea. ke.

Internal Circulation

Distribution to Posts

For your information, we are setting out below the comments of the Department of National Defence on the U.S.Headquarters Far East Command draft order,regarding control of imports into Korea by individuals, which was enclosed with your letter under reference:

"I think that if the Commander-in-Chief BCFK raises no objection to the order, it can be assumed that he will issue his counterpart order and the Canadian Commander will implement it as far as Canadian Forces are concerned. I suggest that the Canadian Embassy in Tokyo should ascertain Canadian military views from the Commander, CMMFE, as to the suitability of the measure if applied to BCFK, including Canadian Forces.

The United States order is carefully drafted to avoid the appearance of any attempt to impose the will of the United States military authorities upon other UN forces without their consent. From that point of view the order is unobjectionable.

There is, however, the possibility that such an order will invite the ROK to seek to extend the scope of the negotiations between ROK and CINCUNC on the settlement of claims and acccounts, to include matters of status of UN Forces in Korea. The instructions to CINCUNC on such negotiations excluded "all status of forces matters such as jurisdiction, customs, taxes, et cetera" (see telegram WA 375, March 8, 1955). If the Korean authorities became aware of the order, if and when it is issued, as it seems they must, they may be encouraged to try to broaden the scope of the negotiations. I think that the instructions to CINCUNC are specific enough to assure his resisting such an attempt. Furthermore, the Commonwealth representative on the UNC negotiating team can be depended upon to make known to us any sign of an extension of the scope of the discussions.

The Canadian Embassy in Tokyo will be in a better position to assess this last point."

for the Under-Secretary of State
for External Affairs

Ext. 181A (Rev. 2/52)

000518

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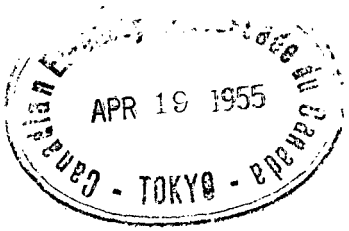
Document divulgué en vertu de la *Loi sur l'accès à l'information*

BRITISH EMBASSY,
TOKYO.

[redacted]IDENTIAL

(1193/41/55) April 19, 1955.



WITH THE COMPLIMENTS

OF
R. H. Ellingworth,
HER BRITANNIC MAJESTY'S EMBASSY

FILE
E.H. WYSE

Mr. G. Bertrand,
Canadian Embassy,
Tokyo.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

FILE COPY

847/1/35 210-7-13

Headquarters,
British Commonwealth Sub Area, TOKYO
British Army Post Office No.5

Quote in reply:-

2 copies please

18 Apr 55

BCFK

Subject:-CLAIMS NEGOTIATIONS - KOREA

Our 284 of 14 March 55 refers.

1. A meeting took place at HQ UNC on Thursday 14 April comprising representatives of all three US Services under the Chairmanship of the Assistant Chief of Staff US HQ UNC, FEC-General TRAUB.

2. General TRAUB commenced the discussions by outlining the background of the problem. This amounted to a statement that towards the end of Dec 1954, General HULL received a letter from the Prime Minister of KOREA contending that KOREA was receiving less favourable treatment from the United Nations than they gave to JAPAN on the subject of customs and went on to contend that smuggling by UN personnel was on such a scale as to cause an adverse effect both upon the KOREAN economy and the National revenue.

3. As a result of this letter General TRAUB evidently was instructed to discuss the matter with the US Ambassador in SEOUL as a result of which conference HQ UNC, FEC agreed to put into concrete terms procedures aimed at controlling this smuggling.

4. It further transpired that the US State Department had to a certain extent committed itself with the ROK Government to agreeing that some form of customs control was necessary.

5. Based on these facts General HULL instructed that regulations would be madeout and that they were to be on a UN basis.

6. This was implemented and a Draft was sent out to subordinate Commands in Dec 54 asking for comments and the matter rested there till April 55.

7. In April 55, General TRAUB was instructed to complete appropriate regulations and have them implemented within 10 days.

8. A lengthy discussion here ensued during which both the BCFK representatives and the Canadian representative took the line that they could not agree to the UN being included in the customs procedures as consent for such action had not been given by HQ BCFK or the Canadian Authorities.

9. This stand was eventually accepted by the Americans and it was decided to refer the matter again to the Chief of Staff UNC saying that:-

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(a) Certain UN countries did not wish to be involved in these procedures without having an opportunity to study the matter and then be given an opportunity to explain their view point to HQ UNC.

(b) Further they hoped that HQ UNC, FEC would not act unilaterally in this regard since such action of itself tended to implicate the UN by focusing attention upon them.

10. It was also agreed to keep those UN representatives whose countries did not as yet agree to the procedures fully informed of US action.

11. Enclosed herewith is the latest, slightly amended, US proposal. Copies of this proposal and this letter will be sent to all Commonwealth Diplomatic Missions.

Lt Col.
(W.W.D. DAUNT) Commander,
British Commonwealth Sub Area, TOKYO

000521

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: [redacted]HE CANADIAN EMBASSY,
TOKYO, Japan

FROM: Under-Secretary of State for External Affairs, Ottawa

Security: Confidential

Date: April 13, 1955

Air or Surface: Air

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: Legal/W.M.Wood/IL

210-7-22
file RM

Copies	Description	Also referred to:
1	telegram No. WA-589 dated April 12/55 from Canadian Embassy, Washington, re: KOREA-Negotiations on the settlement of claims and accounts	LONDON ~~TOKYO~~ CANBERRA WELLINGTON

Canadian Embassy - Ambassade du Canada - TOKYO
1 APR 19 1955

CIRCULATE TO:
1
2 JT
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9 file RM

FILE
E.H. WYSE

000522

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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INSTRUCTIONS

1. This form may be used in sending material for informational purposes from the Department to posts abroad and vice versa.

2. This form should *NOT* be used to cover documents requiring action.

3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.

4. The form should bear the security classification of the material it covers.

5. The column for "Copies" should indicate the number of copies of each document transmitted. The space for "No. of Enclosures" should show the total number of copies of all documents covered by the transmittal slip. This will facilitate checking on despatch and receipt of mail.

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INCOMING MESSAGE

COPY

FROM: THE CANADIAN EMBASSY, WASHINGTON.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification: CONFIDENTIAL

File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-589	April 12, 1955.

Departmental Circulation
THE MINISTER
UNDER-SEC'Y
ASSOC/U/SEC'Y
ASSIST/U/SECS
POL. COOR SECT.

Done
Date

References

Reference: Our telegram WA-375 of March 8.

Subject: Korea - Negotiations on the settlement of claims and accounts.

McClurkin in some embarrassment informed us late last week that the negotiating instructions concerning a settlement of claims and accounts with the ROK Government, which were included in our telegram under reference and to which you noted your agreement in general terms, have not yet gone to CINCUN. After pressing interested governments to agree to the instructions, the relevant political section of the State Department ran into difficulties with the State Department's Legal Adviser. He has questioned whether legislation exists which would permit United States representatives to waive claims. It is expected, however, that this matter can be cleared up satisfactorily.

2. In the interim the United Kingdom Government has been pressing for a clearer underatanding on the question of offsets. It has been assumed in all our discussions with the State Department that United States and United Nations claims would be lumped together and asserted as offsets against ROK claims. The United Kingdom was not satisfied that the wording of the draft instructions was clear on this point. As a result of the United Kingdom representations, therefore, the State Department has now agreed to make certain revisions in the text of the negotiating instructions.

3. The following are the revisions which have been put forward by the State Department for the comments of interested governments:
(a) The last sentence of paragraph 1(H)(2) to be omitted;
(b) The following sentence to be added to sub-paragraph 1(H)(4): "If the balance favours the ROK the amount to be paid by the United States and each United Nations country concerned will be determined by agreement among the United States and the concerned United Nations countries and payment will be made by the United States and by each United Nations country directly to the ROK."
(c) A new section to be numbered 1(H)(5) to be added and to read as follows: "For services and supplies to be furnished in the future the United States and each

...../2

Done
Date

Ext. 230 (rev. 10/53)

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

concerned United Nations country will be billed separately and will settle directly with the ROK."

4. We would be grateful if you could let us know whether you would agree to the revisions noted above.
A.D.P. Heeney.

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COPY

[illegible] United Nations Mission [illegible] to United Nations.
in the UNIT booth a check with the MCC.

6. No money be exported if Mem could Mob in Iran
nowhere Mem would agree to the Foreigner model phone.
U.S. Issue.

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Mr Newton Bertrand

[redacted]

I made enquiries from Dick E.-, Brig. Ware + Frank Peyer to know whether the brief referred to in parag. 4 of this letter was available.- It seems it is not ready. Yet, ~~though~~ Frank Clifford will check with BCFK and call me later today.—

O.K. J.M.Y.B.

Not available yet.-

Best

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

TO: THE CANADIAN EMBASSY,
TOKYO, Japan

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: Your despatch No.265 of February 25, 1955.

Subject: KOREA - Settlement of Claims and Accounts

Canadian Embassy - Ambassade Canadienne
APR 12 1955
TOKYO - JAPAN

Security: CONFIDENTIAL

No: L-255

Date: April 1, 1955

Enclosures: none

Air or Surface Mail: Air

Post File No: 210 F-13

Ottawa File No.
50069-M-40
INDEXED

References

FILE
E.H. WYSE

Internal Circulation

Distribution to Posts

You will have seen from our telegram EX-462 of March 11 to the Canadian Embassy in Washington that we have agreed to the revised negotiating instructions to General Hull (telegram No.WA-375 of March 8) which provide for a Commonwealth representative on the negotiating team. We have also agreed that Commonwealth consultations with U.S. authorities should take place in Washington.

2. At the same time we have suggested that it would be useful to have a Commonwealth advisory body in Tokyo who would receive reports from the Commonwealth representative on the negotiating team and hold a watching brief over the negotiations. Such a group, it seems to us, could function usefully by gathering information and advice from UNC, BCFK and local military missions bearing on problems which may arise during the negotiations and by collating this information and advice with the reports of the Commonwealth representative at the negotiations. Without the advice of such a group it will, in our opinion, be more difficult for Commonwealth governments and for their representatives in Washington to reach independent conclusions concerning the problems which may arise during the negotiations and on which consultation with the U.S. Government may be necessary.

3. We would hope that an advisory body, as described above, could be established in Tokyo but, in any case, even if your Commonwealth colleagues are not agreeable to this suggestion, we would wish that you, when forwarding the reports from the Commonwealth representative on the negotiating team in Seoul, would give us any comments which may occur to you on the problems which may require a decision in Ottawa. In this connection, we would like you to advise us in advance if you hear of any problem in the negotiations which may cause particular difficulty from the Canadian point of view.

4. In paragraph 4 of telegram No. WA-375 of March 8, it is mentioned that a detailed brief for the negotiating team will be prepared in Seoul and will be made available

...2

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to Commonwealth governments through UNC. We should be grateful if you would send us a copy of this brief, when it is ready.

for the Under-Secretary of State
for External Affairs

Document disclosed under the Access to Information
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G. Bertrand/bl

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (FILE COPY)

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN.

Reference: --

Subject: Korea - Status of Forces.

Security: CONFIDENTIAL

No: 277

Date: March 25, 1955

Enclosures: 2

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.	

References

Internal Circulation

Distribution to Posts

Attached to this letter are two copies of a draft entitled "Controls Concerning Imports into Korea by Individuals", prepared by Headquarters, Far East Command, which referred copies to BCFK, Tokyo, with an intimation that if it proves agreeable to them, they might wish to consider establishing the procedure provided for in it. Mr. Newton, who is primarily concerned with this subject, is now in Korea on a short visit, and we cannot at the present time offer comments on the possible implications the draft might have on the negotiations on claims soon to be initiated with the Korean Government. In the absence of any security classification that could prevent too wide a circulation of that document, it is highly probable that sooner or later, it will come to the attention of the Korean authorities.

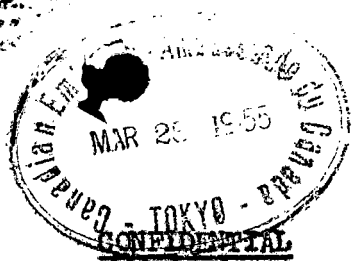
2. By the time this letter reaches you, Mr. Newton will have seen the draft and discussed it with the British Legation in Seoul.

T. C. DAVIS

The Embassy.

Ext. 182B (Rev. 2/52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*



BRITISH EMBASSY,
TOKYO.

March 25 19 55

CONFIDENTIAL
1193/33/55

Bertrand
File

WITH THE COMPLIMENTS

OF
R.H. Ellingworth
HER BRITANNIC MAJESTY'S EMBASSY

1. Mr. R.M. Miller
2. Mr. P. Hill
3. Mr. G. Bertrand
4. Mr. R. Stratton

Mr Henderson
To see pls
(upon return)
and return
pls

FILE
L.L. WYSE

000531

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210-7-13
INDEXED

CONFIDENTIAL
1193/33/55

BRITISH EMBASSY,
TOKYO.

March 25, 1955.

Thank you for your letters Nos. 934 of 23rd March and 957 of 25th March sending copies of H.Q. Far Eastern Command's draft about "Controls concerning Imports into Korea by Individuals". I have sent a copy to each of the Commonwealth Missions concerned and Dick Stratton is taking a copy over to Seoul with him tomorrow.

2. Since this draft order is designed primarily to enforce procedures within the American Forces (and, presumably, if you agree, within B.C.F.K.), I do not think that there is much that diplomatic missions can have to say. I note, however, that paragraph 4 (b) (i) on page 3 lays down that "one copy of the noted form shall be forwarded immediately to the nearest Customs office of the Korean Government" in the case of the persons mentioned in paragraph 3 (a) on page 2. The R.O.K. Government are apparently only to be kept informed of what the authorities of the sending States do, but even so I think it is arguable that we are coming perilously close to Status of Forces questions, which it was agreed were not to be touched in the Claims negotiations that are expected. We are doubtful whether this is wise at this stage.

3. Dick Stratton is also taking a copy of this letter with him and I understand that he proposes to discuss the matter with H.M. Minister and the U.S. authorities in Seoul. When I hear from him I shall inform you further. We do not propose to send a copy to the Foreign Office, at any rate for the moment. Perhaps Rod Miller, Gerard Bertrand, Peter Hill and Frank Leger, to each of whom I am sending a copy of this letter, would inform us whether they agree with the comments in my second paragraph above.

(R.H. Ellingworth)

Major R.S.V. Johnstone,
British Commonwealth Forces Sub Area,
Tokyo.

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210-2-13

CANADIAN EMBASSY
AMBASSADE DU CANADA

CONFIDENTIAL

TOKYO, March 24, 1955

Dear Mr. Newton,

Re: Status of Forces in Korea

Dick Stratton of the British Legation in Seoul will hand over to you upon his return a copy of a draft prepared by Headquarters, Far East Command, on the subject of controls concerning imports into Korea by individuals. The origin of this paper is not too clear but it seems, according to Dick Ellingworth of the British Embassy here, that it was prepared with a view to requesting units at sub level to work out the necessary procedure to implement the principle enunciated in paragraph one of the draft, i.e. individuals subjected to the military discipline of the forces of any state which has troops in Korea shall import into that country free from custom duties and the like, only reasonable quantities of property for personal or family use. The draft was referred to BCFK with the intimation that if they are in agreement with it they might wish to work out also the necessary procedure to implement it.

I am told by Dick Ellingworth that Stratton has been briefed on the complications that the draft on this subject might entail at the time when negotiations on claims are soon to be initiated with the Korean Government. If after discussion with Stratton and other people concerned in Korea, you think that instructions are to be sought from or comments sent to the Department, you may wish to let me know so that action may be taken at once. After consultation with Ted Rettie, I am sending copies of the draft to the Department by tomorrow's bag with the only comment that you are now in Korea for a short visit and that you will discuss the question there with interested parties.

Yours sincerely,

G. Bertrand.

T. F. M. Newton, Esq.,
c/o R. Stratton, Esq.,
British Legation,
SEOUL, Korea.

It seems strange that after five years or so of ad hoc arrangements, the Americans think it proper to establish such a control as Korean custom authorities of what military personnel bring into the country

000533

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210-7-13

DRAFT

Pls file on Korea - Status of Forces - US -

HEADQUARTERS
FAR EAST COMMAND
APO 500

AGJ EJ/C

SUBJECT: Controls Concerning Imports into Korea by Individuals

TO: Commanding General, United States Army Forces, Far East, and Eighth United States Army, APO 343
Commander Naval Forces, Far East, c/o FPO San Francisco, California
Commander, Far East Air Forces, APO 925

FILE
E.H. WYSE

1. Individuals, subject to the military discipline of the forces of any State which has contributed such a force to repel aggression in Korea, shall be authorized to import into Korea, free from customs duties and other such charges, only reasonable quantities of property for personal or family use.

2. These instructions implement the policy stated above by establishing procedures to be followed with respect to property brought into Korea by individuals entering the country, including accompanying hold baggage, where the entry of the individual and the individual's property and baggage is by means of military transportation.

a. The Commander, Far East Air Forces, shall assume responsibility for the enforcement of the procedures at ports of entry under the jurisdiction of the Far East Air Forces.

b. The Commanding General, United States Army Forces, Far East, and Eighth United States Army, shall assume responsibility for the enforcement of the procedures at other United States areas and facilities used as ports of entry in Korea.

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EJ/C
SUBJECT: Controls Concerning Imports into Korea by Individuals

c. The commanders named in paragraph 1a and 1b above will provide this headquarters with triplicate copies of operating procedures placed in effect at each United States area or facility which is used as a port of entry in Korea.

3. Individuals entering Korea by military transportation (excluding public Republic of Korea military vessels or aircraft) through ports of entry operated or controlled by the United States forces, shall be grouped as follows:

a. Persons subject to the military discipline of the force of any State which has contributed such a force to repel aggression in Korea.

b. Persons not subject to military discipline under the provisions of paragraph 3a above.

c. Persons not subject to military discipline under the provisions of paragraph 3a above, but entitled to special treatment because of their status (very important persons, diplomatic personnel, and similar categories).

4. When persons identified in paragraph 3a above entered Korea through ports of entry operated or controlled by the United States forces:

a. Each individual shall complete and immediately upon debarkation submit to the United States forces port authorities in triplicate a declaration form. This declaration form, inclosure 1, shall be used to describe the property being brought into Korea by the declarant (property carried in by the individual, hold or other baggage arriving with the individual, and other property held at the port awaiting the arrival of the individual). Reasonable quantities of clothing and personal effects, owned by and being brought into Korea for the personal use of the declarant, or for the use of a member of

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the family of the person making the declaration, may be described as "personal effects and clothing," without further detailed description, except that all items of property identified by serial numbers (expensive cameras, etc) must be itemized and described separately. All other property must be listed separately. The Commanding General, Army Forces, Far East and Eighth United States Army is assigned responsibility for printing and distributing supplies of the inclosed declaration form. In distributing such supplies, consideration may be given to making the forms available for completion while on route.

b. Upon receipt, port authorities shall take the following actions concerning the declarant, the declaration form, and the property of each individual at the port of entry:

(1) United States forces authorities will review forms presented by persons subject to United States courts martial jurisdiction, and conduct spot checks or examinations of hand carried and other baggage or property at the port, noting on the declaration forms, that such spot checks or examinations have been accomplished. The examination may be similar to checks or inspections conducted by customs authorities. One copy of the noted form shall be returned to the declarant. One copy of the noted form shall be forwarded immediately to the nearest customs office of the Korean Government. In the event a spot check or examination results in the location of contraband and items so identified shall be segregated from the other property of the individual concerned. Disposition of the property so segregated, and actions taken with respect to an individual who attempted to bring into Korea the segregation items, shall be pursuant to applicable service or command regulations. Where segregated property has been or is to be disposed of pursuant

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to applicable service or command regulations, the copy of the declaration form forwarded to the Korean Customs office shall include remarks as to the property segregated and as to its disposition or pending disposition.

(2) When persons, identified in paragraph 3a, above, not subject to United States courts martial jurisdiction, arrive in Korea, United States forces authorities shall channel such persons and the declaration forms presented by them to the representative at the port of the force which has jurisdiction over such individuals. As requested, United States forces authorities shall assist this force representative, in actions taken by the representative similar to the spot checks or examinations discussed in paragraph 4b(1) above. If there is no representative at the port of the force which has jurisdiction over an individual:

(a) Local US Military authorities may act for such force in the spot check or examination at the request of appropriate authorities of the concerned force.

(b) The individual and his property and baggage may be provided transportation to the nearest unit of the force to the port, for spot check or examination by competent officials of the force.

(c) As requested by the appropriate authorities of the concerned force, the spot check or examination may be deferred until the arrival at the port of entry of a force representative.

5. When persons identified in paragraph 3b above enter Korea through ports of entry operated or controlled by the United States forces, it shall be the responsibility of the US Military authorities of the concerned port of entry to turn over such individuals and their property and baggage to the nearest Korean

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

AGJ EJ/C
SUBJECT: Controls Concerning Imports into Korea by Individuals

Government customs office immediately following the debarkation of the individual from the aircraft or vessel.

6. When persons identified in paragraph 3c above enter Korea through ports of entry operated or controlled by the United States forces, such persons shall be placed in touch with representatives of an appropriate agency or government in Korea, and actions with respect to clearing such personnel and their property and baggage into Korea through Korean Customs shall be the responsibility of such representatives.

7. The procedures stated above do not limit or restrict usual law enforcement activities, or additional measures taken in cooperation with Korean officials designed to prevent or detect smuggling or the introduction of contraband property into Korea.

BY COMMAND OF GENERAL HULL:

1 Incl

D R A F T

000538

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

TRANSMITTAL SLIP

TO: THE CANADIAN AMBASSADOR
TOKYO, Japan

FROM: The Under-Secretary of State for External Affairs, Ottawa

Security: CONFIDENTIAL

Date: March 17, 1955

Air or Surface: air

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: Legal/W.M.Wood/IL

210-7-22

Copies	Description	Also referred to:
1	Telegram No. WA-417 dated March 16/55, from Canadian Embassy, Washington, re; Korea-Negotiation of a settlement of claims and accounts.	LONDON ~~TOKYO~~ CANBERRA WELLINGTON

Mr. Newton

Canadian Embassy - Ambassade du Canada - TOKYO
MAR 22 1955

Mr Newton
Read as requested.
4/3

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

INSTRUCTIONS

1. This form may be used in sending material for informational purposes from the Department to posts abroad and vice versa.

2. This form should *NOT* be used to cover documents requiring action.

3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.

4. The form should bear the security classification of the material it covers.

5. The column for "Copies" should indicate the number of copies of each document transmitted. The space for "No. of Enclosures" should show the total number of copies of all documents covered by the transmittal slip. This will facilitate checking on despatch and receipt of mail.

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

INCOMING MESSAGE

COPY

FROM: THE CANADIAN EMBASSY, WASHINGTON.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification
CONFIDENTIAL
File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-417	March 16, 1955.

Departmental Circulation
MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
L.COOR.SECT.

Reference: Your telegram EX-462 of March 11.

Subject: Korea - Negotiation of a settlement of claims and accounts.

We informed the State Department on March 14 of your concurrence in the revised draft negotiating instructions for General Hull which were forwarded to you in our telegram WA-375 of March 8.

2. In answer to the question contained in paragraph 2 of your telegram under reference, we were told by the State Department that the reference to the military conversion rate for hwan in paragraph 1(f) of the draft negotiating instructions is meant to cover all methods by which the United States forces have converted currency, including the auction method which has been used most recently.

3. We have spoken with our Commonwealth colleagues on the point which you raised in your telegram under reference as to the desirability of the establishment of a committee of Commonwealth representatives in Tokyo who, during the negotiations in Korea, could consult with General Hull's headquarters. It is the view of those of us here who deal regularly with the State Department on this matter that there would be some value in having a Commonwealth advisory group in Tokyo. General Hull's headquarters will be acting under the same negotiating instructions as those which go to the negotiating teams themselves. It is probably true therefore that, if points arise which are not covered by the instructions, General Hull could not take the decision but would have to refer the matter to Washington. We would assume, however, that his headquarters would not simply act as a post office. It seems to us in addition that the Commonwealth committee which would have access to information, particularly from BCFK, would be able to give useful direction to the Commonwealth negotiator on points of some substance and certainly on matters of financial detail so far as claims are concerned.

References

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230 (rev. 10/53)

Document disclosed under the *Access to Information Act*
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4. There may be points arising in the course of the negotiation which, as you suggest in paragraph 5 of your telegram, will have to be taken up with the State Department, We might suggest that our Embassy in Tokyo should be advised that, if it hears of a development in the negotiations which may give rise to particular difficulty from the Canadian point of view, the Embassy might give you and ourselves warning by telegram even though a fuller explanation of the problem may have to come by bag. We shall probably have to anticipate some administrative hitches here in Washington since the United States reports will come initially to the Department of Defence and from experience it often appears that the distance between the Pentagon and the State Department is great indeed. A.D.P. Heeney.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: THE CANADIAN EMBASSY
TOKYO, Japan

FROM: Under-Secretary of State for External Affairs, Ottawa

Security: CONFIDENTIAL
Date: March 14, 1955
Air or Surface: air bag
No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: Legal/W.M.Wood/IL

210-1-22

CANADIAN EMBASSY - TOKYO - JAPAN
MAR 22 1955

Copies	Description	Also referred to:
1	Copy of telegram No. EX-462 dated March 11, 1955, re Negotiations with Koreans on the settlement of Claims and Accounts	~~TOKYO~~ LONDON CANBERRA WELLINGTON

FILE
E.H. WYSE

000543

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

INSTRUCTIONS

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3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.

4. The form should bear the security classification of the material it covers.

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Document divulgué en vertu de la Loi sur l'accès à l'information

Security CONFIDENTIAL

MESSAGE FORM
OUTGOING

File No. 50069-M-40

FROM: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

TO: THE CANADIAN EMBASSY
WASHINGTON D.C.

Message To Be Sent		No. Ext.462	Date March 11, 1955	For Communications Section Only Sent - Mar 11 1955
AIR CYPHER				
EN CLAIR				
CODE				
CYPHER Auto	XXX			

Priority

ORIGINATOR

(Signature)

W.M.Wood/IL
(Name Typed)

Div. Legal

Local Tel. 2002

APPROVED BY

(Signature)

M.H.Wershof
(Name Typed)

Internal Distribution:
S.S.E.A. - U.S.S.E.A.

D.L.(1)
Far Eastern

Done

Date

Copies Referred To:

D/M Nat.Defence
D/M Finance

by bag: TOKYO ✓
LONDON
CANBERRA
WELLINGTON

Done

Date

Ext. 97 (Rev. 1/52)

REFERENCE: Your telegram WA-375 of March 8, 1955

SUBJECT: Negotiations with Koreans on the settlement of Claims and Accounts

You may inform the State Department that we concur in the revised draft negotiating instructions for General Hull contained in your telegram under reference.

2. We would be interested to know whether the military conversion rate for HWAN mentioned in paragraph F in the instructions is meant to cover any method by which the U.S. forces have converted currency, including the method of "auctions" which we understand U.S. forces have been using lately.

3. With regard to Commonwealth consultation during these negotiations it had, as you know, originally been proposed by the U.K. (and agreed to by ourselves, the Australians and New Zealanders) that this could best be effected through a committee of Commonwealth representatives in Tokyo who would consult with CINCUNC. However, since Commonwealth representatives in Tokyo have now reported that General Hull apparently does not expect to play a major part in these negotiations (see despatch No. 265 of February 25 from Canadian Embassy in

. . . 2

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

Tokyo, a copy of which has been referred to you) we agree with them that consultations with Commonwealth representatives and with U.S. authorities should take place in Washington.

4. At the same time it seems to us that it would be useful, though not essential, to have a Commonwealth advisory group in Tokyo who would receive copies of the reports from the Commonwealth representative on the negotiating team and could comment on the reports as they are forwarded to Commonwealth governments. The advice of such a group which would have access to information from UNC, BCFK and local military missions, would, in our opinion, be helpful to Commonwealth governments in reaching decisions concerning the problems which may arise during the negotiations and on which consultation with the U.S. Government may be necessary. Will you please discuss this point with your Commonwealth colleagues and let us know their reaction.

5. With regard to your enquiry about your role during the negotiations, it is our understanding that the procedure for consultation during these negotiations will be as follows: reports from the Commonwealth representative on the negotiating team in Seoul will be distributed to Commonwealth representatives in Tokyo who will forward them to their governments with whatever comments they wish to make. (We shall send copies of these reports to you.) Any points on which it is considered desirable to present a unified Commonwealth view to the United States authorities will be taken up by Commonwealth representatives in Washington.

EXTERNAL

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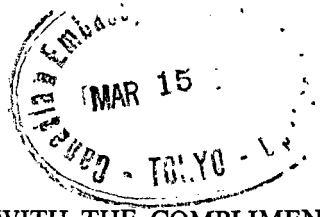
BRITISH EMBASSY,
TOKYO.

March 12 19 55

CONFIDENTIAL
1193/17/55



WITH THE COMPLIMENTS

OF
R. H. Ellingworth
HER BRITANNIC MAJESTY'S EMBASSY

1. Mr. R.M. Miller, New Zealand Legation.

2. Mr. P. Hill, Australian Embassy.

3. Mr. G. Bertrand, Canadian Embassy.

4. Major R.S.V. Johnstone, British Commonwealth Sub Area.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

210-7-13
INDEXED

COPY

Inward Telegram of March 5 from Foreign Office

Addressed to Washington Tel. No. 1059 Saving of March 5, repeated for information to Tokyo, U.K.H.Cs Canberra, Wellington, Ottawa and Saving to Seoul.

Tokyo Tel. No. 82: KOREAN CLAIMS NEGOTIATIONS.

Since General Hull does not intend to become involved in the negotiations we agree that Tokyo would not be suitable for Commonwealth consultation. We think therefore that it should take place in Washington.

2. In order to save Seoul however from having to telegraph too much to London so that we can keep Commonwealth Governments informed from here, we think it would be desirable if ordinary reports from the Commonwealth Representative were distributed as Tokyo suggests to Commonwealth Missions in Tokyo for onward transmission to their governments. Reports requiring urgent action would, of course, have to be telegraphed.

3. Please concert with your Commonwealth colleagues and inform the Americans of our views.

Pass Saving to Seoul as my Tel. No. 02005 Saving.

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COPY

Inward Telegram of March 5 from Foreign Office

Addressed to Washington Tel. No. 1059 Saving of March 5, repeated for information to Tokyo, U.K.H.Cs Canberra, Wellington, Ottawa and Saving to Seoul.

Tokyo Tel. No. 82: KOREAN CLAIMS NEGOTIATIONS.

Since General Hull does not intend to become involved in the negotiations we agree that Tokyo would not be suitable for Commonwealth consultation. We think therefore that it should take place in Washington.

2. In order to save Seoul however from having to telegraph too much to London so that we can keep Commonwealth Governments informed from here, we think it would be desirable if ordinary reports from the Commonwealth Representative were distributed as Tokyo suggests to Commonwealth Missions in Tokyo for onward transmission to their governments. Reports requiring urgent action would, of course, have to be telegraphed.

3. Please concert with your Commonwealth colleagues and inform the Americans of our views.

Pass Saving to Seoul as my Tel. No. 02005 Saving.

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TRANSMITTAL SLIP

TO: The Canadian Embassy
Tokyo, Japan

FROM: The Under-Secretary of State
for External Affairs

Security: CONFIDENTIAL

Date: March 9, 1955

Air or Surface: Air

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: Legal/W.M.Wood/elp

210-7-22

Copies	Description	Also referred to:
	Telegram WA-375 from Washington (dated March 8, 1955)	~~Tokyo~~ Canberra London Wellington

Seen
L.

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INCOMING MESSAGE

COPY

FROM: THE CANADIAN EMBASSY, WASHINGTON

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification: CONFIDENTIAL

File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-375	March 8, 1955.

Departmental Circulation
MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
POL.COOR.SECT.

Done
Date

References

Done
Date

Reference: Your EX-325 of February 21.

Subject: Korea - negotiations on the settlement of claims and accounts.

After considering the views offered by Commonwealth Governments concerning negotiation of a settlement of claims and accounts with the ROK Government, the United States authorities have revised the draft instructions which are to be sent to General Hull. McClurkin gave Old Commonwealth representatives the revised draft instructions this morning and the text is included below. McClurkin expressed the hope that Commonwealth Governments would be able to indicate their concurrence to the draft instructions before the end of the week. It was the consensus of the Commonwealth representatives at the meeting that the new United States draft went a long way to meet the views of Commonwealth Governments and that it might be possible to get early concurrence from the interested governments.

2. We understand from our United Kingdom colleague (although we have seen no messages on the subject) that meetings have taken place between Commonwealth representatives in Tokyo and that it has been recommended from Tokyo that Washington should be the centre of consultation on important issues which may arise in the course of the negotiations. You will note that the new draft instructions provide for a Commonwealth representative on the UNC negotiating team (and not for an observer as did the previous draft instructions). We assume that in the first instance at least the Commonwealth representative will be responsible for ensuring that specifically Canadian views would obtain a hearing. We would be grateful if we could have your views as to what role this embassy will have to play as the negotiations proceed.

3. You asked in your telegram under reference whether the State Department thought that a balance in favour of the UNC would emerge from the presentation of ROK claims and UNC counter-claims. McClurkin said that United States authorities thought that a balance in favour of the UNC would appear but he was equally certain that the ROK authorities were convinced that the balance would be in their favour. He said he thought that this issue would prove to be one of the most difficult in the negotiations

.....2

Act. 230 (rev. 10/53)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

but he was convinced that any fantastic claims put forward by the ROK could be met by "equally fantastic" UNC claims.

4. If the draft instructions outlined below are approved, they will constitute the only formal instructions sent to General Hull. The more detailed brief will be assembled in Seoul, where the details of claims and accounts are more readily available. McClurkin suggested that, if Commonwealth Governments wished to obtain more detail, therefore, a direct approach might be made to the UNC in Seoul or in Tokyo.

5. The text of the revised negotiating instructions follows. BEGINS:

Negotiating instructions for claims negotiations with ROK

1. You are authorized to commence negotiations with ROK on behalf of United States and United Nations members with forces in Korea for settlement of claims for utilities, facilities, and services furnished in the past and for future military financial arrangements. It is requested that the ensuing agreement consist, if possible, of an exchange of notes. Following general principles will form basis of your negotiating position:

A. The negotiation will include (1) settlement of claims and accounts, except those described in sub-paras C, D, and E, below, from 25 June 1950 to the present, and (2) military financial arrangements for the future.

B. There will be a mutual waiver of claims arising before the termination of hostilities.

C. Tort claims will be excluded.

D. No United States/United Nations claims will be presented in this negotiation arising from United States/United Nations economic aid furnished gratuitously, e.g., financed by CRIK or FOA appropriated funds, relief aid furnished from defense budget prior to CRIK appropriations, and contributions to UNKRA, and United States military equipment furnished gratuitously.

E. Outside of claims and accounts and military financial arrangements, all status of forces matters such as jurisdiction, customs, taxes, etc., will be excluded, except insofar as question of tax exemptions on goods and services is relevant to claims and accounts issue.

F. Where an exchange rate is necessary to conversion of bills stated in HWAN, the military conversion rate applicable during period the services or supplies provided will be used.

G. Date of termination of hostilities for purposes of this negotiation will be considered 27 July 1953 or 31 July 1953, if latter date more practicable for accounting purposes.

.....3

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H. Regarding post-hostilities claims:

(1) All land and buildings required by UNC will be furnished by ROK free of charge.

(2) United States and United Nations forces will pay for all other services and supplies provided by ROK. (Such arrangements to be comparable with those with other countries in which United States stations forces, including appropriate tax exclusions.) General principle is that each concerned United Nations country be billed separately and settle directly with the ROK.

(3) United States and United Nations offsets will consist of value of services and supplies furnished by United States/United Nations except for those for which authority has been or may be given to transfer gratuitously e.g., as para D above.

(4) United States/United Nations claims will be asserted as offsets and if balance favours United States/United Nations, payment will not be requested now, but balance will be reserved against future settlements.

2. It is recognized that the line between items to be treated as offsets and assistance to the ROK is hard to draw, and reliance must be placed on judgment of negotiators for reasonable application. Initial proposals UNC on this question should be presented as frame of reference to guide discussion. At appropriate stage negotiations you should submit to UC your recommendations for definitive position this question.

Not Colin.

3. Request that you make arrangements for embassy Seoul observer with your negotiating team and Commonwealth representative on your negotiating team.

4. Any suggestion by the ROK before negotiation that negotiation should be broadened to include question of jurisdiction or any other status of forces matters should be referred to this headquarters for further instructions. If such suggestion made after negotiations commence, you should say you have no authority to discuss those issues and, if pressed by ROK, should suspend negotiations on financial arrangements pending consideration here of appropriate action.

5. Desired that you keep UC advised of progress of negotiations and that you submit for UC approval final draft of notes. ENDS. A.D.P. Heeney.

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA NEWTON/bm *(FILE COPY)*

NUMBERED LETTER

TO: [redacted]E UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY
TOKYO, JAPAN

Reference: Our No. 265 of February 25, 1955

Subject: Korea: Settlement of Claims and Accounts

Security: CONFIDENTIAL

No: 275

Date: March 1, 1955

Enclosures:

Air or Surface Mail: AIR

Post File No: 210-7-13

Ottawa File No.

References

Internal Circulation

Distribution to Posts

Copies of the two accompanying communications concerning Korean Claims Negotiations have just been forwarded to us from British Embassy, Tokyo. On the chance that you may not have received copies from Earnscliffe, we are forwarding these as supplementary to our No. 265 of February 25.

THE EMBASSY

Ext. 182B (Rev. 2/52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

BRITISH EMBASSY,
TOKYO.

RESTRICTED

March 1, 1955.

WITH THE COMPLIMENTS

OF

R. H. Ellingworth,
HER BRITANNIC MAJESTY'S EMBASSY

Mr Bertrand,
Canadian Embassy,
Tokyo.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

/COPY

210-7-13
INDEXED

749/3/9

Liaison Group for British Commonwealth Forces
United Nations Command
c/o British Commonwealth Sub Area, TOKYO
British Army Post Office No. 5

Quote in reo;y:-

Feb 55

Headquarters,
United Nations Command,
Office of the Chief of Staff,
Liaison Section.

ROK PRESIDENTIAL UNIT CITATION
FOR NAVAL UNITS

Reference HQ United Nations Command Memorandum No. 1 dated 3 Jan 55.

1. Herewith copy of a letter received from the Naval Officer-in-Charge KURE in answer to your above quoted memorandum.

2. The dates given in the memorandum have been verified and in some cases corrected. In addition a note has been added concerning HMAS "COMMONWEALTH" for consideration for inclusion in this list.

3. It should be pointed out that it is not normal British Commonwealth practice to accept foreign citations involving the wearing of special badges by individuals, or the displaying of distinctive emblems by the ships concerned. However, any citation which the Republic of Korea may be pleased to grant will be published in orders so that the units may have a permanent record in their histories of the appreciation shown.

/s/t/ (W.W.D. DAUNT) Lt Col.
Chief of the United Nations Liaison Group
for British Commonwealth Forces.

Further distribution by HQ Brit Com Sub Area, TOKYO on 23 Feb 55.

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TRANSMITTAL SLIP

TO: THE CANADIAN EMBASSY,
TOKYO, Japan

FROM: Under-Secretary of State for External Affairs, Ottawa

Security. CONFIDENTIAL

Date. March 1, 1955

Air or Surface. air

No. of enclosures. 1

The documents described below are for your information.

Despatching Authority. Legal/W.M.Wood/IL

210-7-22

Copies	Description	Also referred to:
	copy telegram No. EX-325 dated Feb.21/55 from External to Canadian Embassy, Washington, re: Korea-Negotiations on the settlement of claims and accounts	WELLINGTON CANBERRA LONDON

Canadian Embassy - TOKYO

000558

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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Security CONFIDENTIAL

MESSAGE FORM

OUTGOING

File No. 50069-E-40

FROM: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

TO: CANADIAN EMBASSY, WASHINGTON, D.C.

Message To Be Sent		No. EX-328	Date February 21, 1955	For Communications Section Only sent Feb 21/55
AIR CYPHER				
EN CLAIR				
CODE				
CYPHER	XXX			

Priority

ORIGINATOR

W. McKENZIE WOOD
(Signature)

W.M.Wood/JL
(Name Typed)

Div. Legal

Local Tel. 2002

APPROVED BY

M. H. WERSHOF
(Signature)

O.Riendeau
(Name Typed)

Internal Distribution:
S.S.E.A. - U.S.S.E.A.

D.L.(1)

Far Eastern Div.

Done

Date

Copies Referred To:

D/M Nat. Def.
D/M Finance

WELLINGTON
CANBERRA
LONDON
TOKYO

Done

Date

Ext. 97 (Rev. 1/52)

REFERENCE: Your teletypes WA-241 and WA-242 of February 10, 1955.

SUBJECT: KOREA- Negotiations on the settlement of claims and accounts.

You may inform the State Department that we agree that the United Nations Command should begin negotiations with the Republic of Korea and that the statement of principles handed to Commonwealth Representatives on February 9 (Your WA-242 of February 10) is acceptable to us as a basis for CINCUNC'S negotiating instructions. If more detailed instructions are prepared for the negotiating team we would like to see them.

2. Para 8(d) of the Statement of Principles provides that UNC claims will be asserted as offsets only and that if the balance favours UNC payment will not be requested. We would be interested to know whether the State Department thinks that this balance will in fact favour the UNC.

3. We are prepared to accept observer status for the Commonwealth representative at these negotiations provided the negotiations can be confined to the narrow limits set out in the statement of principles, and provided that

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adequate arrangements are made to ensure that Canadian views will be ascertained during the course of the negotiations and that the negotiators will not enter into commitments binding on Canada before the consent of the Canadian Government has been obtained. It should be made clear to the State Department, however, that if the scope of the negotiations is broadened to cover the status of United Nations forces in Korea, we would wish to reconsider our position with regard to Commonwealth representation.

4. Before putting the above views to the State Department you may wish to consult with your Commonwealth colleagues.

EXTERNAL

000561

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

BRITISH EMBASSY,
TOKYO.

28 Feb. 1955

WITH THE COMPLIMENTS

OF

HER BRITANNIC MAJESTY'S EMBASSY

Korean Claims
Negotiations

000562

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210-7-22

ROUTINE
CYPHER
CONFIDENTIAL

OUTWARD

February 25

55

Addressed to Foreign Office Tel. No. 82 of February 25. Repeated for information to Washington and Seoul.

Your telegram No. 726 Saving to Washington [of February 18].

KOREA - CLAIMS NEGOTIATIONS

Question of representation and consultation was discussed at meeting with my Commonwealth colleagues and representative of Commander-in-Chief, B.C.F.K., on February 22. It was agreed in the light of our experience of negotiations with the Japanese that it was desirable that the Commonwealth representative should be a full member of the negotiating team or at least an observer with the right to sit at the table. It was further agreed that all concerned should again represent to their Governments that, although copies of reports from the Commonwealth representative at Seoul could be distributed to Commonwealth missions at Tokyo, the latter was not a good place for consultation since Commonwealth representatives would have no competence to appraise these reports. Moreover, approaches to General Hull, who has indicated to me his desire not to become involved in the negotiations would be likely to yield only the response that matter in question had been decided in Seoul or was under consideration in Washington. Paragraph 2 of Washington telegram No. 392 supports this opinion.

2. If, therefore, joint Commonwealth consultation with U.S. Government is to succeed in its objects of presenting effectively an agreed Commonwealth view and of eliciting from them important policy decisions, we feel that it must be conducted as hitherto in Washington.

Foreign Office please pass to Washington as my telegram No. 7 and to Seoul as my telegram No. 30.

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C
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Y

Confidential

From Foreign Office to Washington

Cypher/OTP and By Bag

No. 726
February 18, 1955. D. 3.20 p.m. February 18, 1955.

PRIORITY
CONFIDENTIAL

Addressed to Washington Tel. No. 726 of February 18,
Repeated for Information to: U.K.H.C.'s Canberra Wellington and Ottawa.

And Saving to: Tokyo No.27 U.K.H.C. Pretoria
Seoul No.14

Your telegram No. 391 (of February 10): Status of Forces Negotiations in Korea.

We agree to the draft instructions, which we assume replace those in your telegram No.462 Saving (of September 27, 1954), subject to the comments in the following paragraphs. If the Koreans attempt to raise questions relating to jurisdiction, status of forces, customs and taxes, the Commander in Chief will presumably break off the negotiations and refer to Washington immediately for further instructions.

2. So long as the scope of the negotiations is limited as suggested, we agree to the proposals for negotiating team of military members. But since any settlement arrived at as a result of these negotiations will be subject to Parliamentary scrutiny here, particularly from the financial point of view, the State Department will appreciate that it is most important for us to have a full member of the team. We suggest therefore that a representative of B.C.F.K. should be one of the four members, or alternatively that he should be included in a team of five. We also wish to have a diplomatic representative present as an observer.

3. We must also request that Her Majesty's Government be invited to comment on Commander-in-Chief's report at conclusion of first phase, before final decisions are reached in Washington, and that they be given immediate opportunity to reconsider their position if there is any proposal to widen scope of negotiations.

4. We should wish Tokyo and rest of Commonwealth group to keep in touch with Commander-in-Chief U.N.Command as suggested in paragraph 3 of your telegram No.392 (of February 10).

5. We have the following comments on the text of the draft instructions.

(a) Paragraph 5 We should prefer current exchange rate to be applied to all transactions where a rate has to be used, in accordance with our usual practice. If the Koreans

/were

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were now to charge the U.N.Command for all past services at current hwan prices, they would not suffer. Please sound Americans on this proposal and let us know if they have any objections. In any case, what exchange rate is considered to be operative after November 1954?

(b) Paragraph 8c is obscure. Presumably it is intended that, subject to paragraph 3, it is the services and supplies (e.g. electricity and communications) furnished by U.N. military forces to assist Korean civil (repeat civil) economy which will constitute the claims against Korea. This should be made quite clear in the draft instructions.

(c) Paragraph 8d. We see no reason why question of waiver should be referred to at this stage. This could be considered in conjunction with the Commander-in-Chief's report at the conclusion of the first phase, if in fact the question arises. We hope that the Americans will agree to this, but in any case it should be made clear that we have no authority to agree to any waiver of net balances due to U.N.Command insofar as B.C.F.K. have a financial interest, direct or indirect, in these balances. Moreover, negotiations are to cover the future, as well as the past, and we see no reason why the U.N.Command should commit itself for the future on a question which may turn out to be academic in the present settlement.

6. You will no doubt keep in touch with your Commonwealth colleagues.

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XXXX Far Eastern Department

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA NEWTON/bm *(FILE COPY)*

DESPATCH

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY TOKYO JAPAN

Reference: Your L34 of Jan. 12 and Washington's WA241 of Feb. 10 and WA242 of Feb.10

Subject: KOREA - SETTLEMENT OF CLAIMS AND ACCOUNTS

Security: CONFIDENTIAL

No: 265

Date: February 25, 1955

Enclosures: 1

Air or Surface Mail: AIR

Post File No: 210-7-13

Ottawa File No.

References

Internal Circulation

Distribution to Posts

A meeting of Commonwealth Heads of Mission was held at the British Embassy, Tokyo, on February 22 to deliberate on the draft principles of negotiation of claims and accounts with the Republic of Korea which are to guide CINCUNC when these negotiations begin. These had been forwarded to us by British Embassy, Tokyo, and, on their receipt, we wired you for instructions.

2. A meeting of junior Commonwealth officers held on Monday afternoon came to similar conclusions as the senior meeting held at the British Embassy on Tuesday morning, both resulting in agreement with the proposals except as they affected two subjects - (1) Commonwealth representation on the negotiating team and (2) the operation of the machinery for consultation.

3. As far as representation on the negotiating team is concerned, Sir Esler Dening pointed out that in view of earlier Commonwealth troubles with the Japan status of forces negotiations, it was highly desirable that the Commonwealth should be represented on the team which would treat with R.O.K. officials. Wherever the actual negotiations took place (which would inevitably be for the most part in Seoul and in Washington) the Americans were likely to have difficulty in remembering to speak for the Commonwealth as well, and the R.O.K. representatives all too commonly in such negotiations were inclined to act as if they were dealing only with Americans. The physical presence of a Commonwealth representative was, therefore, highly desirable. If it could only be that of an observer, it should be an observer who actually sat in on the meetings and could serve as a check on proceedings through his reports back to our various Commonwealth governments. He should not be someone delegated to "sit in the corridor outside the room" and receive reports from the U.S. team at the end of sessions, or the whole point of membership would be lost. If full Commonwealth military representation could not be obtained, the Commonwealth observer at the meetings in Seoul (who would almost necessarily be attached to the U.K. legation) could forward reports to Tokyo, Washington and London. It was assumed that they would then be circulated for information to the Commonwealth missions in Tokyo.

4. Your telegram No. 33 of February 21 arrived an hour after the meeting terminated, but there was nothing contained in it which was inconsistent with the sense of the meeting on this point.

... 2

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

5. With regard to the matter of Tokyo consultation on negotiations, we discovered that we had prematurely voiced the sense of the meeting in our No. 1353 to you of December 17. It was felt that the day-to-day negotiations would be held in Seoul and the policy negotiation would take place in Washington, leaving Tokyo with little to do, and unable to do that little well. Nevertheless, we voiced the sentiments of your No. L34 of January 12. As regards access to the United Nations Command in Tokyo, Sir Esler observed that it was clear that the negotiating team in Seoul would report to CINCUNC, but that General Hull would not be briefed on minor questions, and would be under instructions to refer all other matters to Washington. The British Ambassador felt that any approach to General Hull in Tokyo for consultation would result merely in a statement that the matter was being discussed either in Seoul or Washington, and that at most, the committee of Tokyo Commonwealth representatives for this subject could perform little more than titular duties. The lack of Commonwealth representation in Seoul other than U.K. and quasi-Australian (Loveday of UNCURK) meant that we were all likely to be seized of any minor problem which might arise from the negotiations only through the reports of the British Minister in Seoul. Sir Esler continued that little detailed help could be expected from U.N. Command Headquarters in Tokyo, that Tokyo is not a good place from which to gauge Korean reactions, and that he knew nothing of the presence of relevant financial records in Tokyo. If there were any of the latter, they were probably in Korea. He had already told his government that the place where Commonwealth representation could be fully seized of details and policy and have a chance to exert influence was Washington.

6. Following your instructions, I inquired whether on the basis of reports referred to us from the U.K. Legation in Seoul, we might not be able to consult together in Tokyo, appraise the course of negotiations, consult our military officials, and perhaps adjust certain minor matters without the delays which reference would incur. The British, Australian and New Zealand representatives felt that in view of the way the negotiations were being set up, we were all likely to be kept informed only about general trends which would be evaluated through Washington where all parties to the negotiation had representation. It was true that the Tokyo Commonwealth Committee could stand ready to discuss at any time any matter connected with the negotiations which was brought to its attention, but the feeling was general that it was probably not competent to perform any valuable service in this connection other than that of reporting.

7. The sense of this meeting is being conveyed to the three other Commonwealth departments concerned. We attach a copy of the minutes. Separate communications will follow regarding the last two items recorded in these minutes.

T. F. M. NEWTON

THE EMBASSY

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. NEWTON/BM (FILE COPY)

DESPATCH

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY TOKYO JAPAN

Reference:

Subject: Korean Presidential Citations to Commonwealth Warships

Security: CONFIDENTIAL

No: 262

Date: February 25, 1955

Enclosures:

Air or Surface Mail: AIR

Post File No: 210-7-13

Ottawa File No.

References

Internal Circulation

Distribution to Posts

At the meeting of Commonwealth Heads of Mission in Tokyo on February 22, Sir Esler Dening broached the matter of citations to Commonwealth naval components, since recent approaches on behalf of the ROK government had been made by the United Nations Command to Commonwealth naval authorities in Tokyo. (Our military mission communicated with Naval Headquarters in Ottawa on this subject on February 22).

2. He explained that in January the British Naval Attache had received a memorandum from the Liaison section of U.N. Command Headquarters asking for

> "(a) approval by the Governments concerned of the award of Korean Presidential Citations to United Kingdom and New Zealand warships which had operated as part of the 7th Fleet in support of operations in Korea, and;
>
> (b) confirmation that an annexed list of ships was correct."

3. "The British Naval Attache, who was given to understand that Australian and Canadian ships were being dealt with separately, referred the matter to the Flag Officer, Second in Command, Far East Station, who in his turn, consulted the Commander-in-Chief. The latter has now expressed his view that, although the Admiralty ruling against members of the forces accepting the ribbon of the Korean Presidential Unit Citation hardly applies to ships, it would be difficult to ensure complete accuracy in establishing a list of the ships entitled, and that anyway most of them are widely dispersed from the station. In view of this he feels that there is little point in obtaining the approval of H.M. Government in the United Kingdom, but that, whatever decision is taken, it would be most desirable for the four Commonwealth Governments concerned to take the same view."

4. This seemed to say that the Royal Navy was willing to refuse such citations but wanted to be sure that the other Commonwealth navies would take the same attitude.

5. Unfortunately for the creation of this type of common front, it was revealed at the meeting that the Australian had already replied with the suggestion that they would accept but merely publish the presentation of such awards in ship's orders and gratefully acknowledge them in a communication to

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the R.O.K. authorities. This seemed a sensible approach to the problem to all present, and accordingly, it was decided to suggest to our governments that the procedure to be established might follow the compromise already adopted by the Australians. Brigadier Daunt represented the BCFK Commander at the meeting.

6. The relevant paragraph from the minutes of this meeting at the British Embassy on February 22 reads as follows:

> "It was agreed that it would be desirable for all Commonwealth naval authorities to return similar replies to the recent approach by the United Nations Command on behalf of the R.O.K. Government. The Royal Australian Navy's reply, which had already been despatched, was that, although citations could not be accepted or ribbons symbolising them worn, the Korean grant of citations would be published in ships' orders and would be gratefully acknowledged in a communication to the R.O.K. authorities. This was considered a compromise which might be put to the naval authorities of other Commonwealth countries."

T. F. M. NEWTON

THE EMBASSY.

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DEPARTMENT OF NATIONAL DEFENCE
MESSAGE FORM
FOR CLASSIFIED MESSAGES ONLY

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ROUTINE		GR	RESTD	

FEB 22 [illegible]

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FROM: CANHTHMIS

ACTION ADDRESSEE/S: CANAVHED, OTTAWA

INFORMATION ADDRESSEE/S: HMCS SIOUX - CDN EMBASSY TOKYO (by hand)

ORIGINATOR'S NO.: CHM 1206

RELET CHMFE 6-7-0 OF 7 JAN 55 and SUBSEQUENT HASTENER (.)

PARA ONE — BNA REPORTS OTHER COMMONWEALTH NAVAL COMPONENTS RECEIVED NON CITATION OFFERS WHICH WERE REFERRED TO RN C-IN-C FAR EAST WHO FORWARDED TO ADMIRALTY (.) UNDERSTAND ADMIRALTY WOULD PREFER COMMON POLICY [redacted] ALL COMMONWEALTH NAVAL UNITS (.)

PARA TWO — BRITISH AMBASSADOR TO DISCUSS MATTER WITH HEADS OF COMMONWEALTH MISSIONS IN TOKYO AT FIRST OPPORTUNITY (.)

PARA THREE — COPY CHMFE 6-7-0 HANDED TO CDN EMBASSY TODAY TOGETHER WITH EXPLANATION AS ABOVE (.)

ORIGINATOR	TELEPHONE	DATE - TIME GROUP	FILE NO.
(C.B. Ward) Brig., Comdr Cdn Mil Mission Far East		22 1111 Feb 55Z	CHMFE 6-7-0

C.N.S. 1320JC-50M-11-48 (2994)
C.A.F.B. 1617 (4 PARTS) - 480M-8-49 (2614)
H.Q. 224-21-8-1617
R.C.A.F. 542-355M-11-48 (5736)

REFERENCE COPY

000570

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TRANSMITTAL SLIP

TO: ...e. CANADIAN EMBASSY,.....
.....TOKYO, Japan.....
FROM: Under-Secretary of State for External.....
.....Affairs, Ottawa.....

Security. CONFIDENTIAL.....
Date. February 22, 1955.....
Air or Surface. air.....
No. of enclosures. 1.....

The documents described below are for your information.

210-7-13

Despatching Authority. Legal/W.M.Wood/IL.....

Copies	Description	Also referred to:
1	MAR 1 1955 CANADIAN EMBASSY - TOKYO Copy of telegram WA-304 dated Feb.22/55 from Canadian Embassy, Washington to External, re Korea-negotiations on the settlement of claims and accounts.	LONDON CANBERRA WELLINGTON

000571

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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INSTRUCTIONS

1. This form may be used in sending material for informational purposes from the Department to posts abroad and vice versa.

2. This form should ***NOT*** be used to cover documents requiring action.

3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.

4. The form should bear the security classification of the material it covers.

5. The column for "Copies" should indicate the number of copies of each document transmitted. The space for "No. of Enclosures" should show the total number of copies of all documents covered by the transmittal slip. This will facilitate checking on despatch and receipt of mail.

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INCOMING MESSAGE

COPY

FROM: THE CANADIAN EMBASSY, WASHINGTON.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification
CONFIDENTIAL
File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-304	February 21, 1955.

Departmental Circulation
MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
POL.COOR.SECT.

Done
Date

References

Reference: Our WA-275 of February 16.

Subject: Korea - negotiations on the settlement of claims and accounts.

There is included below the text of a United Kingdom paper, which has been handed to the State Department, concerning negotiations with the ROK for a settlement of claims and accounts. The comments in the United Kingdom paper are related to the State Department proposals of February 9 which were dealt with in WA-242 of February 10.

2. McClurkin of the State Department has asked us again for Canadian comments on the State Department proposals. The Australian representative hopes to have his instructions within a day or two. New Zealand views have already been given to the State Department (our telegram under reference).

The Foreign Office agree to the State Department draft of the "Statement of principles to guide General Hull in his claims negotiations with the Republic of Korea", subject to the comments in paragraph 2 below. They assume that these instructions replace the State Department document of September 27, 1954.

2. (a) Paragraph 5

The Foreign Office would prefer the current exchange rate to be applied to all transactions where a rate has to be used, in accordance with usual practice. If the Koreans were now to charge the United Nations Command for all past services at current hwan prices, they would not suffer. The Foreign Office would like to know whether there is any objection to such a course of action, and ask what exchange rate is considered to be operative after November 1954.

(b) Paragraph 8C

On the assumption that, subject to paragraph 3 of the draft, it is the services and supplies (e.g. electricity and communications) furnished by United Nations military forces to assist the Korean civil economy

..... 2

Done
Date

Ext. 230 (rev. 10/53)
52 P. 178

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which will constitute the claims against Korea, the Foreign Office consider that the paragraph should be reworded to bring this out more clearly.

(c) Paragraph 8D

The Foreign Office consider that the question of a waiver should be considered in conjunction with the Commander-in-Chief's report at the conclusion of the first phase of the negotiations, if in fact the question arises. There is no need to refer to it at this stage.

In any case, the Foreign Office has no authority to agree to any waiver of net balances due to the United Nations Command insofar as ECFK have a financial interest, direct or indirect, in these balances.

The negotiations are to cover the future as well as the past. Is there any need for the United Nations Command to commit itself for the future on a question which may turn out to be academic in the present settlement?

3. If the Koreans attempt to raise question relating to jurisdiction, status of forces, customs and taxes, the Foreign Office assume that the Commander-in-Chief will break off negotiations and refer to Washington immediately for further instructions.

4. As regards the conduct of the negotiations, the Foreign Office have the following comments:-

(a) They agree that the negotiating team should be military in composition, so long as the scope of the negotiations is limited as suggested in the paragraph 3 above. It is however important for Her Majesty's Government to have a full member of the team, since any settlement arrived at will be subject to Parliamentary scrutiny in the United Kingdom, particularly from the financial point of view.

They suggest that a representative of ECFK should be one of the four members or, alternatively, that he should be included in a team of five.

The Foreign Office, in addition, would wish to have a diplomatic representative as an observer.

(b) Her Majesty's Government expect to be invited to comment on the report of the Commander-in-Chief at the conclusion of the first phase of the negotiations, before final decisions are reached in Washington. They also assume that they will be given immediate opportunity to reconsider their position if there is any proposal to widen the scope of the negotiations.

(c) The Foreign Office agree that contact between the Commonwealth group and the United Nations Commander-in-Chief should be maintained in Tokyo while the negotiations are in progress. Text ends.

.....

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CIPHER MESSAGE

ARMY MESSAGE

(INCOMING)

CLASSIFIED

PLACE FROM: OTTAWA CANADA

DATE & TIME: 21 FEB 55 NFT

IMMEDIATE

FILE COPY

FEB 22 1955 - EXTERNAL - TOKYO - EDEA

210-7-13
INDEXED

IMMEDIATE

FROM EXTERNAL OTTAWA

TO CANADIAN EMBASSY TOKYO JAPAN

CONFIDENTIAL

NO 33 FEBRUARY 21 CONFIDENTIAL

REFERENCE YOUR TELEGRAM NO 22 OF FEBRUARY 19. KOREA-NEGOTIATIONS ON THE SETTLEMENT OF CLAIMS AND ACCOUNTS.

1. WE ARE INFORMING THE STATE DEPARTMENT THAT THE STATEMENT OF PRINCIPLES HANDED TO COMMONWEALTH REPRESENTATIVES ON FEBRUARY 9 IS GENERALLY ACCEPTABLE TO US.

2. WE ARE PREPARED TO ACCEPT OBSERVER STATUS FOR THE COMMONWEALTH REPRESENTATIVE AT THESE NEGOTIATIONS PROVIDED THE NEGOTIATIONS CAN BE CONFINED TO THE NARROW LIMITS SET OUT IN THE STATEMENT OF PRINCIPLES AND PROVIDED THAT ADEQUATE ARRANGEMENTS ARE MADE TO ENSURE THAT CANADIAN VIEWS WILL BE ASCERTAINED DURING THE COURSE OF THE NEGOTIATIONS AND THAT THE NEGOTIATORS WILL NOT ENTER INTO COMMITMENTS BINDING ON CANADA BEFORE THE CONSENT OF THE CANADIAN GOVERNMENT HAS BEEN OBTAINED.

3. IF, HOWEVER, THE SCOPE OF THE NEGOTIATIONS IS BROADENED TO COVER THE STATUS OF UNITED NATIONS FORCES IN KOREA, WE WOULD WISH TO RECONSIDER OUR POSITION WITH REGARD TO COMMONWEALTH REPRESENTATION.

By Secure Means

283/FP/221140I FEB 1955

C.A.F.B. 338 (4 PARTS)
125M-4-53 (6830)
H.Q. 4554-B-338

COPY 1

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Restricted

Note for File No: 210-7-13

Re: Korea, Status of U.N. Forces- Negotiations for claims.

At Mr Newton's request, I attended a meeting at the British Embassy on February 21,1955, to discuss the question of Claims Negotiations in Korea. The meeting was called by Mr Ellingworth, and attended, Messrs Phelphs, Miller, Hill and Colonel Daunt. It was agreed at the meeting that the following suggestions would be made to the Heads of the Commonwealth Missions concerned scheduled to meet the day after:

- To support the efforts of the Commonwealth Missions in Washington to secure full Commonwealth representation on the military negotiating team.

- To recommend that Commonwealth Consultations with regard to the forthcoming discussions, continue as at present, to be centred in Washington, preferably to Tokyo. (See Attachment "A").

2. The first recommendation is in line with the instructions received from the Department and contained in letter No L-770 of November 19,1954, in which it is stated that the Canadian Government agrees with the suggestion of the United Kingdom authorities that it would be desirable to have two full negotiators (one military and one diplomatic) on the team instead of one observer. It emerged from the meeting, and according to information available at the time, that it would be difficult to have a full representative on the military team , in the light of the last sentence of the paraphrase of the draft instructions sent to CINCUNC (Attachment "C")

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which calls only for Commonwealth representatives ~~for~~ with the team. It was judged essential that if the Commonwealth interests were to be safeguarded, the Commonwealth representative be a full member of the negotiating team, equal in status with the American negotiators, an objective which might be difficult to attain since the Americans ~~would~~ wish to speed up ~~the~~ negotiations, and ~~would~~ fear (with reason) that the presence of a Commonwealth representative be an handicap because of the ~~his obligation~~ necessity to seek instructions from several ~~each~~ governments ~~concerned~~.

3. The second recommendation put forward to the Heads of Mission, is clearly against the instructions received from Ottawa in Letter L-1353 of December 17,1954. This recommendation was reached at the strong instistence of Messrs Phelps and Ellingworth, ~~which Commonwealth~~ ~~Delegation~~ for the following reasons:

1 - Tokyo is not a godd place to hear Korean developments, ~~and~~ 2.. Questions to H.Q. U.N. Command have often brought the response that the matter in question is under consideration in Washington or has been settled in Seoul.

2 - It was made clear in paragraph 2 of Telegram 392 (Attachment"D") that the Commander in Chief, U.N. Command, will not be fully briefed on minor questions and will be under instructions to refer all other matters to Washington.

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4- Because of shortage of staff and lack of sufficient quick telegraphic means of communications, consultations in Tokyo would entail ~~much~~ delays with the results that the American negotiators will not wait for the opinion of the Commonwealth governments concerned, and ~~so~~ will go ahead with their own decisions.

The first reason above was pointed out to the Department in our Letter No 1353 of December 17, 1954. The ~~third~~ fourth reason as well, except for the fact that the Americans wish to expedite the negotiations and are not likely to wait for Commonwealth advice. The second ~~reason~~ joint however was not mentioned and if the assertion of the British is true that no cooperation is forthcoming from the U.N. Command Headquarters in Tokyo, it would constitute a good reason to make another approach to the Department, and have their previous decision changed. In Despatch No L-34 of January 12, 1955, the Department gave as reasons for having consultations in Tokyo, the following:

- Proximity of Tokyo to the seat of the negotiations. ~~From the meeting of the~~ This reason does not apply if one agrees with the British as explained in (3) (1) above that Tokyo is not a good place to learn Korean Developments.

- Accessibility of Tokyo to Headquarters U.N. Command. This point could be replied to by mentioning that minor questions will be settled on the spot in Seaoul, and major decisions in Washington, and that CINCUNC will not be informed of minor details and will only act as post office with regard to other matters.

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CANADIAN LEGATION
TOKYO

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- Ready availability in Tokyo of the relevant financial records. Questions on this brought the reply that these records, if there were some, were in Korea.

- Presence in Tokyo of military experts and the Canadian Military Mission. ~~There~~ The point was not brought to the meeting.

- Understanding of our Embassy in Washington that the State Department have expressed the opinion that consultations between Commonwealth Governments and CINCUNC should take place in Tokyo rather than in Washington. Paragraph 3 of Telegram No 392, (Attachment D) ~~xxxxx~~ corrobates this information, but it was intended that this understanding could be changed..

It was the consensus at the meeting that if any influence were to be exerciced at all, it would be in Washington, not in Tokyo, as in the former city, Commonwealth representatives could have access to incoming telegrams and have a chance to comment upon them before a reply is ~~forwarded~~ sent out. As to minor points, again they will be settled in Seoul, and the possibility of Commonwealth consultations there must be discarded for lack of representatives from Canada, N.Z., Australia.

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TOKYO

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The same question was taken up at the meeting of Commonwealth Heads of Missions held the following day at the British Ambassador's residence, and the same conclusions reached. Sir Esler brought to the attention of those present that from a conversation he had with General Hull, he had the impression that the latter was not showing much interest in the ~~following~~ forthcoming negotiations, and would satisfy himself with referring matters to Washington or leave decisions to General Taylor ~~in Seoul~~, the Commander of the Eight Army in Korea. - Sir Esler expressed the opinion that he was not competent to appraise questions concerned with Korea , and was willing to recommend to his government that consultations be held in Washington, despite ~~the~~ his government's ~~letter's~~ preference for Tokyo at an earlier stage. Other heads of missions present concurred with Sir Esler's views.

G.B. -

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CANADIAN LEGATION
TOKYO

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CONFIDENTIAL

Claims Negotiations - Korea

It was agreed at a meeting on February 21 at which Lt. Col. Daunt, Mr. Phelps, Mr. Miller, Mr. Bertrand, Mr. Hill and Mr. Ellingworth were present:

(a) that to influence the course of negotiations and safeguard Commonwealth interests, it was essential that there should be a full Commonwealth military member on the negotiating team. Without this no amount of Commonwealth consultation either in Washington or Tokyo would be likely to be effective in influencing the Americans;

(b) Washington and Tokyo are the only two capitals where consultation between representatives of all Commonwealth countries and the U.S. authorities concerned with this question can take place. Experience has shown that Tokyo is not a good centre to maintain close liaison with the U.S. military authorities on Korea. Indeed approaches to H.Q. U.N. Command have often brought the response that the matter in question is under consideration in Washington or has been settled in Seoul. In this particular negotiation it is made clear in para. 2 of telegram 392 that the Commander in Chief U.N. Command will not be fully briefed on minor questions and will be under instructions to refer all other matters to Washington. For that reason Commonwealth representatives in Washington will be in the best position to learn from and influence the U.S. authorities.

2. If Heads of Mission and the Commander in Chief find the above arguments acceptable, they may wish to support the efforts of Commonwealth Missions in Washington to secure full representation and also to recommend that Commonwealth consultation continue as at present to be centred there.

(R.H. Ellingworth)
February 21, 1955.

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BRITISH EMBASSY,
TOKYO.

CONFIDENTIAL

February 18, 1955.

Mr. Kenton
Telegram sent
Feb. 19.
U.R.

WITH THE COMPLIMENTS

OF
R. H. Ellingworth,
HER BRITANNIC MAJESTY'S EMBASSY

Mr. G. Bertrand,
Canadian Embassy,
Tokyo.

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Copy Telegram

210-7-13
INDEXED

CONFIDENTIAL

Following received from Washington begins:

Addressed to Foreign Office Tel. No. 390 of February 10 repeated for information to Tokyo, Seoul and Saving to U.K.H.C. at Canberra, Wellington, Ottawa and Pretoria.

My Tel. No. 532 Saving of 1954: STATUS OF FORCES NEGOTIATIONS IN KOREA.

State Department called a meeting yesterday afternoon to which representatives of Australian, Canadian and New Zealand Embassies were also invited, and passed round copies of a paraphrase of draft instructions to General Hull (text in my immediately following telegram).

2. The Korean authorities are pressing for the opening of negotiations and the Department of Defense are anxious to send instructions as soon as possible to forestall expected Korean demand for broadening the scope of the talks.

3. Except for the last sentence providing only for Commonwealth representatives with the team (see my second following telegram), the draft seems unexceptionable, being little more than an elaboration of earlier draft instructions to C. in C. U.N.C. (my telegram No. 1708 approved in your telegram No. 3996). Apparently the present draft instructions replace those in my telegram 462 Saving. There is now no mention of the $3 million referred to in D of the September draft, and the State Department agreed that the Commonwealth countries were on record as opposing a grant of this nature. On the other hand, it is still intended that if the final balance favours the U.N.C., the Koreans will not be requested to pay.

4. Americans clearly consider that consultation about the negotiations in points of detail must take place in the field (i.e. with B.C.F.K.).

5. Commonwealth representatives are also referring text to their governments. Except possibly for the clause on Commonwealth representation they hoped that draft would prove acceptable.

6. I should be grateful for early instructions on this and my second following telegram.

F.O. pass Tokyo as my Tel. No. 1.

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Copy Telegram

- C -

CONFIDENTIAL

Following received from Washington begins:

Addressed to Foreign Office Tel. No. 391 of February 10 repeated for information to Tokyo and Seoul and Saving to Canberra, Ottawa, Wellington and Pretoria.

My immediately preceding telegram.

Following is text:

The following principles will guide General Hull in his claims negotiations with the Republic of Korea:

1. The negotiation will involve the settlement of claims and accounts, except those described in paras. 2, 3 and 4, from June 25, 1950, to the present, and an understanding about arrangements for settlement of future settlement claims and accounts.

2. Tort claims will be excluded.

3. No U.S. or U.N. claims will arise from military assistance or from economic aid furnished gratuitously, e.g. financed by C.R.I.K. (Civil Relief in Korea) or F.O.A. appropriated funds, relief aid furnished from U.S. Defence Budget prior to C.R.I.K. appropriations and U.S. or other contributions to U.N.K.R.A.

4. Questions relating to jurisdiction, status of forces and customs and taxes will be excluded.

5. Where an exchange rate is necessary the military conversion rato applicable during the period the services or supplies were provided will be used.

6. Claims arising prior to termination of hostilities will be mutually waived.

7. The date of termination of hostilities will be considered July 27, 1953, or July 31, 1953, if the latter date is more practicable for accounting purposes.

8. Regarding post-hostilities claims:

   A. Land and buildings will be furnished by the R.O.K. free of charge.

   B. U.N.C. Forces will pay for all other services and supplies provided by the R.O.K.

   C. U.N.C. offsets will consist of the value of non-military services and supplies furnished by U.S. and others except for those indicated in para. 3.

   D. U.N.C. claims will be asserted as offsets only, and if the balance favours U.N.C., payment will not be requested.

General Hull will be requested to make arrangements for Commonwealth representation with his negotiating team.

F.O. pass Tokyo as my Tel. 2.

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Copy telegram

CONFIDENTIAL

Following received from Washington begins:

Addressed to Foreign Office Tel. No. 392 [of February 10]. Repeated for information to Tokyo and Seoul and Saving to Canberra, Wellington, Ottawa and Pretoria.

My two immediately preceding telegrams.

Status of Forces negotiations in Korea

Commonwealth representatives.

State Department explained that the negotiating team would consist of four members, all military. The American Embassy in Seoul would be represented by an observer (probably now Smith in place of Strom) equal in status to the proposed Commonwealth observer. The team was military in composition in the hope that this might help to limit scope of the negotiations, but the State Department admitted that they were not confident of success.

2. It emerged from the discussion that the team would report to C. in C., U.N.C. (General Hull) through K.C.O.M.Z. (Commanding General Korean Communications Zone). On minor questions, however, the Head of the team was more fully briefed than either K.C.O.M.Z. or C. in C., U.N.C. But all were limited to terms of instructions in my immediately preceding telegram and decision on any other matters would rest with Washington. In any case, General Hull was instructed to call a halt and render a report at the conclusion of the first phase of the negotiations.

3. During the negotiations the Commonwealth Group in Tokyo would be able to discuss with C. in C., U.N.C., reports they received from their observer in Korea.

4. The Department of Defense Representative claimed that these arrangements were the outcome of discussions in the field last autumn and had already been approved by B.C.F.K. Commonwealth representatives at the meeting said they were still under instructions to press for full Commonwealth membership of the team, but would seek a further ruling.

Foreign Office please pass to Tokyo as my telegram No. 3.

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CONFIDENTIAL AND INFORMAL

Claims Negotiations - Korea

The recent Washington telegrams will be discussed at the Head of Mission meeting tomorrow, Tuesday, February 22, with the object of reaching an agreed view about Commonwealth representation and consultation.

2. Representation. The arrangements as at present proposed provide for an observer with the negotiating team and consultation on points of detail with B.C.F.K. It is evident that such an observer would not be in a good position to influence the course of the negotiations or safeguard Commonwealth interests and a full Commonwealth member of the team seems essential. He would presumably have to be military rather than diplomatic to fit in with the scheme the Americans have in mind. A member of B.C.F.K.'s financial administration or the Commander of British Commonwealth Sub-Area North would seem most suitable. Such a representative would, of course, have available the advice of the United Kingdom Minister at Seoul.

3. Consultation. Experience has shown that Tokyo is not a good place to learn Korean developments and questions to H.Q. U.N. Command have often brought the response that the matter in question is under consideration in Washington or has been settled in Seoul. In addition, Commonwealth Heads of Mission at Tokyo are not in a position to judge Korean affairs. Their counterparts in Washington also suffer from this disadvantage but they would at least be in a position to gain up-to-date information from the State Department.

4. Commonwealth and B.C.F.K. representatives will certainly have points they wish to make in addition to what has been noted above. It is hoped, however, that there can be agreement on the two points -

(a) that there should be a full Commonwealth representative;

(b) that there should be Commonwealth consultation at Washington not Tokyo.

February 21, 1955.

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DEPARTMENT OF NATIONAL DEFENCE
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FOR CLASSIFIED MESSAGES ONLY

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INFO

ORIGINATOR'S NO.
22

IMMEDIATE!

REFERENCE YOUR LETTER L-34 OF JANUARY 12

SUBJECT UN STATUS OF FORCES KOREA

UNDERSTAND FROM BRITISH EMBASSY THAT MEETING OF COMMONWEALTH REPRESENTATIVES TOOK PLACE AT STATE DEPARTMENT FEBRUARY 9 AT WHICH REPRESENTATIVES RECEIVED PARAPHRASE OF DRAFT INSTRUCTIONS TO GENERAL HULL. MEETING OF CONSULTATIVE MACHINERY REFERRED TO IN CORRESPONDENCE ENDING WITH YOUR LETTER L-34 BEGINNING TO FUNCTION TUESDAY TOKYO TIME (MONDAY EVENING OTTAWA TIME). REQUIRE INSTRUCTIONS FROM YOU BY THEN. PARTICULARLY DESIRE VIEWS ON METHOD OF COMMONWEALTH REPRESENTATION

DOMCAN

R. L. Rogers.

ORIGINATOR	TELEPHONE	DATE - TIME GROUP	FILE NO.
R. L. ROGERS		February 19/55 Z	210-7-13

C.N.S. 1320JC
C.A.F.B. 1617 HQ 4554-B-1617
250M-1-52 (5592)
R.C.A.F. 542

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760 J

INDEXED

BRITISH EMBASSY,

TOKYO.

February 18, 1955.

210-7-13

RESTRICTED
(1952/2/55)
FEB 24 1955
Canadian Embassy - Ambassade du Canada - TOKYO

One of the points the Ambassador would like to raise at the meeting between Heads of Mission and the Commander in Chief next week is the question of Korean Presidential Citations for Commonwealth warships. You may, therefore, like to know the background, which is that in January the Naval Attaché received a memorandum from the Liaison Section of H.Q. U.N. Command asking for:-

(a) approval by the Governments concerned of the award of such citations to United Kingdom and New Zealand warships which had operated as part of the 7th fleet in support of operations in Korea, and;

(b) confirmation that an annexed list of ships was correct.

2. The Naval Attaché, who was given to understand that Australian and Canadian ships were being dealt with separately, referred the matter to the Flag Officer, Second in Command, Far East Station, who in his turn consulted the Commander in Chief. The latter has now expressed his view that, although the Admiralty ruling against members of the

forces /

Mr. G. Bertrand,
Canadian Embassy,
Tokyo.

Document disclosed under the *Access to Information Act*
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forces accepting the ribbon of the Korean Presidential Unit Citation hardly applies to ships, it would be difficult to ensure complete accuracy in establishing a list of the ships entitled, and that anyway most of them are widely dispersed from the station. In view of this he feels that there is little point in obtaining the approval of H.M. Government in the United Kingdom, but that, whatever decision is taken, it would be most desirable for the four Commonwealth governments concerned to take the same view.

3. I am sending an identical letter to Rod Miller and Peter Hill, and two copies to Peter Johnstone at Ebisu, with the request that he passes on one of these to the M.A. to the C. in C., B.C.F.K.

Yours ever

Dick.

(R.H. Ellingworth)

In other words the British are willing to refuse Korean Presidential Unit Citations but wants to be sure that ~~the exception~~ other Commonwealth countries concerned will adopt the same attitude.

000594

Document disclosed under the *Access to Information Act*
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TRANSMITTAL SLIP

TO: ...dian Embassy,
TOKYO, Japan

FROM: Under-Secretary of State for External Affairs
Ottawa

Security: CONFIDENTIAL

Date: February 17, 1955

Air or Surface: air

No. of enclosures: 3

The documents described below are for your information.

210-7-22

Despatching Authority: Legal/W.M.Wood/IL

Copies	FEB 23 1955 Description	Also referred to:
1	telegram No. WA-241 dated Feb.10/55 from Washington, re Korea-negotiations on the settlement of claims & accounts.	~~TOKYO~~ WELLINGTON CANBERRA LONDON
1	telegram No. WA-242 dated Feb.10/55 from Washington, re above subject.	
1	telegram No. WA-275 dated Feb.16/55 from Washington re above subject.	

000595

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

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INCOMING MESSAGE

COPY

FROM: THE CANADIAN EMBASSY, WASHINGTON

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification
CONFIDENTIAL
File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-241	February 10, 1955.

Departmental Circulation
MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
POOL.COOR.SECT.

Done
Date

References

Reference: Your letter L-42 of January 11.

Subject: Korea - negotiations on the settlement of claims and accounts.

McClurkin, the Director of the State Department's Office of Northeast Asian Affairs, convened a meeting of representatives of the Old Commonwealth on February 9 to discuss the negotiations with the ROK Government of a settlement of claims and accounts. After much backing and filling on the matter over the past months, the United States is now prepared to open discussions with the ROK Government. General Hull and United States Embassy officials in Seoul have recently urged early action on this matter and the ROK Government has been pressing the State Department to put forward proposals.

2. The United States Government hopes that the negotiations can be limited to the "simple matter of payment of bills" and that they might proceed on principles set out in a paper which McClurkin gave us, the text of which is contained in a following telegram. This paper is similar to, but a replacement of, the paper which was forwarded to you under cover of our letter 1695 of September 28, 1954. General Hull will be instructed to resist any attempt to broaden the scope of the negotiations to cover the status of UN forces in Korea. If the ROK negotiators seek to bring such matters into the negotiations, General Hull will be instructed to suspend them and to refer the problem back to Washington. McClurkin was not too confident that the scope of the negotiations could be limited to claims and accounts and could only offer the promise of the United States to do everything possible to so limit the discussions.

3. A representative of the Unified Command (i.e. the United States Joint Chiefs of Staff), who was at the meeting, indicated that the United States considered that the UNC team should be limited to four individuals of the "comptroller type." If possible, it was hoped that the team would consist of a Brigadier-General and three Lieutenant-Colonels. The Economic Counsellor of the United States Embassy in Seoul would be an adviser to the team but not a member of it. It would be the United States hope that an officer representing the Commonwealth could also be with the negotiating team but not a member of it.

Done
Date

...../2

Ext. 230 (rev. 10/53)
30 P. 179

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It was not anticipated that the negotiating team would take many decisions itself. It would be in constant touch with CINCUNC in Tokyo. It was expected that some liaison would be arranged in turn between CINCUNC and a Commonwealth committee in Tokyo. CINCUNC would have to refer back to Washington any problem which was not specifically covered by his negotiating instructions.

4. None of the Commonwealth representatives was in a position to accept the United States proposals without reference to his government. This was particularly true with respect to the question of Commonwealth representation. It was agreed that the views of governments would be sought as a matter of some urgency. The State Department would hope that it might be possible to instruct General Hull to begin negotiations within at least thirty days.

5. We should be grateful for your instructions as to what views we should put to the State Department on this matter. G. de T. Glazebrook.

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INCOMING MESSAGE

COPY

FROM: THE CANADIAN EMBASSY, WASHINGTON.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification: CONFIDENTIAL

File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-242	February 10, 1955.

Departmental Circulation

THE MINISTER
UNDER-SEC'Y
ASSOC/U/SEC'Y
ASSIST/U/SECS
POL. COOR SECT.

Done

Date

References

Done

Date

Reference: My immediately preceding telegram.

Subject: Korea - negotiations on the settlement of claims and accounts.

Following is the text of the paper concerning negotiations with respect to a settlement of claims and accounts with the Republic of Korea which was given to us by the State Department on February 9, and which was dealt with in our telegram under reference. Text Begins:

Claims negotiations with the Republic of Korea.

The following principles will guide General Hull in his claims negotiations with the Republic of Korea:

1. The negotiation will involve the settlement of claims and accounts, except those described in paragraphs 2, 3, and 4, from 25 June 1950 to the present, and an understanding about arrangements for settlement of future settlement claims and accounts.

2. Tort claims will be excluded.

3. No United States or United Nations claims will arise from military assistance or economic aid furnished gratuitously, e.g., financed by CRIK (Civil Relief of Korea) or FOA appropriated funds, relief aid furnished from the United States defense budget prior to CRIK appropriations and United States or other contributions to UNKRA.

4. Questions relating to jurisdiction, status of forces and customs and taxes will be excluded.

5. Where an exchange rate is necessary the military conversion rate applicable during the period the services or supplies were provided will be used.

6. Claims arising prior to termination of hostilities will be mutually waived.

7. The date of termination of hostilities will be considered 27 July, 1953 or 31 July, 1953, if the latter

...../2

Ext. 230 (rev. 10/53)
33 M. 170

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date is more practicable for accounting purposes.

8. Regarding post-hostilities claims:

(a) Land and buildings will be furnished by the ROK free of charge.

(b) UNC forces will pay for all other services and supplies provided by the ROK.

(c) UNC offsets will consist of the value of non-military services and supplies furnished by United States and others except for those indicated in paragraph 3.

(d) UNC claims will be asserted as offsets only, and if the balance favours UNC, payment will not be requested.

General Hull will be requested to make arrangements for Commonwealth representation with his negotiating team. G. de T. Glazebrook.

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INCOMING MESSAGE

COPY

FROM: THE CANADIAN EMBASSY, WASHINGTON.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification: CONFIDENTIAL

File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-275	February 16, 1955.

Departmental Circulation
MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
POL.COOR.SECT.

Done
Date

References

Reference: Our telegram WA-241 of February 10.

Subject: Korea - negotiations on the settlement of claims and accounts.

The New Zealand Government has now indicated its agreement that the UNC should begin negotiations with the ROK for a settlement of claims in Korea and has accepted the paper handed by the State Department to Commonwealth representatives on February 9 (our WA-242 of February 10) as a satisfactory basis for CINCUNC's negotiating instructions.

2. So far as we are aware, no other Commonwealth representative has offered comment as yet on the State Department proposals. A.D.P. Heeney.

.....

Done
Date

Est. 230 (rev. 10/53)
P. 170

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

DESPATCH

TO: The Canadian Ambassador,
TOKYO, Japan

FROM: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: Your despatch No.1353 of Dec.17,1954

Subject: Status of U.N. Forces in Korea

Security: CONFIDENTIAL

No: L. 34

Date: January 12, 1955

Enclosures:

Air or Surface Mail:

Post File No: 212 A 13

Ottawa File No.	
50069-M-40	
INDEXED	ton

References
(information)
Mr. Newton
(action)
UR
JAN. 25. 1955

While we appreciate that Tokyo may have certain drawbacks as the centre of day to day consultation amongst Commonwealth Governments in the negotiations for a financial settlement with the Koreans, we feel that the proximity of Tokyo to the seat of the negotiations, its accessibility both to Headquarters U.N.C. and to Headquarters B.C.F.K., the ready availability in Tokyo of the relevant financial records, and the presence there of the Canadian Military Mission, Far East, are advantages in favour of Tokyo which on balance tend to outweigh the disadvantages you have mentioned. Moreover, as you will have noted in paragraph 2 of Letter No.1695 of September 28, 1954, from the Canadian Embassy, Washington (a copy of which was referred to you) the State Department have expressed the opinion that consultations between Commonwealth Governments and CINCUNC should take place in Tokyo rather than in Washington.

2. The proposed Commonwealth consultations in Tokyo will be on the day to day progress of the negotiations; by having them take place in Tokyo where the military experts are located it may, on occasion, be possible to settle minor matters without reference to governments. Major policy issues will, we understand, continue to be discussed with the United States authorities by Commonwealth Representatives in Washington.

3. Incidentally, we should be grateful for any information which you may have regarding the present state of the negotiating draft which, we understand, CINCUNC is supposed to furnish to Commonwealth Representatives in Tokyo (see paragraph 3 of enclosure to letter No.1695 of September 28, 1954, from our Embassy in Washington).

for Under-Secretary of State for External Affairs

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Ext. 179A (Rev. 2/52)

000602

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COPY

CMMFE 6-7-0

CANADIAN MILITARY MISSION
FAR EAST

I

TOKYO Japan

7 Jan 55

210-7-13

Naval Headquarters
Department of National Defence
Ottawa Canada

ROK PRESIDENTIAL UNIT CITATION
CANADIAN NAVAL UNITS

1. Attached herewith please find one copy of United Nations Command memorandum number 1 dated 3 January 1955 together with attachment.

2. Your instructions are requested as to the reply to be forwarded to United Nations Command on this matter.

(Sgd) F.N. Clifford, Major
for (C.B. Ware) Brigadier
Commander
Canadian Military Mission
Far East

cc: Captain RANKIN, HMCS Sioux.

II Mr Rogers

1. Herewith copy of letter, Understand this will be taken up by H & Brit. Amb. at meeting of Heads of Mission
2. BNA informs me that Brit. Adm. want common policy rules - Commonwealth.
3. Can Navy HQ has NOT replied informing them of this development. Yet.

(F.N. CLIFFORD) MAJOR
DAQMG
CANADIAN MILITARY
MISSION
FAR EAST

FEB 22 19

000603

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

C O P Y

HEADQUARTERS
United Nations Command
Liaison Section

MEMORANDUM NO 1

3 January 1955

MEMORANDUM FOR: Chief, Liaison Group for Canada
United Nations Command

SUBJECT: ROK presidential Unit Citation for Naval Units

1. Inclosed is a list of naval units of your forces attached to the US Seventh Fleet during the period July 1950 through July 1953 and as a consequence eligible for the award of the Korean Presidential Unit Citation.

2. It is requested that necessary clearance for the acceptance of this award be obtained from appropriate governmental agency or agencies and this section be informed.

3. It is further requested that periods of service of the listed naval units with Seventh Fleet be verified as the records available to COMSEVENTHFLT are incomplete in this respect.

4. Upon receipt of above requested information these units will be included with the list of units eligible for subject award.

Sgd.

ALVA L. FENN
Colonel, General Staff
Chief, Liaison Section
United Nations Command

1 Incl
a/s

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CANADIAN SHIPS ELIGIBLE FOR THE KOREAN PRESIDENTIAL UNIT CITATION FOR SERVICE WITH THE SEVENTH FLEET DURING THE PERIOD JULY 1950 THROUGH JULY 1953

NAME	PERIOD OF SERVICE
ATHABASKAN (DDE)	May 1951 - 1951 Sep 1951 - Jun 1952 Dec 1952 - Jul 1953
CAYUGA (DDE)	Jul 1951 - May 1952
CRUSADER (DDE228)	Jul 1952 - Jun 1953
HAIDA (DDE 215)	Dec 1952 - Jun 1953
HURON (DDE)	May 1951 - Aug 1951 Jun 1953 - Jul 1953
IROQUOIS (DDE 217)	Jul 1952 - Nov 1952 Jun 1953 - Jul 1953
NOOTKA (DDE)	May 1951 - Aug 1951 Feb 1952 - Nov 1952
SIOUX (DDE)	May 1951 - Feb 1952
Commander CANADIAN DESTROYER FORCES FAR EAST (Later CANDESPAC) Staff	Aug 1951 - Jul 1953

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (FILE COPY)

NEWTON/bm

DESPATCH

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN AMBASSADOR
TOKYO, JAPAN

Reference: Your 770 of Nov. 19 to us and your L.1425 of Nov. 26 to Washington

Subject: Status of U.N. forces in Korea

Security: CONFIDENTIAL

No: 1353

Date: December 17, 1954

Enclosures:

Air or Surface Mail: AIR

Post File No: 210-7-13

Ottawa File No.

References

Internal Circulation

Distribution to Posts

Regarding financial settlement procedures between Commonwealth authorities and representatives of the Government of Korea, we are not entirely happy about the United Kingdom suggestion that the Commonwealth representatives on the negotiating team in Seoul report to the Committee of Commonwealth Representatives in Tokyo. We are of the opinion that the negotiating team should report direct to Commonwealth authorities in Washington and merely keep the various Commonwealth representatives in Tokyo promptly and carefully informed.

2. The Committee of Commonwealth representatives in Tokyo is much less formal than its title would appear to indicate. It consists of the heads of missions of Commonwealth countries with forces in Korea plus occasionally, the Commander-in-Chief, BCFK. The meetings are irregular, infrequent and the deliberations usually merely informative rather than decisive.

3. Further, from a Canadian standpoint, the same conditions do not operate in favor of Tokyo as a base as those which governed the workings of the committee during negotiations for the Japanese settlement. In the latter case the Embassies in Tokyo were able to apply their local political knowledge to the negotiations; in the case of the Korean settlement the Embassies in Tokyo presumably have little or no more local knowledge than the Embassies in Washington. Moreover, I believe that our financing in Korea is on quite a different basis from that of the rest of the Commonwealth group; I am therefore inclined to doubt that the whole pattern of the negotiations need be altered, in spite of the fact that the Commander-in-Chief, BCFK, would be able to advance his views to the diplomats direct instead of through military channels.

4. All this seems to mean that the co-ordination of U.N. governments' views could best take place in Washington where decisions are possible and communication is easier and cheaper; that rather than use the Tokyo committee as a post-office with consequent duplication of effort, it would seem preferable from here for the negotiating team to refer directly to Commonwealth authorities in Washington; and that the Tokyo Commonwealth representatives need only be kept informed.

AMBASSADOR

Ext. 180B (Rev. 2/52)

000606

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

[redacted]

December 14, 1954.
CONFIDENTIAL

210-7-13

MEMORANDUM FOR THE AMBASSADOR

The "Committee of Commonwealth Representatives in Tokyo" which is mentioned in Letter No. L. 1425 of November 26 from Ottawa to Washington is much less formal than this title would appear to indicate. It consists of the heads of missions of Commonwealth countries with forces in Korea plus, sometimes, the Commander-in-Chief, BCFK. They meet irregularly and infrequently. I am afraid that their deliberations are also, as a general rule, indecisive. The last such meeting was the one which Mr. Britton attended on your behalf just before you presented your Letter of Credence.

Thanks

LR.

R. L. Rogers.

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TRANSMITTAL SLIP

TO: The Canadian Embassy
Tokyo, Japan

FROM: The Under-Secretary of State
for External Affairs

Security: CONFIDENTIAL

Date: Nov. 26, 1954

Air or Surface: Air

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: Legal/W.M.Wood/elp

210-7-13

Copies	Description	Also referred to:
1	Letter No. L. of Nov. 26, 1954 to Washington.	The Ambassador Mr. Newton File LR. December 4th, 1954

Canadian Embassy - Ambassade du Canada - TOKYO - DEC 3 1954

Sent to Mr. Hees
Mr. Pearkes
Commonwealth Representatives
TCD

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE CANADIAN EMBASSY
WASHINGTON, D.C.

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: Our Letter L.1401 of Nov. 19, 1954

Subject: Status of United Nations Forces in Korea

Security: CONFIDENTIAL
No: L. 1425
Date: November 26, 1954
Enclosures: --
Air or Surface Mail: Air
Post File No:

Ottawa File No.
50069-M-40

References

D/M Nat. Def.

D/M Finance

In discussing with your colleagues the possible methods of keeping Commonwealth authorities informed of the progress of negotiations in Korea, you may indicate that we agree with the United Kingdom suggestion that this be done by Commonwealth representatives on the negotiating team reporting to the Committee of Commonwealth Representatives in Tokyo which would relay reports to governments.

2. As regards the extent to which we would wish details to be referred to us for decision or would authorize the Commonwealth representatives on the negotiating team to act for us, we are still of the opinion, as indicated in paragraph 4 of our Letter L.770 of November 19 to Tokyo, that we should see the negotiating draft before making up our minds on this question.

for G. SICOTTE
FOR THE
Under-Secretary of State
for External Affairs.

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA.

NUMBERED LETTER

TO: THE CANADIAN EMBASSY
TOKYO, JAPAN

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: Your letters 1114 of October 19 and 1155 of October 29

Subject: Status of United Nations Forces in Korea

Security: CONFIDENTIAL

No: L. 770

Date: November 19, 1954

Enclosures: --

Air or Surface Mail: Air

Post File No: 20-7-14

Ottawa File No.
50069-M-40

INDEXED

References

Canadian Embassy - Ambassade du Canada - TOKYO - NOV 29 1954

The Ambassador
Mr. Newton. JM
This will require a reply.
LR.
NOV. 29. 1954

#1353 of 17 Dec

You will have seen from our letter No. L. 1326 of November 3, 1954 to the Canadian Ambassador in Washington and also from a letter dated November 10, 1954 to Mr. Reddaway of Earnscliffe (copies of which were referred to you) that we agree with the United Kingdom suggestion that it would be desirable for the Commonwealth to have two full negotiators (one military and one diplomatic) on the team instead of one observer. We also agree with the United Kingdom suggestion that the Commonwealth military representative should be furnished by BCFK and the Commonwealth diplomatic representative by the United Kingdom Minister at Seoul. As the major portion of the facilities and services from Korean sources required by Canadian forces are obtained through BCFK with financial settlement being made through the Korean Operations Pool Account, we do not consider that direct Canadian representation on the negotiating team is necessary.

2. We are, however, anxious that adequate machinery will be established to ensure that the Canadian Government is kept fully informed of the course of the negotiations and is able, in consultation with other Commonwealth Governments where necessary, to make its views known and to provide guidance to the Commonwealth negotiators.

3. In this connection the United Kingdom authorities, through Earnscliffe, have asked informally for our views on how we would wish to be kept informed of the progress of negotiations and to what extent we would wish details to be referred to us for decision or would authorize the Commonwealth negotiating team to act for us. They have suggested that the necessary Commonwealth consultations might be effected by the

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Commonwealth representatives on the negotiating team reporting to the Committee of Commonwealth Representatives in Tokyo which would relay reports to Governments. In this way minor questions having to do with the political and financial as well as the military aspects of the negotiations could be settled in Tokyo. As a possible alternative method the United Kingdom have suggested that Commonwealth representatives on the negotiating team might report from Seoul to the Committee of Commonwealth Representatives in London.

4. We do not wish to come to a decision on the above points until we have had an opportunity to discuss the matter with Mr. Armstrong of the Department of National Defence who, as you know, has been visiting Korea and Tokyo and is expected back in Ottawa around November 23. As regards the extent to which we would wish details referred to us and would authorize the Commonwealth representative on the negotiating team to act for us, it will be difficult to give a clear reply on this point until we have had a chance to look at the preliminary negotiating draft which we assume will be made available to us through your Mission.

5. The United Kingdom have suggested that discussion of the above points might conveniently take place between Commonwealth representatives in Washington and we shall, in due course, be sending our views to Mr. Heeney for his guidance. We shall keep you informed in this regard and in the meantime would be grateful for any views you may have on the questions raised in this letter. It is possible that Mr. Armstrong may have discussed these points with you and, if so, will be able to let us know your views on the subject.

Under-Secretary of State
for External Affairs.

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Document divulgué en vertu de la *loi sur l'accès à l'information*

R.L.Rogers/rlr

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: E UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference: Our letter 1198 of November 5, 1954

Subject: Meeting of Commonwealth Heads of Missions on Various Topics

Security: Confidential

No: 1219

Date: November 12, 1954

Enclosures: Nil

Air or Surface Mail: Air

Post File No: 20-8-1, 210-7-13

Ottawa File No.

References

An amendment-sheet has been circulated to change two items on the Minutes enclosed with our letter under reference, as follows:

Status of Forces (Korea)

Add the following clause at the end of the last sentence: "although the Australian Delegation to U.N.C.U.R.K. may also be in a position to assist."

War Graves (Hodogaya)

Add the following clause at the end of the first sentence: "but the draft Agreement only provided for the graves of those who died in the Second World War."

R. L. ROGERS
The Embassy.

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Distribution to Posts

Ext. 182B (Rev. 2/52)

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CONFIDENTIAL

MINUTES OF MEETING BETWEEN HEADS OF COMMONWEALTH MISSIONS AND THE COMMANDER IN CHIEF, B.C.F.K., HELD AT THE BRITISH EMBASSY ON TUESDAY, NOVEMBER 2, 1954.

PRESENT:-

British Ambassador
Australian Ambassador
Canadian Counsellor
New Zealand Chargé d'Affaires
Commander in Chief, B.C.F.K.
Brigadier Ware, Canadian Military Mission
Mr. A.S. Halford, British Embassy
Mr. A.B. Jamieson, Australian Embassy
Lt. Col. W.W.D. Daunt, B.C.F.K.
Mr. R.H. Ellingworth, British Embassy

Status of Forces (Japan)

No particular problems arose for discussion in the implementation of the Agreement.

Status of Forces (Korea)

Information available suggested there would probably be two members to represent the Commonwealth at the negotiations, one of whom would presumably be a member of B.C.F.K. Attention was drawn to the question of diplomatic advice when negotiations opened in Korea, since only the United Kingdom has a diplomatic representative accredited to that country, although the Australian Delegation to U.N.C.U.R.K. may also be in a position to assist.

War Graves (Pusan)

Attention was drawn to the fact that there was still not an agreed Commonwealth view as to what should be done about War Graves at Pusan. An informal Australian suggestion that Australian war dead might be interred in the Hodogaya Cemetery in Japan had met with the objection that negotiations with the Japanese Government over the status of this cemetery are not yet concluded and that the transfer of war dead from Korea might complicate the position.

War Graves (Hodogaya)

It was thought the Japanese would probably agree in the end to treat the Pacific War and the "post-war" sections as one unit, but the draft Agreement only provided for the graves of those who died in the Second World War. Discussions were at present held up owing to the absence of the Financial Commissioner, Mr. Suzuki.

Dishonourable discharges

It was agreed that dishonourable discharges to operate in Japan of servicemen sentenced by Japanese courts was politically undesirable and likely to be objected to by the Japanese.

"Japan News"

Commonwealth and B.C.F.K. representatives agreed that it would be desirable to support the one Commonwealth newspaper in Japan as long as possible, and that the position might be reconsidered in April 1955 when the existing agreement with B.C.F.K. is due to come to an end.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: THE CANADIAN EMBASSY, TOKYO, Japan

FROM: The Under-Secretary of State for External Affairs.

Security: CONFIDENTIAL

Date: November 10, 1954

Air or Surface: AIR

No. of enclosures: 1

The documents described below are for your information.

210-7-13

Despatching Authority: Legal/W.M.Wood/elp

Copies	Description	Also referred to:
1	Numbered Letter no.1778 of Oct. 13,1954 from Washington.	~~Tokyo~~ London Wellington Canberra

Canadian Embassy - Ambassade du Canada
NOV 15 1954
TOKYO - JAPAN

File
NOV. 18.1954
LR.

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: The Canadian Embassy, WASHINGTON, D.C.

to;

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: Our Letter No. 1695 of September 28, 1954.

Subject: Korea: Negotiations on the Settlement of Claims and Accounts.

Security: CONFIDENTIAL

No: 1773

Date: October 13, 1954

Enclosures:

Air or Surface Mail:

Post File No:

Ottawa File No.

References

We have learned that the British Embassy has already made representations to the State Department concerning the suggestions made by the United States with respect to the negotiation of a settlement of claims and accounts with the ROK Government.

2. You may already have been shown a copy of the instructions sent by the Foreign Office to Washington in a telegram of October 9 which was repeated to the United Kingdom High Commissioner's Office in Ottawa. In the event that you have not been shown a copy of this telegram the following is a brief summary of its contents. The Foreign Office believes that two Commonwealth negotiators rather than one Commonwealth observer should be appointed to the UNC team which will negotiate with the ROK Government. The Foreign Office offered no comment on sub-paragraphs (a), (b) and (c) of paragraph 3 of the United States paper which was sent to you under cover of our letter under reference. The Foreign Office believed, however, that sub-paragraphs (d) and (e) were too loosely drafted and should be recast to make it clear that the negotiations would be on behalf of the UNC and not merely on behalf of the United States Army. The Foreign Office was not prepared to accept the implication contained in the last sentence of sub-paragraph (d) that an amount not exceeding $3 million might be paid to the ROK Government even though it might be difficult to establish that a balance favourable to the ROK Government between its claims and those of the UNC existed. These United Kingdom views were given to McClurkin of the State Department who indicated that it certainly was the intention of the United States Government that the negotiations should be undertaken on behalf of the UNC. McClurkin simply took note of the United Kingdom views with respect to Commonwealth negotiators and the implied ex gratia payment to the ROK Government.

3. A report from the United Kingdom representative in Seoul which has just come to the British Embassy here suggests that General Hull believes that this is not the most appropriate time to enter into negotiations with the ROK Government on this matter. We have not had any confirmation of General Hull's opinion from the State Department but we shall take whatever opportunity offers to find out what the situation is with respect to the timing of negotiations.

(G.P.deT.Glazebrook)

for

THE EMBASSY.

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Ext. 181C (Rev. 2/52)

000617

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN AMBASSADOR, TOKYO, JAPAN

Reference:

Subject: Meeting of Commonwealth Heads of Missions on Various Topics

Security: CONFIDENTIAL

No: 1198

Date: November 5, 1954

Enclosures: Two

Air or Surface Mail: Air

Post File No: 20-8-1, 210-7-7, 210-7-6, 210-7-13, 360-5

Ottawa File No.

References

Internal Circulation

Distribution to Posts

Enclosed are six copies of the minutes of a meeting between Heads of Commonwealth Missions and the Commander-in-Chief, BCFK, held at the British Embassy on Tuesday, November 2. In view of the fact that five different subjects were discussed, I am sending this letter to you in sextuplicate. I did not myself attend the meeting as it was held on the morning of the day on which I presented my Letter of Credence and I was therefore, so to speak, still in purdah. Some of the items discussed warrant comment which is set forth below. On the whole, however, the meeting was inconclusive and if it achieved nothing also did no harm.

Status of United Nations Forces in Korea

2. We have written to you on this subject on a number of occasions lately, notably in our letters 1114 and 1155 of October 19 and 29 respectively. I am apprehensive lest our silence on this subject, vis-a-vis, the other Commonwealth countries, may lead to our being presented with a situation so advanced that we shall no longer be able to change it without causing considerable ill-feeling.

U.N. Cemetery in Korea

3. We have written to you on this subject twice recently, notably in our letter 966 of September 9 and our letter 1159 of November 1. I understand that the consensus of the meeting at the British Embassy was that the Australian suggestion was a non-starter.

Canadian War Graves in Japan

4. No comment.

Dishonourable Discharge of Three British Servicemen

5. This case refers to three British soldiers who were convicted by a Japanese court in Kure under the (as it then was) protocol on criminal jurisdiction. The United Kingdom War Office has insisted that, in accordance with the present wording of the Queen's Regulations, these three soldiers should be dishonourably discharged in Japan. The British Embassy has protested this

...2

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

in Japan. The British Embassy has protested this decision once already on the ground that it creates the largest possible number of problems both for the men themselves and for the British authorities in this country. The War Office has so far said that it must abide by the letter of the Queen's Regulations. I understand that the British Ambassador is now returning to the charge by suggesting that if the Queen's regulations require dishonourable discharge in Japan, it was high time the Queen's Regulations were changed.

Subscription to "Japan News"

6. I suspect that the agreement on the desirability of supporting "the one Commonwealth newspaper in Japan" was more on the part of my three colleagues than on the part of the Canadians present. As you will know from our letters 1139 of October 22 and 1176 of November 2, the Canadian military authorities have approached the problem of the subscription to the Japan News from a purely businesslike point of view. Further evidence of this appears in a letter from the Commander of the Canadian Military Mission Far East written to Mr. Gordon Jenkins on November 2. I enclose three copies of that letter for your further information.

7. The meeting of Heads of Mission was arranged more with a view to letting the new Commander-in-Chief, BCFK, get into the swing of things than for any more concrete purpose. The meeting should therefore not be taken too seriously.

T.C.Davis

AMBASSADOR.

000619

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C[redacted]IDENTIAL

MINUTES OF MEETING BETWEEN HEADS OF COMMONWEALTH MISSIONS AND THE COMMANDER IN CHIEF, B.C.F.K., HELD AT THE BRITISH EMBASSY ON TUESDAY, NOVEMBER 2, 1954

PRESENT:-

British Ambassador
Australian Ambassador
Canadian Counsellor
New Zealand Chargé d'Affaires
Commander in Chief, B.C.F.K.
Brigadier Ware, Canadian Military Mission
Mr. A.S. Halford, British Embassy
Mr. A.B. Jamieson, Australian Embassy
Lt. Col. W.W.D. Daunt, B.C.F.K.
Mr. R.H. Ellingworth, British Embassy

Status of Forces (Japan)

No particular problems arose for discussion in the implementation of the Agreement.

Status of Forces (Korea)

Information available suggested there would probably be two members to represent the Commonwealth at the negotiations, one of whom would presumably be a member of B.C.F.K. Attention was drawn to the ~~function~~ question of diplomatic advice when negotiations opened in Korea, since only the United Kingdom has a diplomatic representative in that country.

War Graves (Pusan)

Attention was drawn to the fact that there was still not an agreed Commonwealth view as to what should be done about War Graves at Pusan. An Australian suggestion that Australian war dead should be retained in the Hodogaya Cemetery in Japan met with the objection that negotiations with the Japanese Government over the status of this cemetery are not yet concluded and that the transfer of war dead from Korea might complicate the position.

War Graves (Hodogaya)

It was thought the Japanese would probably agree in the end to treat the Pacific War and the "post-war" sections as one unit. Discussions were at present held up owing to the absence of the Financial Commissioner, Mr. Suzuki.

/Dishonourable

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D. Dishonourable discharges

It was agreed that dishonourable discharges to operate in Japan of servicemen sentenced by Japanese courts was politically undesirable and likely to be objected to by the Japanese.

"Japan News"

Commonwealth and B.C.F.K. representatives agreed that it would be desirable to support the one Commonwealth newspaper in Japan as long as possible, and that the position might be reconsidered in April 1955 when the existing agreement with B.C.F.K. is due to come to an end.

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TRANSMITTAL SLIP

TO: The Canadian Embassy
Tokyo, Japan

FROM: The Under-Secretary of State for
External Affairs

Security: CONFIDENTIAL

Date: November 3, 1954

Air or Surface: Air

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: Legal/W.M.Wood/elp

Copies	Description	Also referred to:
	Numbered Letter No. L./326 of Nov. 3, 1954 to Washington.	210-7-13

Canadian Embassy - Ambassade du Canada
NOV 12 1954
TOKYO - JAPAN

The Ambassador
file LR.
NOV. 12. 1954

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: The Canadian Embassy
WASHINGTON, D.C.

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: Your Letters 1695 of Sept. 28 and 1778 of October 13, 1954.

Subject: KOREA: Negotiations on the Settlement of Claims and Accounts.

Security: CONFIDENTIAL

No: L-1326

Date: November 3, 1954

Enclosures:

Air or Surface Mail:

Post File No:

Ottawa File No.

References

We are in agreement with the United Kingdom views on the State Department's proposals enclosed with your letter of September 28.

2. It seems to us desirable that the Commonwealth should have two full negotiators on the teams instead of one observer. However, apart from letting the State Department know our views, we do not think it would be appropriate for Canada to press them on this point.

3. You should also make it quite clear to the State Department that Canada does not wish to be associated in any way with the proposal, at the end of para. D, that, even though there is no actual balance in their favour, up to three million dollars could be paid to the Koreans.

4. As regards the ambiguity in paras. D and E, we note that the State Department have now clarified to the United Kingdom Embassy that the Commander-in-Chief, United Nations Command, and not the United States Army will be negotiating, and that he will do so on behalf of the other United Nations forces as well as the United States Forces.

Internal Circulation

5. With regard to Fraleigh's somewhat inconclusive remarks about possible unilateral payment of tort claims by the United States Government, we think that, if a suitable opportunity occurs this matter might be raised informally with the State Department, in order to find out whether the United States Government are, in fact, giving serious consideration to settling tort claims in this way and if so to ensure that other governments will be given an opportunity to comment before a final decision is taken.

6. Incidentally, in reply to their enquiry we have told Harnecliffe that you will be consulting with your Commonwealth Colleagues in order to concert your views about these United States proposals.

M. H. WERSHOF

for the Under-Secretary of State for External Affairs.

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Tokyo

Ext. 181C (Rev. 2/52)

000624

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R.L.ROGERS/NAW

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: ...E UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference: Our Letter 1127 of October 20

Subject: Hwan-Dollar Exchange Rate

Security: CONFIDENTIAL

No: 1158

Date: November 1, 1954

Enclosures: None

Air or Surface: Air

Post File No: ~~210-7-13~~ 210-7; 210-7-2

Ottawa File No.	

References

We see from the fortnightly summary prepared by the British Legation in Seoul for the period September 30 to October 13 that the British Legation in Seoul has opened a foreign exchange account with the Bank of Korea through which it is able to obtain Korean currency at the open market rate. Hwan are now being bought at the rate 1400 to the pound which gives a rate of 500 hwan to the dollar. This much more favourable rate being obtained by the British Legation suggests that there might be a more economical way of financing hwan needs of the Canadian forces in Korea than the present one. Of course, there is against an attempt to change over to the open dollar rate the question whether it is desirable to try to provide direct relief to Korea by accepting an artificially low rate of exchange.

R. L. ROGERS

THE EMBASSY.

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Ext. 182B (Rev. 2/52)

000625

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

R.L. ROGERS/NAW

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference: Our Letter 1114 of October 19, 1954

Subject: Status of U.N. Forces in Korea

Security: CONFIDENTIAL

No: 1155

Date: October 29, 1954.

Enclosures: None

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.	

References
CMMFE

Internal Circulation

Distribution to Posts

We sent a copy of our letter under reference to the Canadian Military Mission Far East who have now provided some very useful information on the subject from the point of view of Headquarters, United Nations Command. Lieutenant Colonel McDougall, the Acting Commander of the Canadian Military Mission, gathers that the opening of negotiations is not contemplated at least until the present dispute over Hwan-dollar exchange rates is settled. He learned, however, that preliminary planning is still actively under way at Headquarters, United Nations Command, and that General Hull expects to call together representatives of the countries concerned (probably military representatives) to get their views and bring them up-to-date on what has been done. In this connection, the usual problem is likely to arise of the status of Headquarters, BCFK. This Headquarters, as you know, tends to forget that it is not able to be a party to an international agreement. It is therefore important that both the Canadian Military Mission and ourselves should understand clearly what the views of the Canadian Government are on the negotiation of this agreement and what line the Commander, CMMFE, is entitled to take at the meeting at UNC Headquarters, when it takes place, vis-a-vis BCFK.

2. Presumably much will depend upon the nature of the agreement. If it is looked upon as being an inter-governmental agreement, then Headquarters, BCFK, has no standing but would be an obvious source of advice and consultation. If, however, the proposed agreement is looked upon as being merely an agreement between UNC Headquarters and the Koreans, presumably BCFK might be entitled to take part in the negotiations, though even so it is unlikely that Canada would wish to be spoken for by that Headquarters on an agreement which is likely to involve the expenditure of Canadian funds.

3. It would be appreciated if you could bring us up-to-date on your views as soon as possible.

R. L. ROGERS

THE EMBASSY.

Ext. 182B (Rev. 2/52)

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CONFIDENTIAL

CMMFE 5-0-6-3

CANADIAN MILITARY MISSION
FAR EAST

Canadian Embassy - Ambassade du Canada
OCT 25 1954
TOKYO - Japan

TOKYO, Japan,
25 Oct 54.

MEMORANDUM TO:

Canadian Embassy,
Tokyo, Japan.

210-7-13
INDEXED

Attn: Mr. R.L. Rogers

Subject: Status of UN Forces in Korea

Dear Mr. Rogers

File

OCT. 28. 1954

I have to thank you for the copy of your despatch No 1114 dated 19 Oct 54 regarding the developments with respect to the negotiations covering the status of UN forces in Korea. I find it most interesting and will see whether I can find out any additional information at UNC.

I presume that your Department will be discussing this matter with the Department of National Defence, but in the meantime I am taking the liberty of drawing your despatch to the attention of my Department.

Sincerely,

(R.B. McDougall) Lt-Col
A/Commander
Canadian Military Mission
Far East.

PS. Since writing the foregoing I have had a brief discussion on this matter at UNC. As far as I can gather any opening of negotiations at Seoul is now decidedly in abeyance until the present Korean fervor is over. However I understand preliminary planning goes on apace at HQ UNC here in Tokyo and that Gen Hull expects to call together the UN reps (I think military) to get their views and put them in the picture in the very near future. In this connection the usual uncertainty of representation appears to exist. It seems that HQ UNC may believe that BCFK will speak for the Commonwealth in this matter. Once again the question seems to rear its head as to whether this is a force agreement or intergovernmental negotiation between nations and Korean Government.

CONFIDENTIAL

000627

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FILE COPY

R.L. ROGERS/NAW

c.c. with enc. to:
Lt. Colonel McDougall,
A.B. Jamieson
R.L.G. Challis

210-7-13
CONFIDENTIAL

Tokyo, Japan,
October 21, 1954.

Dear Aubrey,

We have today received in our bag from Ottawa a copy of a letter from our Embassy in Washington to the Department of External Affairs in Ottawa covering the same ground as telegram No. 461 of September 27 from your Embassy in Washington to the Foreign Office. Paragraphs one and two provide no new information but paragraph three contains some remarks which do not appear in any of the papers enclosed with your letter 1196/79/54 of October 12. I do not know whether there is anything to Mr. Fraleigh's remarks about the possibility of payment of tort claims but it would be just as well for all concerned to be on their guard.

I am sending copies of this letter, together with letter 1695 from our Embassy in Washington, to Bill Challis and Jim Jamieson.

Sincerely,

Louis Rogers

R. L. Rogers,
First Secretary.

A. S. Halford, Esq.,
British Embassy,
TOKYO, Japan.

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Document divulgué en vertu de la Loi sur l'accès à l'information
R. L. ROGERS/NAW

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference: Our Letter 1093 of October 8

Subject: Status of United Nations Forces in Korea

Security: CONFIDENTIAL

No: 1114

Date: October 19, 1954.

Enclosures: Four (copies)

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.

References
CMM FB

We attach, for your information, four copies of telegrams 461 and 462 Saving of September 27 from the British Embassy in Washington to the Foreign Office in London and a copy of Foreign Office telegram No. 5046 of October 9 in reply thereto. These telegrams, which we note have been copied to the United Kingdom High Commissioner in Ottawa, suggest that negotiations are about to be opened in Korea with a view to concluding a limited agreement on the status of U.N. forces in Korea. Of particular interest to us is the suggestion in telegram No. 462 that "we are recommending to CINCUNC that the Commonwealth representatives in Tokyo be asked to appoint someone as observer to accompany the negotiating team" and the further statement that "we expect that consultations between the Commonwealth Governments and CINCUNC concerning the terms of the negotiating draft and concerning the negotiation itself will take place in Tokyo (and later in Seoul) rather than in Washington". We should be particularly grateful to have your observations on these remarks in the light of a suggestion which we have received from the British Embassy here that a meeting of Commonwealth heads of mission may shortly be called in order to discuss the subject.

Internal Circulation

2. In telegram 461 Saving, it is suggested that the negotiations in Seoul will be conducted, for the most part, by military personnel, the only United States Embassy representative being Mr. Strom. The officer from our staff who recently visited Seoul met Mr. Strom and shared the view of British and Australian representatives in Seoul that Mr. Strom was not a particularly strong character. If he is to be the sole diplomatic representative participating in the discussions, the outcome may not be as desirable as we would wish. You will notice that in telegram 5046 the Foreign Secretary makes a demand for full representations for both the United Kingdom and Australia.

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R. L. ROGERS

THE EMBASSY.

Ext. 182B (Rev. 2/52)

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FILE COPY

R. L. ROGERS/NAW

210-7-13
CONFIDENTIAL

Tokyo, Japan,
October 19, 1954.

Dear Aubrey,

Thank you for your letter 1196/79/54 of October 12 with which you enclosed copies of an exchange of telegrams between the Foreign Office and your Embassy in Washington about the proposed negotiations for a limited status of forces agreement with Korea. I am very grateful to you for forwarding this material and have taken steps to learn the latest thinking of the Canadian Government on the subject.

Yours ever,

Louis Rogers

R. L. Rogers,
First Secretary.

A.S. Halford, Esq.,
British Embassy,
TOKYO, Japan.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: The Canadian Embassy,
TOKYO, Japan

FROM: The Under-Secretary of State
for External Affairs, Ottawa.

Security: CONFIDENTIAL

Date: October 12, 1954.

Air or Surface: Air

No. of enclosures: One

210-7-13

The documents described below are for your information.

Despatching Authority: D.L.(1)/J.M. Teakles/HF

Copies	Description	Also referred to:
1	Telegram No. WA-1692 dated September 27, 1954 from Washington. Re: Korea: Negotiations on the settlement of claims and accounts.	~~Tokyo~~ Canberra Wellington London File OCT. 19. 1954 UK

Canadian Embassy - Ambassade du Canada - TOKYO
OCT 19 1954

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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INCOMING MESSAGE

FROM: THE CANADIAN AMBASSADOR TO THE UNITED STATES

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification: CONFIDENTIAL

File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-1692	September 27, 1954.

Departmental Circulation
MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
POL.COOR.SECT.
U.N.DIV.

Done
Date

References

Done
Date

Ext. 230 (rev. 10/53)

Reference: Our telegram No. WA-1368 of August 6 and your telegram No. EX-1358 of August 10, 1954.

Subject: Korea: Negotiations on the settlement of claims and accounts.

Representatives of the Old Commonwealth were informed at the State Department on September 27 that CINCUNC was instructed by telegram on September 23 to prepare a negotiating draft on which an approach to the ROK Government might be based with respect to a claims and accounts settlement. The negotiating draft was to be based on the principles outlined in our telegram under reference. We will send you by bag more details concerning the instructions to CINCUNC.

2. We thought you should know, however, that the State Department is "recommending to CINCUNC that the Commonwealth representatives in Tokyo be asked to appoint someone as observer to accompany the negotiating team". The State Department expect that negotiations will take place in Seoul and indicated that Strom, the Deputy Head of the United States Embassy in Seoul, would be an adviser on the CINCUNC team. The State Department hope that negotiations can be limited to the technical subjects of claims and accounts and that they will not become involved with the question of jurisdiction. For that reason the State Department have a decided preference that the negotiation of the settlement be carried out by military rather than civilian personnel. The State Department is of the further opinion that consultations between Commonwealth governments and CINCUNC concerning the terms of the negotiations draft and concerning the negotiations themselves should take place in Tokyo, and later in Seoul, rather than in Washington.

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TRANSMITTAL SLIP

TO: The Canadian Embassy,
Tokyo, Japan

FROM: The Under-Secretary of State
for External Affairs, Ottawa

Security: CONFIDENTIAL

Date: October 12, 1954.

Air or Surface: Air

No. of enclosures:

The documents described below are for your information.

210-1-13

Despatching Authority: D.L.(1)/J.M. Teakles/HF

Copies	Description	Also referred to:
	Letter No. 1695 dated September 28, 1954 from Washington.	~~Tokyo~~ London Wellington Canberra

Canadian Embassy - Ambassade du Canada - TOKYO - OCT 19 1954

File

OCT. 19. 1954

UR.

Re: Korea: Negotiations on the Settlement of Claims and Accounts.

000634

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (DUPLICATE)

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: The Canadian Embassy, WASHINGTON, D.C.

Reference: Our teletype No. WA-1692 of Sept. 27.

Subject: Korea: Negotiations on the Settlement of Claims and Accounts.

Security: CONFIDENTIAL

No: 1695

Date: September 28, 1954

Enclosures: 1

Air or Surface Mail:

Post File No:

Ottawa File No.

References

Internal Circulation

Distribution to Posts

This letter will supplement the brief account contained in our telegram under reference of the instructions sent to CINCUNC to prepare a negotiating draft for an approach to the ROK Government on the question of claims and accounts. The information was given to representatives of the old Commonwealth by McClurkin, the Acting Director of the State Department's Office of Northeast Asian Affairs. In order to avoid any difficulties of interpretation which might arise, McClurkin gave us the information in writing and a copy of the statement is attached. The statement, of course, is not an official communication between United States and Commonwealth Governments.

2. The State Department hopes that these negotiations can be limited strictly to the technical questions of claims and accounts and for that reason believes that they should be conducted on our side by military personnel. However, since the United States is appointing Strom, the deputy chief of the United States Embassy in Seoul, as an adviser on the UNC team, no objection can be offered to the appointment by any interested Government of a diplomatic representative. While some of the negotiations will have to be carried out in Seoul, the State Department would see no difficulty in arranging for consultations in Tokyo between the Commonwealth Governments and CINCUNC. The State Department does not believe that consultations could be carried out very successfully in Washington. We assume, therefore, that any comments which you might have to offer as to how the negotiations might be conducted should be sent to our Embassy in Tokyo. We should probably be kept informed here of developments in the event that at some point in the negotiations you might wish us to approach the State Department directly.

3. Some confusion was introduced in the meeting when Fraleigh, of the State Department's Office of Northeast Asian Affairs, said that the United States Government was "working towards" the payment of tort claims, i.e. those arising out of wrongful acts of members of the UN forces. He said that United States legislation existed under which such claims could be honoured and there was some possibility that the United States might agree to consider claims in this category from January 1, 1954. He suggested that if it was decided to honour such claims action would be taken unilaterally by the United States Government and not on the basis of an agreement with the ROK Government.

Document disclosed under the *Access to Information Ac*
Document divulgué en vertu de la *Loi sur l'accès à l'informa*

Members of the group immediately pointed out that such an action on the part of the United States Government would create an important precedent for other Governments. McClurkin, who seemed to be unaware of any likely decision by the United States Government in this respect, questioned Fraleigh sharply as to what was in the wind. This led to Fraleigh's somewhat embarrassing admission that there was no final decision on this point and that in fact the State Department was not quite certain what the Pentagon had in mind. You may think that this issue has sufficient importance for us that it should be raised again with the State Department.

(Sgd.) G.P. deT. Glazebrook

for The Embassy.

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CONFIDENTIAL

STATEMENT REGARDING NEGOTIATIONS WITH ROK ON CLAIMS AND ACCOUNTS

1. The ROK Government was notified on August 16 that the United Nations Command would be prepared to negotiate a claims and accounts settlement within two months. No reply has yet been received from the ROK Government indicating whether it would also be ready at that time.

2. We have now been advised by the Commander in Chief of the United Nations forces in Tokyo that he is agreeable to the general principleswhich we proposed as the basis for the negotiation. No detailed draft of negotiating documents has yet been prepared.

3. We are requesting CINCUNC to prepare a negotiating draft. As a consequence of our exchange of communications with CINCUNC the general outlines of our negotiating position would be as follows:

(A) The agreement would cover settlement of claims and accounts for the period from June 25, 1950, to the present and if practicable would include contractual arrangements for future use by UN forces of utilities, services and facilities in Korea.

(B) For purposes of working out a settlement the period of the agreement would be divided into the following three parts:

(1) the hostilities period (June 25, 1950 to July 27, 1953)

(2) the post-armistice period (July 27, 1953 to December 31, 1954)

(3) the future use period (from January 1, 1955 on).

(C) For the hostilities period both the ROK and the UNC would agree to a waiver of all claims.

(D) For the post-armistice period there would be a negotiated settlement based on the principle that the ROK furnish land and buildings free but the US and UN forces pay for all other expenses incurred by them in Korea. It would not be recognized that the ROK could levy taxes or similar charges for any services furnished the US and UN forces. In applying these principles to the post-armistice period the Army now intends to present to the ROK a statement of accounts, showing both amounts owed to the ROK for electricity, water and communications and amounts which the ROK owes to US forces for electricity, water and communications. The Army figures will indicate that the balance is actually in favour of the US. Although this will be the negotiating position of the United States, the United States does not intend to require the ROK to make any payment even if the ROK can be persuaded that the balance is actually in favour of the U.S. forces. It can be expected of course that the ROK will insist the balance is in favour of the ROK. The

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U.S. negotiators recognize that in the course of figuring out the proper statement of accounts for the post-armistice period it may ultimately be agreed in the negotiations that an amount is owed to the ROK, but this amount should not exceed $3 million.

(E) For the future use period, the effort would be to make contractual arrangements for agreed rates to be charged for the furnishing of electricity, water and communications by the ROK. The U.S. position would still be that the ROK should furnish facilities (land and buildings) free. In the event that the U.S. supplies any services or equipment to the ROK for which the U.S. wishes to be compensated, the effort will be made to reach agreement on the terms for compensation before the service or equipment is furnished.

4. We are recommending to CINCUNC that the Commonwealth representatives in Tokyo be asked to appoint someone as observer to accompany the negotiating team. We are doing this on the assumption that, as a result of the negotiation, the U.S. may seek reimbursement to some extent from the Commonwealth Governments for charges for electricity and other services which are recognized in the negotiations. In view of the shortness of time for preparing for the negotiation we are asking CINCUNC to furnish copies of the negotiating draft to the Commonwealth representatives in Tokyo for forwarding to their own governments directly from Tokyo. We expect that consultations between the Commonwealth Governments and CINCUNC concerning the terms of the negotiating draft and concerning the negotiation itself will take place in Tokyo (and later in Seoul) rather than in Washington.

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210-7-13
INDEXED

CONFIDENTIAL
4196/79/54

Canadian Embassy - Ambassade du Canada
OCT 13 1954
TOKYO - JAPAN

File

OCT. 19.1954

U.K.

BRITISH EMBASSY,
TOKYO.

October 12, 1954.

My dear Louis,

I enclose copies of telegraphic correspondence between the Foreign Office and our Embassy at Washington about the projected negotiations with the Koreans on the status of United Nations Forces. The Ambassador thought you might like to have this information in your mission at once. In due course, a meeting of Commonwealth Heads of Mission seems to be indicated.

2. I am writing similarly to Challis and Jamieson.

Yours ever,

(A.S. Halford)

Mr. R.L. Rogers,
Canadian Embassy,
Tokyo.

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

Copy Savingram

BY BAG

FROM WASHINGTON TO FOREIGN OFFICE

D: 11.00 a.m. September 28, 1954

No. 461 Saving
of September 27, 1954

CONFIDENTIAL

Addressed to Foreign Office telegram No. 461 Saving of September 27, 1954.
Repeated for information Saving to:-

UKHC Canberra	No. 35	UKHC Pretoria	No. 4
UKHC Wellington	No. 34	Tokyo	No. 76
UKHC Ottawa	No. 71	Seoul	No. 81

Commonwealth Relations Office telegram No. Z.82 [of September 8] to Ottawa.

STATUS OF FORCES NEGOTIATIONS IN KOREA

State Department called a meeting to-day, to which representatives of Australian, Canadian and New Zealand Embassies were also invited and passed round copies of the document contained in my immediately following Saving telegram.

2. State Department said that their proposed team for these negotiations will be largely military, with Strom from their Embassy in Seoul as the only United States diplomatic representative. They see advantage in keeping the negotiations as much on the financial and non-diplomatic plane as possible, so as to discourage the Republic of Korea from raising jurisdictional questions.

3. Remainder of the Fifteen will soon be similarly informed.

4. Australian, Canadian and New Zealand representatives had not received instructions from their Governments in accordance with your telegram under reference, so United Kingdom representative put forward the views set forth there as preliminary ones, on a personal basis.

MAKINS

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

COPY

BY BAG

FROM WASHINGTON TO FOREIGN OFFICE

D: 11.00 a.m. September 28, 1954

No. 462 Saving
of September 27, 1954

CONFIDENTIAL

Addressed to Foreign Office telegram No. 462 Saving of September 27, 1954.
Repeated for information Saving to:-

Canberra	No. 36	Pretoria	No. 5
Wellington	No. 35	Tokyo	No. 77
Ottawa	No. 72	Seoul	No. 82

My immediately preceding Saving telegram.

STATUS OF FORCES NEGOTIATIONS IN KOREA

Following is text of United States document:

STATEMENT REGARDING NEGOTIATIONS WITH ROK ON CLAIMS AND ACCOUNTS

The ROK Government was notified on August 16 that the United States Command would be prepared to negotiate a claims and accounts settlement within two months. No reply has yet been received from the ROK Government indicating whether it would also be ready at that time.

We have now been advised by the Commander in Chief of the United Nations forces in Tokyo that he is agreeable to the general principles which we proposed as the basis for the negotiation. No detailed draft of negotiating documents has yet been prepared.

We are requesting CINCUNC to prepare a negotiating draft. As a consequence of our exchange of communications with CINCUNC the general outlines of our negotiating position would be as follows:

(A) The agreement would cover settlement of claims and accounts for the period from June 25, 1950, to the present and if practicable would include contractual arrangements for future use by UN forces of utilities, services and facilities in Korea.

(B) For purposes of working out a settlement the period of the agreement would be divided into the following three parts:

(1) the hostilities period (June 25, 1950 to July 27, 1953).

(2) the post-armistice period. (July 27, 1953 to December 31, 1954).

(3) the future use period (from January 1, 1955, on).

(C) For the hostilities period both the ROK and the UNC would agree to a waiver of all claims.

(D) For the post-armistice period there would be a negotiated settlement based on the principle that the ROK furnish land and buildings free but the US and UN forces pay for all other expenses incurred by them in Korea. It would not be recognised that the ROK could levy taxes or similar charges for any services furnished the US and UN forces. In applying these principles to the post-armistice period the Army now intends to present to the ROK a statement of accounts, showing both amounts owed to the ROK for electricity, water and communications and amounts which the ROK owes to US forces for electricity, water and communications. The Army figures will indicate that the balance is actually in favour of the US. Although this will be the negotiating

position /

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position of the United States, the United States does not intend to require the ROK to make any payment even if the ROK can be persuaded that the balance is actually in favor of the US forces. It can be expected of course that the ROK will insist the balance is in favor of the ROK. The US negotiators recognize that in the course of figuring out the proper statement of accounts for the post-armistice period it may ultimately be agreed in the negotiations that an amount is owed to the ROK, but this amount should not exceed $3 million.

(E) For the future use period, the effort would be to make contractual arrangements for agreed rates to be charged for the furnishing of electricity, water and communications by the ROK. The US position would still be that the ROK should furnish facilities (land and buildings) free. In the event that the US supplies any services or equipment to the ROK for which the US wishes to be compensated, the effort will be made to reach agreement on the terms for compensation before the service or equipment is furnished.

We are recommending to CINCUNC that the Commonwealth representatives in Tokyo be asked to appoint someone as observer to accompany the negotiating team. We are doing this on the assumption that, as a result of the negotiation, the US may seek reimbursement to some extent from the Commonwealth Governments for charges for electricity and other services which are recognised in the negotiations. In view of the shortness of time for preparing for the negotiation we are asking CINCUNC to furnish copies of the negotiating draft to the Commonwealth representatives in Tokyo for forwarding to their own governments directly from Tokyo. We expect that consultations between the Commonwealth Governments and CINCUNC concerning the terms of the negotiating draft and concerning the negotiation itself will take place in Tokyo (and later in Seoul) rather than in Washington.

MAKINS

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CONFIDENTIAL

Addressed to Washington Tel. No. 5046 of October 9 repeated for information to Tokyo, Seoul, Canberra, Ottawa, Wellington and Pretoria.

Your telegrams 461 and 462 Saving. Status of forces negotiations in Korea.

The considerable interest of the Commonwealth in these negotiations seems to us to justify our asking for full representation both for ourselves and the Australians. Subject therefore to the views of your Commonwealth colleagues on the level and size of Commonwealth representation and depending on the size of the United States team, we would like you to press the State Department to give Commonwealth two full negotiators on the team instead of only one observer.

2. We have no comments on A, B and C of the United States proposals.

3. D and E in their present form are too loosely drafted. The Americans have already accepted that the agreement will be negotiated on behalf of both the United States and other United Nations forces (see your telegram No. 1708 para. 1). Both paragraphs need therefore to be amended to make it clear that the Commander in Chief United Nations Command and not the American Army will be negotiating, and will do so on behalf of the other United Nations forces as well as the United States forces. Claims of other United Nations forces against R.O.K. prices also to be taken into account.

4. We cannot (repeat cannot) associate ourselves in any way with the proposal at the end of D, that even though there is no actual balance in their favour up to $3 million could be paid to the Koreans.

5. You will no doubt keep in close touch with your Commonwealth Colleagues and coordinate next steps with them.

SOSFA

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R.L. ROGERS/NAW

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (FILE COPY)

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference: Your telegram Ex. 1358 of August 10 to Washington

Subject: Status of U.N. Forces in Korea.

Security: CONFIDENTIAL

No: 1093

Date: October 8, 1954

Enclosures: None

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.

References

We do not appear to have anything on file of a date later than your transmittal slip of August under which you sent us a copy of telegram Ex. 1358 of August 10 to Washington. We should be interested to know whether there have been any further developments in this field or whether the proposals to negotiate an agreement with the Koreans is now inactive.

R. L. ROGERS

THE EMBASSY.

Internal Circulation

Distribution to Posts

Ext. 182B (Rev. 2/52)

000645

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

E.R. Rettie/bwf

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (FILE COPY)

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO.

Reference: Washington telegram WA-1368 of August 6, 1954.

Subject: Korea - Status of Forces.

Security: CONFIDENTIAL

No: 588

Date: August 13, 1954.

Enclosures:

Air or Surface Mail: air

Post File No: 210-7-13

Ottawa File No.	

References

On receiving a copy of the Washington telegram under reference, we were interested in the statement in paragraph 1(c) about liaison with other U.N. members that "CINCUNC might be guided by arrangements for liaison worked out during negotiation of the Agreement on Status of Forces in Japan". We thought it might be wise to recall for you that there were three principal means of liaison:

(a) representatives of Commonwealth Diplomatic Missions in Tokyo acted in effect as part of the negotiating panel and were closely connected with all negotiations;

(b) copies of the minutes of meetings of the senior negotiators (who met as a rule only to record matters on which agreement had been achieved at lower levels) were distributed to representatives in Japan of U.N. countries concerned; and

(c) the Liaison Section of U.N. Command Headquarters held briefing sessions for the benefit of representatives in Tokyo of the affected U.N. countries. There were two of these briefing sessions in a period of about 20 months.

2. In effect, therefore, the only comprehensive liaison was that between the U.S. and Commonwealth representatives in Tokyo through the participation of the latter in the negotiations. When, therefore, Mr. Fraleigh speaks of CINCUNC being guided by arrangements for liaison worked out in the case of the agreement with Japan, we hope he is not thinking about the casual and infrequent briefing sessions called by U.N. Command Headquarters in Tokyo.

Internal Circulation

R. L. ROGERS

Distribution to Posts

The Embassy

Ext. 182B (Rev. 2/52)

000646

Document divulgué en vertu de la Loi sur l'accès à l'information

TRANSMITTAL SLIP

TO: Canadian Embassy,
Tokyo, Japan.

FROM: The Acting Under-Secretary of State
for External Affairs, Ottawa.

Security: CONFIDENTIAL

Date: August 12, 1954.

Air or Surface: Air

No. of enclosures: One

The documents described below are for your information.

Despatching Authority: D.L.(1)/J.M. Teakles/HF

210-7-13

Copies	Description	Also referred to:
Canadian Embassy - Ambassade du Canada - TOKYO - AUG 16 1954	Telegram No. EX-1358 dated August 10, 1954 to Washington.	London ~~Tokyo~~ Wellington Canberra ~~Mr. Rogers~~ R E.R.L.

File

August 24th, 1954
L.R.

000647

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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Security CONFIDENTIAL

MESSAGE FORM

OUTGOING

File No.

FROM: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

TO: THE HEAD OF POST, CANADIAN EMBASSY,
WASHINGTON, D.C.

Message To Be Sent	No.	Date	For Communications Section Only
AIR CYPHER / EN CLAIR / CODE / CYPHER	EX-1358	August 10, 1954.	

Priority

ORIGINATOR

(Signature)

(Name Typed)

Div. (1)

Local Tel. 321

APPROVED BY

(Sgd.)
(Signature)

(Name Typed)

Internal Distribution:
S.S.E.A. - U.S.S.E.A.
Far Eastern Div.
Legal Division

Done

Date

Copies Referred To:

Done

Date

Ext. 97 (Rev. 1/52)

REFERENCE: Your telegram No. WA-1367 of August 6, 1954.

SUBJECT: Korea - Status of Forces

We have no objection to the proposal that CINCUNC be authorized to inform ROK that he would be ready to begin early in October negotiations on behalf of all United Nations forces in Korea for an agreement about ROK claims and accounts, on the clear understanding (paragraph one E of your telegram WA-1368 of August 6 refers) that we would be kept fully informed during the negotiations and given an opportunity to comment. We support the suggestion that a Commonwealth observer be attached to the United Nations negotiating team. It should of course also be understood that CINCUNC would not be authorized to conclude any agreement affecting Canadian interests without the specific approval of the Canadian Government.

2. The principles proposed for the settlement by the United States authorities are under consideration and we shall transmit our views to you in due course.

SECRETARY OF STATE FOR EXTERNAL AFFAIRS

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TRANSMITTAL SLIP

~~MILITARY READING file~~

TO: The Canadian Embassy,
Tokyo, Japan

FROM: The Acting Under-Secretary of State for External Affairs, Ottawa.

The documents described below are for your information.

Despatching Authority: D.L.(1)/JMTeakles/ejk

Security: CONFIDENTIAL

Date: August 10, 1954

Air or Surface: Air

No. of enclosures: 1

210-7-13
~~360-E~~

Copies	Description	Also referred to:
1	Telegram No. WA-1368 of August 6, 1954 from the Canadian Embassy, Washington re: Korea - Status of Forces	~~Tokyo~~ London Canberra Wellington ~~Mr. Kettle~~ ~~E&L~~ ~~Military Reading file~~ file L/K August 13th, 1954

Canadian Embassy - Ambassade du Canada - TOKYO
AUG 13 1954

Ext. 250 (Rev. 10/51) (Instruction on Reverse Side)

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INCOMING MESSAGE

COPY

FROM: THE CHARGE D'AFFAIRES, CANADIAN EMBASSY, WASHINGTON

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification
CONFIDENTIAL
File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-1368	August 6, 1954.

Departmental Circulation

MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
POL/CO-ORD'N SECTION

Done

Date

References

19 JUL 1954

Done

Date

Reference: Our teletype No. 1367 of August 6, 1954.

Subject: Korea - Status of forces.

1. Following are some of the points raised at the State Department meeting today on proposed United Nations negotiations with the ROK for the settlement of claims and accounts.

(a) Proposed principles to govern negotiations

Fraleigh, of the Office of Northeast Asian Affairs, said that the State Department would suggest to CINCUNC the following principles to govern settlement of ROK claims and United Nations counter-claims:

(I) Each side would waive claims arising out of the furnishing of facilities or services to the other during the period prior to the armistice. For accounting purposes, August 1, 1953, would be considered as the date of the armistice.

(II) The United Nations forces would agree to pay, subject to appropriate off-sets, for services furnished to United States and other United Nations forces by the ROK subsequent to the armistice. On the other hand, the ROK would agree to furnish lands and buildings free of charge, grant exemption from certain taxes and provide public protection (fire, police).

(b) Claims arising before armistice

The ROK authorities have already submitted substantial claims for repayment of costs of facilities and services supplied before the armistice. As indicated above, CINCUNC would strive to have these claims waived. They anticipate little difficulty on this point.

(c) Claims arising after armistice

Fraleigh said that the ROK claims were "outlandish" and that many will not be paid by the United States. In any case, the amounts payable for the period from August 1, 1953 to the present should not be very substantial as the United States forces will submit counter-claims for facilities and services supplied

.....2

Ext. 230 (rev. 10/53)
55 P. 179

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the ROK (coal for thermal plants, power from power barges, transportation, communications, etc.). The United States would not claim against the ROK for costs of materials and services supplied under the economic aid programme but only for those arising out of expenditures of defence funds. A Pentagon representative at the meeting said that the arrangements governing payment of future costs would assume more practical significance as United Nations army services in Korea are progressively reduced.

(d) Distribution of costs among United Nations members

Fraleigh said that the suggested basis on which costs would be distributed among non-ROK members of the United Nations forces had not yet been worked out. He thought the formula would perhaps be linked to the relative strengths of the forces of each country in Korea, with adjustments for services and goods supplied by them.

(e) Liaison with other United Nations members

CINCUNC will keep representatives in Korea and Washington of other United Nations countries fully informed about the negotiations. Fraleigh and the Pentagon representative agreed to pass on a suggestion by the British Embassy's representative that a Commonwealth observer might be attached to the United Nations negotiating team. Fraleigh thought that CINCUNC might be guided by arrangements for liaison worked out during negotiation of the agreement of status of forces in Japan.

2. Fraleigh said that the question of settlement of ROK claims had not been discussed with Rhee's party during their Washington visit. However, ROK authorities in Korea have been pressing steadily for an early settlement and there have been some preliminary talks between them and CINCUNC officials.

3. Our impression from what Fraleigh and the Pentagon representative had to say was that the United States is in no hurry to begin negotiations for a general settlement of the questions affecting the status of United Nations forces in Korea.

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210-7-13

File

CONFIDENTIAL
ROUTINE

August 13th, 1954

UK.

Foreign Office

Tokyo

0105/10

768

August 9, 1954.

Addressed to Washington telegram no. 3919(.) of August 9 - repeated for information to Tokyo and saving Seoul.
Your tels. nos. 1707 and 1708:

KOREA: STATUS OF UNITED NATIONS FORCES:

We agree to the proposed instructions to the Commander-in-Chief, United Nations Command.

2. We hope the State Department are alive to the risk that U.N. Command may be committed by inference to accepting other Korean claims for services not specified (e.g. use of roads and other public services and facilities normally enjoyed by residents, tax and duty exemptions etc.). Terms and scope of agreement will need to be carefully defined to guard against this.

3. Our views on Commonwealth consultation and other points will follow.

4. You will no doubt keep in touch with your Commonwealth colleagues.

Tokyo pass Seoul as my saving

Document disclosed under the *Access to Information Act*
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TRANSMITTAL SLIP

~~MILITARY READING FILE~~

TO: The Canadian Embassy,
Tokyo, Japan

FROM: The Acting Under-Secretary of State
for External Affairs, Ottawa

Security: CONFIDENTIAL

Date: August 9, 1954.

Air or Surface:

No. of enclosures: One

210-7-13

~~350-5~~

The documents described below are for your information.

Despatching Authority: D.L.(1)/J.M. Teakles/HF

Copies	Description	Also referred to:
1	Telegram No. WA-1367 dated August 6, 1954 from Washington.	~~Tokyo~~ London Canberra Wellington
	Re: Korea Status of Forces.	~~Mr. Rettie~~ Ext. ~~Military Reading File~~ ~~file~~. UL. August 13th, 1954

Canadian Embassy - Ambassade du Canada - TOKYO - AUG 13 1954

000655

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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INCOMING MESSAGE

COPY

FROM:
THE CHARGE D'AFFAIRES, CANADIAN EMBASSY,
WASHINGTON, U.S.A.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification
CONFIDENTIAL
File No.

Priority	System	No.	Date
IMMEDIATE	CYPHER-AUTO	WA-1367	August 6, 1954.

Departmental Circulation
MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
POL/CO-ORD'N SECTION

Dom.

Date

References

19 VIII 54

Reference:

Subject: Korea Status of Forces.

At a meeting in the State Department this morning representatives of the British, Australian, New Zealand and Canadian Embassies were told that the Pentagon proposes to authorize CINCUNC to inform the ROK that they would be ready to begin early in October negotiations on an agreement for the settlement of ROK claims and accounts. The agreement would cover only the settlement of bills and claims arising before or after the armistice as a consequence of the UN action in Korea. Tort claims i.e. those arising out of wrongful acts of members of the UN forces would be excluded. The agreement would, as well, set forth arrangements for the division of future expenses between the ROK and the UN forces. CINCUNC would negotiate on behalf of both US and other UN forces.

2. The State Department emphasized that CINCUNC's readiness to proceed with this negotiation does not mean that the US is prepared to discuss a comprehensive agreement on the status of UN forces, covering such matters as jurisdiction, etc. If the ROK suggests that the negotiations on claims and accounts be expanded to include other status of forces' issues, CINCUNC will refer the suggestion to Washington for further instruction. We would be kept fully informed.

3. The Pentagon would like, before Wednesday, August 11, to authorize CINCUNC to inform the ROK of its readiness to open negotiations, unless one of the Commonwealth countries object (the British, Australian and New Zealand representatives at this morning's meeting were confident their government would agree). CINCUNC would also be asked to prepare and refer to Washington a draft agreement to be used as a basis of negotiation.

4. In a following teletype we shall give you details of points raised at this morning's meeting. We should appreciate your comments by Tuesday, August 10, on the proposal outlined above.

°°°°°°°°°°°°°°°°

Done

Date

Ext. 230 (rev. 10/53)
GSP. 179

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210-713

Copy telegram from Foreign Office to Tokyo

CONFIDENTIAL
ROUTINE
CYPHER

August 13th, 1954

Received: 0220:8/8/54

No. 758 of August 7, 1954.

Following received from Washington begins:

Addressed to Foreign Office telegram No. 1708 of 6/8 repeated for information to Tokyo and saving to Seoul.

M.I.P.T. Following is text. Begins.

Negotiation of Claims and Accounts Settlement with Korea:

1. We propose on August 10, to authorise C. in C. U.N.C. to inform the R.O.K. that we would be ready to negotiate an agreement for the settlement of claims and accounts in two months. This would be on behalf of both U.S. and other U.N. Forces.

2. This agreement would cover settlement of bills and claims of either Government against the other arising before or after the armistice as a consequence of the U.N. action in Korea - with the exception of tort claims (i.e. claims arising out of wrongful acts of members of the U.N. Forces) and would also include expense arrangements for the future.

3. Our readiness to proceed with this negotiation would not mean that we are ready to proceed with a comprehensive status of forces negotiation covering such matters as jurisdiction. If the R.O.K. suggest either before the negotiation that it be expanded to include jurisdictional arrangements or other status of forces issues, C. in C. U.N.C. is to refer to Washington for further instructions. If such a suggestion is made after the negotiations commence, C. in C. U.N.C. is asked to suspend the negotiation and refer to Washington for further instructions.

4. We would indicatr to C. in C. U.N.C. that we believe the following principles appropriate for settlement of claims and accounts:

(a) the mutual waiver or washing out of inter-governmental claims arising out of the furnishing of facilities or services to the other during the period prior to the armistice.

(b) agreement to pay, subject to appropriate off-sets, for services furnished to U.S. and other U.N. forces by the R.O.K. subsequent to the armistice, but with R.O.K. agreement to furnish land and buildings free.

We would ask C. in C.'s comments on the above principle and also, if he considers them suitable, we ask him to prepare and refer to Washington a draft agreement to be used as the basis of negotiation.

5. On the question of settlement of tort claims we plan to deal with this separately since it involved special problems.

F.O. pass to Tokyo and Saving to Seoul as my Tel. Nos. 95 and 78 respectively.

(Please pass Seoul as my Tel. No. 158 Saving).

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

Z10-7-13

7ii

August 13th, 1954

Copy telegram from Foreign Office to Tokyo

ROUTINE
CONFIDENTIAL
CYPHER

Received: 1347:7.8.54.

No. 756 of August 7, 1954.

Following received from Washington begins:

Addressed to Foreign Office 1707 6/8 repeated for information to Tokyo and saving to Seoul. Your tel. No. 3796.

KOREA: STATUS OF UNITED NATIONS FORCES

The State Department called a meeting this morning to which representatives of Australian, Canadian and New Zealand Embassies were also invited and passed round copies of a document (text ptn m.i.f.t.) stating their proposed course of action. The State Department said that they wished to act very soon as although Rhee had not raised the matter in Washington they thought this was merely because he was fully occupied with other matters. It was desirable to take the initiative before being confronted with completely unacceptable Korean proposals as soon as Rhee got back.

2. The State Department said they had looked into earlier precedents. The U.S. had reached new agreements over payments for services both with the U.K. and with France to run from V.J. Day. In any case such precedents as there were were not according to their legal advisers firm; they depended on other factors such as ability to pay. No Commonwealth representative pressed the arguments in CRO tel. No. 259.

3. The State Department had however come to the conclusion that it was best not to deal with the electricity settlement separately but to negotiate on all services together. In all these counter claims up to the present were at least as great as the Korean bills (except possibly where these bills had been artificially and fantastically inflated by the Koreans). Nevertheless the U.N.C. thought that some payment would in the end be made to the Koreans for the post-armistice period though this would in any case not exceed the £2 million odd appropriated by Congress some time ago for payment of power bills (plus possibly a small amount for bills for other services). The proportion of this falling to be paid by Commonwealth Forces would probably be less than the proportion of Commonwealth troops in the U.N.C. since it was the Americans who had used most of the power, for a base installation (see your tel. No. 2962). Counter claims would become less from now on (for example with proposed withdrawal of power barges); on the other hand U.N. Forces were being reduced in number and services would correspondingly cost less.

4. The State Department were asked how they envisaged Commonwealth representatives being associated with the negotiations. Reply was that they thought of following precedent of Japanese negotiations. When it was pointed out that this was impracticable owing to the fact that New Zealand for example was not represented in Korea the State Department promised to look again at the possibility of having an observer from the Commonwealth Division at the negotiations or a Commonwealth member of the negotiating team.

5. Representative of Defence Department present at the meeting said that he had hoped that meeting would authorise the despatch of the draft to C. in C. U.N.C. but was told by all Commonwealth representatives that they must seek instructions. I shall be grateful for these on Monday.

F.O. pass to Tokyo and saving to Seoul as my Tels. Nos. 94 and 77 respectively.

000659

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CIPHER MESSAGE

ARMY MESSAGE

(INCOMING)

CLASSIFIED

PLACE FROM	DATE & TIME
OTTAWA ONT	6 AUG 54 NFT

CONFIDENTIAL

210-73

Seen by Ambassador on Aug. 7.

Mr. Rogers/EKR

Copy sent to Lt-Col McDougall. LR.

FROM EXTERNAL OTTAWA

TO CDN EMBASSY TOKYO

NO 187 AUG 6 C O N F I D E N T I A L

YOUR TELEGRAM NO 150 OF AUGUST 5. STATUS OF FORCES IN KOREA.

PARA ONE. WE HAVE JUST LEARNED THAT UNITED STATES AUTHORITIES PROPOSE TO AUTHORIZE CINCUNC TO INFORM ROK THAT THEY WOULD BE READY TO BEGIN EARLY IN OCTOBER NEGOTIATIONS ON AN AGREEMENT FOR THE SETTLEMENT OF ROK CLAIMS AND ACCOUNTS ARISING BEFORE OR AFTER THE ARMISTICE AS A RESULT OF UN ACTION IN KOREA. AGREEMENT WOULD ALSO INCLUDE ARRANGEMENTS FOR DIVISION OF FUTURE EXPENSES. CINCUNC WOULD NEGOTIATE ON BEHALF OF ALL UN FORCES.

PARA TWO. IT WAS EMPHASIZED THAT THIS DOES NOT MEAN THAT THE UNITED STATES IS PREPARED TO DISCUSS A COMPREHENSIVE AGREEMENT ON STATUS OF FORCES. IF ROK SUGGESTS THIS CINCUNC WOULD REFER TO WASHINGTON AND WE WOULD BE KEPT FULLY INFORMED.

By Secure Means

1059/HR/071600I AUG 54

C.A.F.B. 938 (4 PARTS)
125M-4-53 (6830)
H.Q. 4554-B-338

COPY 1

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DEPARTMENT OF NATIONAL DEFENCE

MESSAGE FORM

FOR CLASSIFIED MESSAGES ONLY

c.c. Acting Cmdr., CMMFE

INDICATE DEGREE OF PRIORITY	
IMPORTANT	XX
OPERATIONAL IMMEDIATE	
PRIORITY	
ROUTINE	
IF NOT MARKED WILL BE TRANSMITTED DEFERRED	

FOR MESSAGE CENTRE USE ONLY

Bill
210-7-3

GR

MARK X TO INDICATE SECURITY CLASSIFICATION	
TOPSEC	
SECRET	
CONFID	XX
RESTD	

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

ACTION ADDRESSEE/S: EXTERNAL, OTTAWA

INFORMATION ADDRESSEE/S

ORIGINATOR'S NO. 150

STATUS OF FORCES IN KOREA.

1. MILITARY MISSION LEARNS FROM BCFK THAT BRITISH LEGATION, SEOUL, HEARD FROM AMERICAN EMBASSY THAT NEGOTIATING TEAM WOULD ARRIVE IN THE FUTURE TO NEGOTIATE STATUS OF FORCES AGREEMENT "FOR THE COUNTRIES CONCERNED". DATE OF BCFK INFORMATION ABOUT JULY 30. IS THIS INFORMATION CORRECT AND HAVE THERE BEEN ANY FURTHER DEVELOPMENTS? MAYHEW.

R.L.Rogers

Despatched
051730I

ORIGINATOR	TELEPHONE	DATE - TIME GROUP		FILE NO.
(R.L.ROGERS)		Aug. 5/54	Z	210-7-3

C.N.S. 1320JC-50M-11-48 (2994)
C.A.F.B. 1617 (4 PARTS) - 480M-8-49 (2614)
H.Q. 224-21-B-1617
R.C.A.F. S42-355M-11-48 (5736)

FILE COPY

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E.R. Rettie/hwf

CONFIDENTIAL

July 30, 1954.

NOTE FOR FILE: 210-7-13

Subject : Status of U.N. Forces in Korea.

At a meeting at the British Embassy this morning I gathered from Ledward that the U.K. Embassy had received telegrams bringing them up to date on the action taken to further the U.K. views expressed in the telegram attached to Mr. Roger's note of July 21, 1954 on this file.

The New Zealand and United Kingdom Embassy in Washington had strongly urged on the State Department the views set out in the telegram with which the New Zealand government agreed. The Canadian Embassy had apparently taken no action in line with the ideas contained in the telegram because Canada had already agreed with the United States position on these matters. The Australians had asked certain questions about the situation in regard to free provision of facilities during World War II and had been given satisfactory answers by the U.K.

In reply to the representations made, the State Department had apparently pointed out that the Koreans were unlikely to balance their budget even at the best and that the U.S. would therefore have to pay a large deficit anyway. Apart from the legal niceties of the differing positions in Korea and Japan, the Koreans would view the arguments contained in the telegram as pro-Japanese. In the interests of an eventual rapprochement between Japan and Korea the State Department was of the opinion that both countries should be treated on a basis of equality. In any event the Koreans must be convinced of at least U.S. impartiality.

E.R.R.

E. R. Rettie

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210-7-13

August 7th, 4th, 1954

UR.

HEADQUARTERS
U. S. ARMY FORCES, FAR EAST
Public Information Office

1227
29 July 1954

Immediate Release:

PRESIDENT APPROVES DEATH SENTENCE FOR U.S. SOLDIER

ZAMA—The death sentence of a U.S. Army soldier convicted of premeditated murder and assault with a deadly weapon has been approved by the President of the United States, headquarters AFFE announced today.

The soldier, Pvt. John E. Day, Jr., was convicted by a military court at headquarters, 1st Corps, on 1 October 1951, for the crimes committed in Korea on 23 December 1950.

Announcement as to place, time and method of execution will be made at a later date by General J. E. Hull, Commander in Chief, Far East and United Nations Commands.

-0-

I think he murdered two companions in a dice game.

UR.

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File 210-1-13 Mr. Vagos.

VA.

Confidential

Tokyo, July 22, 1954.

Dear Jim,

In your letter of July 21, 1954 you asked for our views on amendments proposed by the United Kingdom Embassy to the minutes of the meeting of Heads of Commonwealth Missions held at the Australian Embassy on Monday, July 5, 1954.

I note that you have amended the part of the minutes dealing with the Forces Agreement in Korea so that the word "negotiations" in the sixth line on page 2 should read "consultations". I also note that you have amended the part of the minutes dealing with criminal jurisdiction over U.N. forces in Japan so that the word "force" now reads "ask".

As for the amendments to the part of the minutes dealing with the Joint Board under Article 20 of the U.N. Forces Agreement for Japan, I agree with the views expressed by you in your letter of July 21, 1954 to Ledward of the United Kingdom Embassy. I do not see that we gain anything by attempting to tie ourselves down to a more or less rigid formula for obtaining governmental approval or making governmental views known. The requirement of early liaison is clearly expressed in the minutes and is in fact the essential thing. In addition, I would hesitate to agree to any amendments to that part of the minutes because, as I notified Ray Percival the other day, the position of the Canadian Embassy is a little different from the other Commonwealth

Mr. A.B. Jamieson,
First Secretary,
Australian Embassy,
Tokyo.

...2

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diplomatic missions concerned. We have, as you know, a Canadian representative in the Joint Board, Lieutenant-Colonel McDougall. The Canadian Embassy can therefore only participate in the weekly liaison meetings on the footing that under General Wells' terms of reference he has the right to seek our advice on his dealings with the Japanese Government or people. As a consequence I would think that if the minutes are to be amended to clarify one aspect of them I should also seek to clarify the position of the Canadian Embassy. I think that as they stand now they are not likely to lead to any embarrassment.

Yours sincerely,

E. R, RETTIE

E.R. Rettie
Second Secretary

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CONFIDENTIAL

July 21, 1954.

Circulate to: ~~The Ambassador~~
~~Mr. Rottie~~
and file.

The attached papers are copies of a telegram received by the British Embassy and setting forth the United Kingdom's arguments concerning the method of negotiating the status-of-forces agreement with Korea. Copies of the message have been given to the Department in Ottawa.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

CONFIDENTIAL

Status of United Nations Forces in Korea.

Information in my telegram under reference makes matters somewhat clearer and we feel approach to United States authorities might now be made on following lines.

2. As we understand it State Department hope to obtain from Koreans free facilities (in technical sense of land or buildings), but not free services. It appears that the services (as distinct from facilities for which United Nations Command do not pay Koreans at present) are electricity, telegraphs, telephones, water, use of roads and the like. We also understand that if a settlement were now reached by United Nations Command on electricity, bills would all be paid by Americans on behalf of United Nations Command, American settlement with non-United States contingents to be dealt with separately.

3. If State Department confirm assumptions in para. 2 we would say that we recognise that United States Government are under an obligation to negotiate with Koreans on this matter. We also acknowledge that their stake is far greater than ours. But we do not see how we could avoid setting a precedent for payment of all services if we paid now for electricity. In our view there are strong reasons for maintaining that Koreans should supply free all services and facilities to United Nations Command for which they are not paid at present.

4. During 1939-45 war all allies accepted principle that a State receiving armed assistance in war provides free facilities and services to military forces of its allies as part of its contribution to the common effort. American suggestion that all Korean claims and United Nations counter-claims up to date of armistice should be written off would appear to imply recognition of this principle. Only exceptions should be those in which there were clear understandings from beginning that payment would be made (e.g. in Korea, labour and railways. So far as we are concerned, B.C.F.K. have paid for Korean labour requirements throughout, but, in case of railways contract seems to be between Americans and Korean National Railways. B.C.F.K. needs are met by United States Army.)

5. If we now abandon principle of free facilities and services we shall be setting up a dangerous precedent for future. Americans seem to have overlooked that signature of armistice has made no difference to position of United Nations Forces, who went to Korea to help defend that country from aggression and who remain there only because aggression may be renewed.

6. Two further important considerations arise. Firstly, having regard to most unrealistic exchange rates applied to American Won (Hwan) settlement and already conceded in negotiations for B.C.F.K. currency settlement, United States and Commonwealth Governments are already paying an unreasonably heavy price for concession to Korea regarding labour. There seems no reason why they should do same for other services obtained from Koreans. Secondly, as far as we are concerned, we do not think Japanese agreement really offers valid analogy: tropps in Korea are there for defence of that country, whereas we hold bases in Japan to suit our convenience and not

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because Japanese need United Nations (Korea) Forces or want them there. We therefore hope United States Government will agree to refuse any payment for electricity in advance of a general settlement and that they will seek to secure acceptance of principle of free services as well as free facilities when negotiations begin.

7. We recognise however that United States Government may find difficulty in separating this question from many others on which they must negotiate with Koreans and that in spite of our efforts and validity of arguments in para. 3 to 6 above we may be unable to sway State Department. If in such circumstances we were to press our case too far there might arise danger that it would lead Americans to go ahead without us in status of forces negotiations as a whole, in which case there might be repetition of Japan situation to our disadvantage.

8. If, therefore, it proves impossible to persuade State Department to do as we would like, we recognise that we have no alternative but to agree to American proposals on electricity and on financial matters generally. But in these circumstances we consider we should at any rate urge them strongly:

(a) To take account of all counter claims wherever they exist, and not only in case of electricity;

(b) To conduct negotiations for a United Nations agreement on behalf of all the 16 interested nations, on basis that the United States authorities would handle all financial transactions, leaving American settlement with non-United States contingents to be dealt with separately.

(c) To keep Commonwealth representatives in close touch and consultation throughout negotiations.

9. (Ottawa, Canberra, Wellington). Please inform Commonwealth authorities and ask if they have any comments. If they agree generally with above, we hope they will instruct their representatives in Washington to concert approach to State Department urgently with United Kingdom Ambassador.

10. Canadian, Australian and New Zealand High Commissioners in London informed.

SOSFA.

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CONFIDENTIAL

Status of United Nations Forces in Korea.

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2. As we understand it State Department hope to obtain from Koreans free facilities (in technical sense of land or buildings), but not free services. It appears that the services (as distinct from facilities for which United Nations Command do not pay Koreans at present) are electricity, telegraphs, telephones, water, use of roads and the like. We also understand that if a settlement were now reached by United Nations Command on electricity, bills would all be paid by Americans on behalf of United Nations Command, American settlement with non-United States contingents to be dealt with separately.

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6. Two further important considerations arise. Firstly, having regard to most unrealistic exchange rates applied to American Won (Hwan) settlement and already conceded in negotiations for B.C.F.K. currency settlement, United States and Commonwealth Governments are already paying an unreasonably heavy price for concession to Korea regarding labour. There seems no reason why they should do same for other services obtained from Koreans. Secondly, as far as we are concerned, we do not think Japanese agreement really offers valid analogy: troops in Korea are there for defence of that country, whereas we hold bases in Japan to suit our convenience and not

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because Japanese need United Nations (Korea) Forces or want them there. We therefore hope United States Government will agree to refuse any payment for electricity in advance of a general settlement and that they will seek to secure acceptance of principle of free services as well as free facilities when negotiations begin.

7. We recognise however that United States Government may find difficulty in separating this question from many others on which they must negotiate with Koreans and that in spite of our efforts and validity of arguments in para. 5 to 6 above we may be unable to sway State Department. If in such circumstances we were to press our case too far there might arise danger that it would lead Americans to go ahead without us in status of forces negotiations as a whole, in which case there might be repetition of Japan situation to our disadvantage.

8. If, therefore, it proves impossible to persuade State Department to do as we would like, we recognise that we have no alternative but to agree to American proposals on electricity and on financial matters generally. But in these circumstances we consider we should at any rate urge them strongly:

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(b) To conduct negotiations for a United Nations agreement on behalf of all the 16 interested nations, on basis that the United States authorities would handle all financial transactions, leaving American settlement with non-United States contingents to be dealt with separately.

(c) To keep Commonwealth representatives in close touch and consultation throughout negotiations.

9. (Ottawa, Canberra, Wellington). Please inform Commonwealth authorities and ask if they have any comments. If they agree generally with above, we hope they will instruct their representatives in Washington to concert approach to State Department urgently with United Kingdom Ambassador.

10. Canadian, Australian and New Zealand High Commissioners in London informed.

FOFA.

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R.L.Rogers/rjr

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (FILE COPY)

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference:

Subject: Status of Forces in Korea: Electricity Charges

Security: CONFIDENTIAL

No: 728

Date: July 7, 1954

Enclosures: One

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.	

References

Internal Circulation

Distribution to Posts

We enclose for your information one copy of a confidential memorandum, 601/1/8, dated June 25, 1954, prepared by Lieutenant-Colonel L.D. King, OBE, ED, the Commander, British Commonwealth Sub-Area, Tokyo, concerning a conversation which he had with an officer at Headquarters, United Nations Command, on the subject of payment for electricity consumed in Korea by forces operating under the United Nations Command. You will notice from this memorandum that the British authorities had asked that negotiations be deferred in order that they might be made part of the over-all negotiations for an agreement on the status of U.N. forces in Korea, but that the U.S. authorities thought that there would be no need to make any payment to Korea, because the U.N. forces had put more power into the grid than they had drawn out. We are now informed that Headquarters, United Nations Command, has once more recommended to the U.S. Department of the Army that the electricity account be settled by an exchange of claims. The U.S. military have asked the British Embassy, through Lt-Col. King, to have the position explained to the British Embassy in Washington, in order that negotiations with the Koreans may be authorized.

2. In view of the fact that there is unlikely to be any prospect of money being transferred to the Korean government as a result of negotiations over the electricity account, there does not seem to be any sound reason for delaying settlement.

R. L. ROGERS

The Embassy.

Ext. 182B (Rev. 2/52)

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R.L.ROGERS/NAW

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (FILE COPY)

DESPATCH

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN AMBASSADOR, TOKYO, JAPAN

Reference:

Subject: United Nations Status of Forces Agreement for Korea

Security: CONFIDENTIAL

No: 732

Date: July 6, 1954

Enclosures: One (three copies)

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.

References

Internal Circulation

Distribution to Posts

Yesterday, July 5, I attended a meeting of heads of Commonwealth missions in Tokyo called by the Australian Ambassador, as the senior Commonwealth Ambassador, to hold discussions with General Wells, the Commander, BCFK, on the subject of United Nations Status of Forces Agreement for Korea and on other subjects.

2. Dr. Walker opened the discussion on Status of Forces in Korea by stating that there was every indication that the Government of South Korea wanted an agreement and every indication that the State Department intended to meet Korean wishes. Dr. Walker understood that the question of consultation between the United States Government and the Commonwealth Governments concerned was still under discussion, both in regard to the means of consultation and the site of consultation, but that no firm decisions had been taken. He recalled that there was also considerable doubt about the amount of Commonwealth political advice on Korean matters which would be available because only the United Kingdom and Australia among Commonwealth countries have diplomatic personnel in Korea. He said that the Australian Embassy had not had any recent news on these matters and, so far as United States thinking went, nothing later than the latest United States information available to the British Embassy. This latest British Embassy information, I assume, is telegram 1247 of June 22 from Washington to Foreign Office. Three copies are attached.

3. The British Charge d'Affaires, Mr. Brain, agreed with Dr. Walker's summary but said that he had heard a disquieting rumour to the effect that the Americans wanted the site of negotiations to be Taegu where the rear headquarters of the United States Forces were established. (Probably the best communications arrangements in Korea are at Taegu but it should be noted that they are all under the control of the United Nations Command, i.e. the United States Armed Forces.) Mr. Brain and General Wells were not in favour of Taegu as a site for negotiations because there is no Commonwealth diplomatic or military representation there. Mr. Brain also said he had heard that the State Department was considering the bearing on this proposed agreement of the Mutual Security Treaty between the United States and South Korea. He gathered that this meant

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consideration of the possibility of separate agreements, one for the United States Forces and one for the rest of us. Mr. Brain wondered, therefore, whether Commonwealth heads of missions in Tokyo ought to join in a reiteration of the view that, on the basis of experience in Japan, there should be only one agreement. After some discussion, the idea was accepted that there should be no joint view transmitted because this idea had been put forward so often before. Instead individual heads of missions could make what representations they thought proper on this score.

4. More than once General Wells made known his anxiety about the lack of political advisers in Korea in the event that the agreement was to be negotiated there. He said he assumed that, until advised to the contrary, he would have to rely on the British Minister, Mr. Graham, and the Australian UNCURK representative, Mr. Loveday. When he asked about New Zealand political advice, he was told that the New Zealand Charge d'Affaires intended to take this question up with his government as soon as there was a reasonable prospect that the negotiations were about to take place. Concerning Canadian political advice, mention was made of Mr. Scott's successor. I am not sure about my colleagues but I was left in some doubt about General Wells's question because it seemed to be based on the premise that he would be negotiating the agreement with either the Korean Government or the United States Government. I would assume that it would not be the intention of the Canadian Government to have an intergovernmental agreement of this nature negotiated by anybody except diplomatic representatives. Perhaps, however, you have some information which would make General Wells's references more clear.

5. Nobody had any definite information about a possible starting date for the negotiations. However, Mr. Brain said that the British Embassy had heard that the State Department was going to go ahead very quickly and send a negotiating team out to Korea in July. We have had no word to this effect from sources in Tokyo and wonder whether you have any information in Ottawa.

6. I shall be grateful for any information you may have on the subject of negotiations looking towards a Status of Forces Agreement for Korea, especially if the Embassy will be required to become involved directly. In view of the presence of General Wells in Tokyo, it would seem likely that a certain amount of involvement is inescapable, at any rate until the negotiations are successfully launched. I shall be particularly grateful for any information concerning the method by which the negotiations are expected to be carried out.

ORIGINAL SIGNED BY
R. W. MAYHEW

AMBASSADOR.

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CONFIDENTIAL

Following received from Washington begins:

Addressed to F.O. tel. No. 1247 of June 22 repeated for information to Tokyo and Saving to Seoul.

My immediately preceding telegram. Korea: Status of Forces.

Meeting was informed that the United States Ambassador in Korea had recommended that negotiations with the Koreans be opened soon on all points including jurisdiction. Briggs considered that

(a) Pyun's return from Geneva meant an early approach by the Koreans anyhow (State Department agreed) and

(b) the chances of a satisfactory settlement on jurisdiction would steadily become less.

Since the Koreans would never settle for anything less favourable than the Japanese model, the only hope was to agree with this in principle but seek agreement that the coming into effect of such provisions would be delayed while there was still a state of war. (In addition a review at the end of say one year might be promised). The more apparent it became in the course of time that the armistice was likely to be semi-permanent, the less chance there was of the Koreans accepting this solution.

2. The State Department still hope, however, to avoid for as long as possible negotiating on jurisdiction. They are considering whether to seek an agreement covering all financial points (apart from Hwan advances) as follows:

(a) All Korean claims and United Nations Command counter claims (which are considerable) concerning the period before the Armistice would be written off. For administrative convenience the key date might be August 1, 1953 rather than July 27.

(b) For the period since the Armistice, arrangements should follow broadly the Japanese precedent. The Koreans would provide free, all "facilities" (in the technical sense of land or building), and the United Nations forces would pay for all other services.

3. The State Department believe that the United Nations Forces already pay for all services except "facilities" electricity (see my immediately preceding telegram) and possibly certain transport services. So (b) above would cost little, if anything.

4. The State Department think most of the facilities in use are Government owned. But they would hope to avoid distinguishing between Government and private property so that the Koreans would provide all free.

5. The State Department have not reached a final decision and request your comments.

F.O. pass to Tokyo and Saving to Seoul as my tels. Nos. 68 and 66 respectively.

Pass to Seoul as my tel 30 Saving of June 23.

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Document divulgué en vertu de la Loi sur l'accès à l'information

E.R. Rettie/pwf

CONFIDENTIAL

July 5, 1954.

MEMORANDUM FOR FILE 210-7-13 (through Mr. Rogers)

Subject: Commonwealth Meeting of July 5, 1954 - U.N. Forces Agreement for Korea.

I attended with the Ambassador a meeting for Heads of Commonwealth Missions in Tokyo with General Wells. One of the two items discussed related to the U.N. Forces Agreement for Korea.

2. Dr. Walker opened the discussion on this item by stating that there was every indication that the R.O.K. wanted an agreement and every indication that the State Department was going to meet the Korean wishes. He understood that the question of consultation ~~by~~ between the U.S. Government and the Commonwealth Governments concerned was still being discussed both in regard to the means and the site of consultation but that no firm decisions had been taken. He recalled that there was also considerable doubt about the amount of Commonwealth political advice on Korean matters that would be available since only the U.K. and Australia have diplomatic personnel in the country. He said that the Australian Embassy had not had any recent news on these matters and, so far as American thinking went, nothing later than the latest British Embassy information. (I assume that this refers to Telegram No. 1247 of June 22 from the British Embassy, Washington, to the Foreign Office). Mr. Brain agreed with Dr. Walker's summary but said they had heard a disquieting rumour that the Americans wanted the site of the negotiations to be Taegu where the real headquarters of the American forces (with probably the best communications set up in Korea) was established. He and General Wells took a dim view of Taegu because there was no Commonwealth diplomatic or military post there. Brain also said he had heard that the State Department was considering the bearing on this proposed agreement of the Mutual Security Treaty between the U.S. and the R.O.K.; he gathered that this meant consideration of the possibility of separate forces agreements, one for the U.S. and one for the rest. Brain wondered therefore whether Commonwealth Heads of Mission in Tokyo ought to join in a reiteration of the view that on the basis of the experience in Japan there should be only one agreement. After some discussion it was agreed eventually that there should be no joint

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view transmitted but that individual Heads of Mission could say what they liked to governments on this score.(I think General Wells would have liked a joint statement).

3. General Wells made known his anxiety about lack of political advisers in Korea in the event that the Forces Agreement was negotiated there. He said he assumed that, until advised to the contrary, he would have to rely on the British Minister, Mr. Graham, and the Australian UNCURK representative, Mr. Loveday. He asked about New Zealand and Canadian political advice and was told that the New Zealand Legation intended to take this question up with Wellington as soon as there was a reasonable prospect that the negotiations were about to take place; and that Mr. Scott's successor would provide Canadian assistance. General Wells talked as though he would be negotiating the agreement with R.O.K.

4. There was no definite information provided by anyone present about when the proposed negotiations might start. However, Mr. Brain said that the British Embassy had heard that the State Department was going to go ahead very quickly and send a negotiating team out to Korea in July. There was fairly general anxiety expressed that if the American team started negotiations in Korea in the near future, there might be requests to Heads of Commonwealth Missions in Tokyo to provide bodies who had had experience of the Forces Agreement negotiations with Japan.

5. I do not recall seeing anything about Taegu as the site of the negotiations nor about the imminent arrival of an American negotiating team. However, the rest of the information brought out at the meeting seems to be the same as what we had previously received.

E.R. Rettie

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Canadian Embassy / Ambassade du Canada
JUL 14 1954
TOKYO - TOKYO

This copy to file 210-7-13.
File
July 14th, 1954
M.

Mr. Le Gros for disposal (copy already sent to 3760-5)
(copy marked Glos Ambassador to see.)

CONFIDENTIAL.

MEETING OF HEADS OF COMMONWEALTH MISSIONS

HELD AT THE AUSTRALIAN EMBASSY ON

MONDAY, 5TH JULY, 1954.

JUL 14 1954

PRESENT :

Australian Ambassador
Canadian Ambassador
British Chargé d'Affaires
New Zealand Chargé d'Affaires
Commander-in-Chief, B.C.F.K.

Mr. A.B. Jamieson, Australian Embassy
Mr. R.T.D. Ledward, British Embassy
Mr. E.R. Rettie, Canadian Embassy
Lt. Col. L.D. King, B.C.F.K.
Mr. R.H. Ellingworth, British Embassy
Mr. R.J. Percival, Australian Embassy.

JOINT BOARD :

The meeting discussed the question of liaison between military representatives on the Joint Board and diplomatic representatives of the Commonwealth missions. It was agreed that in order to ensure that diplomatic missions would be kept as closely informed as possible of items under consideration by or coming before the Joint Board or its sub-committees, the present arrangements for liaison between B.C.F.K. and diplomatic missions should be supplemented by regular weekly meetings between the B.C.F.K. liaison officer and representatives of the four Commonwealth diplomatic missions concerned. At the weekly meetings the B.C.F.K. liaison officer would brief diplomatic representatives on items under discussion in the Joint Board and its various Sub-committees and also furnish copies of the agenda of forthcoming Joint Board and Sub-committee meetings. It was felt that this arrangement should provide the diplomatic missions with an opportunity to indicate items which were considered of special interest or importance to Governments and allow them to obtain an expression of their governments' views on such items before tentative agreement was reached with the Japanese. The Commander-in-Chief B.C.F.K. explained that as far as certain purely routine administrative matters were concerned his responsibility was quite clear, and it was within his province to have action taken on a lower level without prior consultation.

AGREEMENT ON THE STATUS OF U.N. FORCES IN KOREA :

The meeting discussed recent developments in the proposed negotiation of an Agreement with the Republic of Korea on the Status of United Nations Forces in Korea and noted there was every indication that the R.O.K. Government was anxious to commence negotiations for such an Agreement as soon as possible and also every indication that the U.S. was moving closer towards opening negotiations. The meeting noted that there were still many unresolved problems associated with the negotiation of an agreement, e.g. the location of negotiations, whether it would be a single joint agreement covering both U.S. and U.N. Forces, and whether Washington or Tokyo would be the centre for consultation between the U.S. and Commonwealth countries concerned.

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It was felt that for the time being there was little that missions in Tokyo could do unless it was to ensure that their Governments were fully apprised of the disadvantages of separate U.S. and U.N. Agreements with Korea and the objections it could be anticipated the ROK Government would raise to any proposal that negotiations should be conducted in Japan. The Commander-in-Chief of B.C.F.K. mentioned that if negotiations were conducted in Seoul (as seemed likely) he would be faced with the problem of arranging for B.C.F.K. to obtain diplomatic advice on behalf of the Canadian and New Zealand Governments, since neither of these Governments at present had political representation in Korea.

CRIMINAL JURISDICTION OVER U.N. FORCES IN JAPAN :

The Commander-in-Chief of B.C.F.K. informed the meeting that the Criminal Jurisdiction Agreement with Japan was working very smoothly and up to the present no real difficulties had been experienced in its implementation. The only matter of concern was a growing tendency on the part of the Japanese police in Kure - Hiro area to force arrested servicemen to pay heavier compensation for alleged damages than it was felt was reasonably warranted.

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Rec'd from Australian Embassy on Aug. 17/54 under Compliments slip. E.K.L.

Copy for 210-7-13
Copy on 360-5.
File
E.K.L.

CONFIDENTIAL.

Correction to Record of Meeting of Heads of Commonwealth Missions Held at the Australian Embassy on Monday 5th July 1954.

(a) Agreement on the Status of U.N. Forces in Korea :

In the first sentence on page 2 of the Record, after the words "any proposal that negotiations should be conducted in Japan" to read "any proposal that consultations should be held in Japan".

(b) Criminal Jurisdiction over U.N. Forces in Japan :

In the last sentence alter the words "to force arrested servicemen" to read "to ask arrested servicemen".

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Document divulgué en vertu de la Loi sur l'accès à l'information

This copy for 20-7-13.

2 1954

CONFIDENTIAL

Memorandum for the Ambassador

Status of U.N. Forces in Japan & Korea.

July 5th, 1954

Dr. Walker as the senior Commonwealth head of mission has asked for a meeting of the several heads with General Wells at 9:30 Monday, July 5 at the Australian Embassy. He proposed that the main point of discussion might be the arrangements for Commonwealth representation on the Joint Board under the U.N. Forces Agreement for Japan. I informed other Commonwealth missions that we had not yet received a reply to our latest request to Ottawa for complete instructions (including terms of reference for the Canadian Government representative) on this subject and that I thought a meeting now would not be fruitful. The Australian Embassy points out however that to fit in with General Wells's plans, the meeting should proceed with the discussion of two other matters:

(a) arrangements for consultation between BCFK and Commonwealth diplomatic missions in Tokyo about matters being discussed with the Japanese under the U.N. Forces Agreement for Japan: there has been a lack of coordination and liaison over two things already, the new labour contract signed on June 29; and the detailed decisions on criminal jurisdiction. In essence the BCFK officers who dealt with these matters took no account either of the need for clearing policy with all Commonwealth Governments or of allowing diplomatic missions or governments time to consider draft agreements with the Japanese; and,

(b) status of U.N. Forces in Korea: the British Embassy would like to bring up the latest developments for discussion in order to keep everyone informed and to elicit any information available from other Commonwealth missions. I will mention this to Mr. Rogers who has been dealing with the papers since Mr. Scott left.

Would you please let me know whether you would like to attend or have a representative go?

Original Signed by
L. R. RETTIE

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2425

CONFIDENTIAL

Please return with file 210-7-13. UR July 1st, 1954

601/1/8 D033

1 Jul 54

WITH THE COMPLIMENTS

OF

LT COL L. D. KING

BRITISH COMMONWEALTH FORCES

E.M. Rettie Esq.,
Canadian Embassy,
TOKYO.

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

From : Lt Col L. D. King, OBE, ED, RAA.

CONFIDENTIAL
DO-33/601/1/8

Headquarters,
British Commonwealth Sub Area, TOKYO.
British Army Post Office No 5.

Quote in reply : 2426

1 Jul 54

I refer to my memo 2379 of 26 Jun 54 regarding electricity charges in Korea.

Col Riley informed me this morning that UN Command would signal DEPTAR today and request permission to "settle" the electricity bills along the lines of para 6 of my "Notes on Discussions of 24 Jun 54."

UN Command thought it might assist an early decision in Washington if the British Embassy there could be informed, through you, of the proposed method of "settlement".

I am passing copies of this memo to Messrs. Jamieson, Rettie and Miller.

Mr. R.T.D. Ledward,
British Embassy,
Tokyo.

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CONFIDENTIAL

2379

601/1/8 File June 29th, 1954

28 Jun 54.

WITH THE COMPLIMENTS

OF

LT COL L. D. KING

BRITISH COMMONWEALTH FORCES

Seen by E.R.

E. M. Rettie Esq.,
Canadian Embassy,
TOKYO.

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From: Lt Col L. D. KING, OBE, ED, RAA

CONFIDENTIAL

(DO-30)601/1/8

HEADQUARTERS
British Commonwealth Sub Area, TOKYO.
British Army Post Office No 5.

Quote in reply : 2379

26 Jun 54.

I refer to my memo 2309 of 23 Jun 54 regarding electricity charges in KOREA and now enclose two copies of notes on discussions held on this subject at HQ United Nations Command on 24 Jun 54.

I am passing copies of this memo (and enclosures) to Messrs. Jamieson, Rettie and Miller.

Mr. R. T. D. Ledward,
British Embassy,
TOKYO.

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CONFIDENTIAL

601/1/8

ELECTRICITY CHARGES - KOREA

NOTES ON DISCUSSIONS AT HQ, UNC, 24 JUN 54

1. Reference is made to British Embassy, WASHINGTON memo 1193/1/65/54 dated 5 Jun 54 on the above subject.

2. On 24 Jun 54, Lt Col RILEY (HQ UNC, J-4 Div) informed the writer that Dept of Army WASHINGTON (DEPTAR) had instructed UNC to withhold action temporarily on the question of settling ROK claims for electricity. DEPTAR action was understood to result from a request by British authorities in WASHINGTON.

3. Col RILEY asked if BCFK "had established any position with the ROK's regarding electricity accounts" either by paying bills or otherwise. I told Col RILEY that, to date, BCFK had not been presented with any accounts for electricity but that if accounts were presented in the future BCFK would neither pay them nor reject them without prior consultation with the UN command concerned.

4. Col RILEY wondered why the British authorities in WASHINGTON had sought to delay a settlement in this matter. I told him that, as a result of experience in negotiating the UN-JAPAN Agreement, we could see the danger in dealing piecemeal with questions of this kind. Payment of the electricity bill could set a precedent for payment for other services provided by the ROK. It would also remove electricity charges from the field of bargaining if and when full scale negotiations opened on the status of UN Forces in KOREA.

5. Considerable discussion followed, out of which it became fairly clear that UNC had sought DEPTAR approval to pay the electricity bills, subject to check as to their correctness. Funds had been allocated by DEPTAR but to date the actual payment had not been made to the ROK.

6. Apparently UNC have now collated facts and figures which show that UN generating plants in KOREA put more power into the ROK electricity system than is taken out of that system by UN Forces. Col RILEY said that there was, therefore, a sizeable credit in favour of UNC. Instead of "paying" the ROK electricity bill it was UNC present thinking to "settle" the bill by negotiations at low level. A UNC counter claim would be presented to the ROK authorities with the idea of completely wiping out the ROK claim and at the same time stopping the annoying agitation for settlement of this account.

7. As soon as UNC firm their ideas on how this electricity account should be settled, the details will be advised to DEPTAR for concurrence prior to opening discussions with the ROK authorities. Col RILEY undertook to let me know at the same time and I will circulate the details to the recipients of these notes.

L.D. King

(L.D. KING) Lt Col.

TOKYO

25 Jun 54.

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CONFIDENTIAL

Mr. Reid to see before filing.
L.R.

Following received from Washington begins: June 28th, 1954

Addressed to F.O. tel. No. 1247 of June 22 repeated for information to Tokyo and Saving to Seoul.

My immediately preceding telegram. Korea: Status of Forces.

Meeting was informed that the United States Ambassador in Korea had recommended that negotiations with the Koreans be opened soon on all points including jurisdiction. Briggs considered that

(a) Pyun's return from Geneva meant an early approach by the Koreans anyhow (State Department agreed) and

(b) the chances of a satisfactory settlement on jurisdiction would steadily become less.

Since the Koreans would never settle for anything less favourable than the Japanese model, the only hope was to agree with this in principle but seek agreement that the coming into effect of such provisions would be delayed while there was still a state of war. (In addition a review at the end of say one year might be promised). The more apparent it became in the course of time that the armistice was likely to be semi-permanent, the less chance there was of the Koreans accepting this solution.

2. The State Department still hope, however, to avoid for as long as possible negotiating on jurisdiction. They are considering whether to seek an agreement covering all financial points (apart from Hwan advances) as follows:

(a) All Korean claims and United Nations Command counter claims (which are considerable) concerning the period before the Armistice would be written off. For administrative convenience the key date might be August 1, 1953 rather than July 27.

(b) For the period since the Armistice, arrangements should follow broadly the Japanese precedent. The Koreans would provide free, all "facilities" (in the technical sense of land or building), and the United Nations forces would pay for all other services.

3. The State Department believe that the United Nations Forces already pay for all services except "facilities" electricity (see my immediately preceding telegram) and possibly certain transport services. So (b) above would cost little, if anything.

4. The State Department think most of the facilities in use are Government owned. But they would hope to avoid distinguishing between Government and private property so that the Koreans would provide all free.

5. The State Department have not reached a final decision and request your comments.

F.O. pass to Tokyo and Saving to Seoul as my tels. Nos. 68 and 66 respectively.

Pass to Seoul as my tel. 30 Saving of June 23.

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: THE [redacted]ER-SECRETARY OF STATE FOR E[redacted]RNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference:

Subject: Status of Forces in Korea

Security: RESTRICTED

No: Korea 263

Date: June 11, 1954

Enclosures: None

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.	

References

You may or may not know that a Canadian soldier of the 25th Canadian Infantry Brigade was court-martialled last week for an incident involving the death of a Korean in a traffic mishap. Colonel Crowe, Canadian deputy advocate-general, told me this by way of gossip as we went to Korea together, he for the court martial. He did not at that time think the Korean Government had shown any interest. He was expecting, on general principles, in due course, claims for compensation.

2. Brigadier Norton, who presided at the court-martial tells me that confused evidence and a totally untidy situation resulted in an acquittal. No Korean officials were present and the Korean authorities displayed no interest. There were Korean witnesses.

3. This desk is not a regular channel for information of this sort. We hear of it only as gossip.

S. MORLEY SCOTT

S. Morley Scott.

Internal Circulation

Mr. Rettie

Distribution to Posts

Ext. 182B (Rev. 2/52)

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TRANSMITTAL SLIP

TO: The Canadian Embassy,
Tokyo, Japan.

FROM: The Acting Under-Secretary of State for External Affairs, Ottawa.

Security: CONFIDENTIAL

Date: June 1, 1954.

Air or Surface: Air Bag

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: D.L.(1)/P.A.Beaulieu/HF

Copies	Description	Also referred to:
1	Letter No. 944 dated May 27, 1954 from Washington Re: Status of ~~United Nations~~ Forces in Korea.	London ~~Tokyo~~

R.R. MacDONALD LIEUT.-COL. A.A.G. MILITARY CANADIAN MISSION EAST FAR

JUN 11 1954

Canadian Embassy - Ambassade du Canada
JUN 7 1954
TOKYO - JAPAN

210-7-13

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, WASHINGTON, D.C.

Reference: Your Letter D-646 of May 21, 1954.

Subject: Status of United Nations Forces in Korea.

Security: CONFIDENTIAL

No: 944

Date: May 27, 1954.

Enclosures:

Air or Surface Mail:

Post File No:

Ottawa File No.

Canadian Embassy - Ambassade du Canada - TOKYO - JUN 7 1954

When talking today with McClurkin at the State Department we referred to the status of U.N. forces in Korea. We took the occasion to reiterate that the Canadian authorities still have a strong preference for one single agreement and would wish to be consulted before the United States authorities reached a final decision on this question.

(Sgd.) P.G.R. Campbell

The Embassy

References

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Ext. 182C (Rev. 2 /52)

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: [redacted] Canadian Embassy,
Tokyo, Japan

FROM: The Acting Under-Secretary of State
for External Affairs, Ottawa.

The documents described below are for your information.

Despatching Authority D.L.(1)/P.A. Beaulieu/HF

Security CONFIDENTIAL

Date May 26, 1954.

Air or Surface

No. of enclosures 1

210-7-13

Copies	Description	Also referred to:
1	Letter No. D-646 dated May 21, 1954 to Washington. Re: Status of U.N. Forces in Korea	London ~~Tokyo~~ ~~Mr. Scott~~ UR. May 31st, 1954

Canadian Embassy - Ambassade du Canada - TOKYO - MAY 31 1954

000691

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Defence Liaison (1) / P.A.Beaudry/hf

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (DUPLICATE)

NUMBERED LETTER

TO: THE CANADIAN EMBASSY, WASHINGTON, D.C.

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference:

Subject: My Letter No. D-391 of March 25, 1954: Status of U.N. Forces in Korea.

Security: CONFIDENTIAL

No: D-

Date: 6.4.b May 21, 1954.

Enclosures:

Air or Surface Mail:

Post File No:

Ottawa File No.	
50069-M-40	

Canadian Embassy - Ambassade du Canada - TOKYO - Japan
MAY 31 1954

References

Internal Circulation

Distribution to Posts

We have now received comments from the Deputy Minister of National Defence on the memorandum enclosed with my Letter No. D-391. From his letter dated May 7, 1954, we quote the following paragraphs:

"My view is that we should try to continue the present status of our forces in Korea as long as possible. Any agreement we may conclude with Korea would not place the U.N. Forces in a more favourable position than they enjoy at present and it is doubtful whether the Republic of Korea could effectively implement such an agreement under its existing law.

"On the other hand, the Commonwealth Forces in Korea do not wish to be placed in the invidious position in which they found themselves with regard to Japan and it is most desirable that the United States do not proceed unilaterally in negotiating an agreement with the Republic of Korea. A single agreement providing for equal treatment for all U.N. Forces in Korea would be the most satisfactory solution.

"In view of these considerations we think it most important that no action should be taken which may have the result of initiating negotiations leading to the conclusion of an agreement between the U.N. Forces and Korea. If, however, there appears to be no possibility of avoiding the initiation of such negotiations we agree that it will be necessary to obviate the danger of the United States proceeding unilaterally."

2. From your Letter No. 823 of May 12, 1954, it appears that the views expressed by the Deputy Minister of National Defence that we should try to continue the present status of United Nations forces in Korea as long as possible, are in agreement with the views of the State Department.

3. You will note that the Deputy Minister of National Defence shares the views set forth in our memorandum that a single agreement providing for equal treatment for all United Nations forces in Korea would

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be the most satisfactory solution. We note in paragraph 5 of your Letter No. 823 that the United States Administration has not yet decided whether it would prefer one agreement for all United Nations forces or two agreements (one for United States forces and another for other United Nations forces). While our position on this point has been made clear to the State Department on a few occasions, it may serve a useful purpose to remind unofficially State Department officials responsible for this matter that the Canadian authorities still have a strong preference for one single agreement and expect to be consulted before the United States authorities reach a final decision on this question.

BENJAMIN ROGERS

FOR THE

Acting Under-Secretary of State
for External Affairs

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (FILE COPY)

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference: Our Letter 193 of April 13

Subject: Status of Forces in Korea.

Security: CONFIDENTIAL

No: Korea 479

Date: May 20, 1954

Enclosures: None

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.	

References

In paragraph 5 of my letter under reference I said that Brigadier Lawson, Canadian Judge Advocate General, had asked me whether I knew anything about the probable method of settlement of claims made by private Korean citizens against United Nations Command Forces in respect of damage to requisitioned property and such matters. I added that I did not think this fell within the scope of my inquiries. However, Lt. D.G. Sherlock, AJAG, has kindly handled me a memorandum of 21 April on this subject, a copy of which I enclose.

S. Morley Scott.

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CMMFE5-0-6

CANADIAN MILITARY MISSION
FAR EAST

TOKYO, Japan.

21 April, 1954.

Mr. S. Morley Scott,
Minister-Counsellor,
Canadian Embassy,
TOKYO, Japan.

Claims by Korean Nationals

1 The following information concerning the above mentioned matter was taken from a report by Captain J.F. MacIsaac who is the A.J.A.G. in Korea.

2 Recently he discussed the situation with BCFK Claims and Hiring people in Seoul. Apparently the only claims foreseeable are motor accident ones and damage to requisitioned property. The procedure followed is this; claimant submits his claim directly to Claims and Hiring at Seoul who record it, keeping Canadian matters on a separate file at that office and then refer the claimant to the Korean Ministry of Defence. The military police or special investigation branch investigate every service accident involving a Korean national and they send a copy of their report to the Claims and Hiring office who verify the amount of the claim by personal investigation and then file it away. These reports are in sufficient detail for the proper authorities to reach a conclusion as to liability as they contain statements of witnesses, diagrams, statement as to whether or not the person involved was on duty at the time of the accident, a copy of the work ticket, etc.

3 Search of the record shows that only four claims have been submitted since April, 1953, and none of these were accidents in which Canadian vehicles were involved. No ex gratia payments have ever been made or have been recommended to be made by the Claims and Hiring office in Seoul. Only eight cases involving Canadian vehicles or Canadian personnel which could result in a possible claim by a Korean nationals are on record. All of these were traffic accidents where Koreans or Korean vehicles were injured and no claims are anticipated in these cases.

D. Sherlock.

(D.G. Sherlock) Lieutenant
A.J.A.G. R.C.N.

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9/7 Accidents — Claimant (K) Reno – file. Hiring of BCFK

6/7 Coverage by Ray Roy Letter of C+H to K. Wants to know

C+H notify S / B who

[illegible] - reply to C+H.

or C+H requires new

hiring and file.

since Apr 5.3 = hiring Claims No extra quotes made re

submitted to BCFK rec.

8 further inquiry Cons Smith

re claim to be submitted, he

not charged

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

May 20, 1954.
S E C R E T

[redacted] Col Mulligan ad

NOTE FOR FILE

Status of Canadian Forces

Mr. Rettie showed me today a document originally received in July 1953 in External Letter D.444 of July 13, 1953, apparently revised by External Letter D.374 of May 13, 1954. This material is filed on 360-5. It consists of summary statements of the present and anticipated status of forces in Japan, Korea, Germany, France, United Kingdom and other matters. There is no indication when the revisions were made but, as far as Korea is concerned, they seem to be fairly recent.

2. The Korean statement says that there have been no formal agreements between the Unified Command or contributing U.N. member countries and the Republic of Korea and therefore the legal status of the U.N. Forces in Korea is that determined by existing law and such international law as will be deemed to have a clue by this unprecedented type of international action or more probably as will be fixed on official agreements between ROK and all parties concerned.

If Noted
RBRyan

(R.B. McDOUGALL) LT COL
A A G
CANADIAN MILITARY MISSION
FAR EAST

APR 21 1954

3. As to criminal jurisdiction, Canadian forces exercised the right to police their own areas and have exclusive criminal jurisdiction over their own troops. Korean civic jurisdiction is not exercised over U.N. Forces.

4. The memorandum contains short sections on accommodation, finance and Commonwealth relations.

5. I should not wonder if this memorandum was revised subsequent to Brigadier Lawson's return to Ottawa from Japan.

S.M.S.

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: The Canadian Embassy,
Tokyo, Japan

FROM: The Acting Under-Secretary of State
for External Affairs, Ottawa

Security...CONFIDENTIAL.....

Date.....May 17, 1954.....

Air or Surface.....

No. of enclosures....1.....

The documents described below are for your information.

210-7-13

Despatching Authority.....D.L.(1)/P.A. Beaulieu/HF.....

Copies	Description	Also referred to:
1	Letter No. 823 dated May 12, 1954 from Washington Re: Status of U.N. Forces in Korea	~~Tokyo~~ London

Mr Rettie Edd. and file

Canadian Embassy - Ambassade du Canada - TOKYO - MAY 21 1954

000700

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, WASHINGTON, D.C.

Reference:

Subject: Status of U.N. Forces in Korea.

Security: CONFIDENTIAL

No: 823

Date: May 12, 1954.

Enclosures:

Air or Surface Mail:

Post File No:

Ottawa File No.

Canadian Embassy - Ambassade du Canada - TOKYO - MAY 21 1954

References

Internal Circulation

Distribution to Posts

Australian, British, Canadian and New Zealand Embassy officials held an informal meeting with McClurkin yesterday in order to have a general discussion on the status of U.N. forces in Korea. The meeting was held at the initiative of the Commonwealth Embassies in order to demonstrate our continued close interest in this subject.

2. McClurkin repeated the information contained in our Letter No. 797 of May 6. He said that despite a reluctance to move ahead with formal negotiations with the Koreans, he realized that it would be advantageous for the U.N. side to have its position prepared, so as to be ready if the Korean Government should press for an agreement. He explained that the reason why this had not been done so far was that the Geneva Conference took so much of the time of various officers both in the State Department and the Pentagon who would be concerned with the drafts. He said that he would, in conjunction with the Pentagon, try to produce a United States draft soon, which could be used as a basis for consultation with Commonwealth governments. He added that the State Department did not like much that was in the draft which had been produced by the U.N.C. and sent to the Pentagon and that this would have to be modified considerably.

3. McClurkin said that the American Embassy in Seoul had been asked what it thought of the possibility of separate agreements being negotiated with the Korean Government on such matters as claims and finance. He explained that this was only a tentative suggestion but might afford a way of keeping the Koreans busy on negotiation without touching the jurisdiction question. The State Department will await advice from the American Embassy in Seoul before working this idea out. McClurkin himself pointed out that one disadvantage of it might be that it might stir the Koreans up to renewing their request for a comprehensive agreement.

4. He asserted that the United States is not anxious now to negotiate a comprehensive agreement because of the criminal jurisdiction question. The United States does not wish to see criminal jurisdiction

. . . 2

000702

Ext. 182C (Rev. 2 /52)

Document disclosed under the *Access to Information Act*
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surrendered to the Koreans. McClurkin pointed out that the situation is different from that in Japan, where things are working out well, because the Korean legal system is not nearly so advanced or regular as the Japanese. The State Department still seem to be considering the idea that, if the negotiation of a comprehensive agreement should become necessary, criminal jurisdiction might be conceded to the Koreans in the main agreement and then taken back again in an annex by means of a hostilities clause.

5. McClurkin said that the Administration had not yet decided whether it would prefer one agreement for all U.N. forces or two agreements (one for United States forces and another for other U.N. forces). He assured us that in any case, whatever the decision on this question might be, the United States adhered to the principles set out in the State Department's Note of February 10, which include parity of treatment, prior consultations and concurrent negotiations. The British Embassy suggested the advisability of having a Commonwealth member on the United States negotiating team. McClurkin thought that something like that could be arranged, as had been done in the Japanese negotiations.

(Sgd.) P.C.R. Campbell

for The Embassy

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

TRANSMITTAL SLIP

TO: The Canadian Embassy, Tokyo, Japan

FROM: The Acting Under-Secretary of State for External Affairs, Ottawa.

Security: CONFIDENTIAL

Date: May 10, 1954.

Air or Surface: Air

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: D.L.(1)/P.A. Beaulieu/HF

Copies	Description	Also referred to:
1	Letter No. 797 dated May 6, 1954 from Washington Re: Status of U.N. Forces in Korea	~~Tokyo~~ London

R.B. McCOOP
CANADIAN EMBASSY
FAR MISSION EAST
APR 18 1954

Canadian Embassy, Tokyo, Japan
MAY 14 1954
TOKYO - Japan

000704

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA

FROM: THE CANADIAN EMBASSY, WASHINGTON, D.C.

Reference: Our Letter No. 594 of April 1, 1954.

Subject: Status of U.N. Forces in Korea.

Security: CONFIDENTIAL

No: 797

Date: May 6, 1954.

Enclosures:

Air or Surface Mail:

Post File No:

Ottawa File No.

Canadian Embassy - Ambassade du Canada - TOKYO - Japan
MAY 14 1954

References

20 MAY 195

Internal Circulation

Distribution to Posts

McClurkin has confirmed to us that the present inclination of the State Department is to "let sleeping dogs lie" on this matter, at least while the Geneva Conference is in progress. They have therefore not seriously got down to the business of examining the U.N.C. draft agreement and revising it, in concert with the Pentagon, in order to produce a United States draft as a basis for consultation with Commonwealth governments. Apart from the fact that conditions for United Nations forces in Korea are better under present circumstances than they would be under any written agreement, the Department believe that the outcome of the Geneva Conference might have a substantial bearing on the situation. If a Korean settlement is reached, it may not be necessary to negotiate a status of forces agreement with the Korean Government; if no settlement is made at Geneva, it might be necessary to contemplate a more far-reaching type of negotiation with the Korean Government than had originally been envisaged.

(Sgd.) P.C.R. Campbell

for The Embassy

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: [redacted]-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference:

Subject: Status of Forces

Security: CONFIDENTIAL

No: Korea 210

Date: April 21, 1954.

Enclosures: None

Air or Surface Mail: Air

Post File No: 210-7-3

Ottawa File No.	

References

I have long neglected to tell you that perhaps a fortnight ago the Ambassador spoke with Mr. Allison, the American Ambassador, on this subject. Mr. Allison did not seem very well-informed. At first he thought that the Koreans had made a formal approach, though not in writing, but as he thought further he wondered whether it really was a formal approach or not. The reply he favoured was that an arrangement could not be made with Korea similar to that existing in Japan because Korea was not at peace. When Korea reached a state of peace, then an agreement might be talked about.

2. It is because there is nothing novel in this view that I send it to you to indicate that apparently the American Embassy here and the UNC think alike on this subject.

3. Press digests say that Foreign Minister PYUN said on April 13 that it will "take months" to conclude a US (sic) - ROK administration agreement. "It is necessary that many experts carefully study the agreement before it can be signed", said he.

S. Morley Scott.

Internal Circulation

Distribution to Posts

Ext. 182B (Rev. 2/52)

000707

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: THE U[redacted]-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference:

Subject: Status of Forces in Korea

Security: CONFIDENTIAL

No: Korea No. 193

Date: April 13, 1954

Enclosures: None

Air or Surface Mail: Air

Post File No:

Ottawa File No.

References

Internal Circulation

Distribution to Posts

Mr. Rettie and I have been talking with Brigadier Lawson, Judge Advocate General. The Brigadier left the following thoughts with me.

2. In his conversations with his American opposite numbers in Korea, he got the strong impression that they had the strong impression that ROK would not press a request, or indeed even make a request, for a conference on the status of forces. I do not quite gather whether this feeling was the result of direct or indirect conversations with the Koreans, or whether the strength of their own conviction that our side could never agree to what their side wanted, and therefore the Koreans would not ask for it, was father of this thought. Certainly the latter element entered.

3. The same officers told the Brigadier that the new Korean Criminal Code and Code of Criminal Procedure was not yet put into the English language and indeed the latter had not been completely written in the Korean language. These officers thought it would take a very long time, years perhaps, before this happened. Under the circumstances, the argument was that it would be impossible to agree to putting any of our people under Korean jurisdiction.

4. The Brigadier was told that the new codes were based upon the principles of Anglo-American law. He seemed to think that there would be no objection to the codes themselves were it not for the certain mal-administration of the codes.

5. The Brigadier asked me whether I knew anything about the probable method of settlement of claims made by private Korean citizens against the Canadian or other UNC forces in respect of damage to requisitioned property and such-like matters. He did not say that he heard of such claims; he was anticipating the possibility. I told him I had no information on this subject. I do not intend to pursue this inquiry which would, I think, fall within the military sphere.

6. It appears already to have happened that Korean civilians have permission to enter our Brigade area to resume farming. This, we agreed, might make more likely incidents between Koreans and Canadians. It is my impression, although not derived from Brigadier Lawson, that Brigadier Allard did not welcome this innovation but was not able to prevent it.

...000708

Ext. 182B (Rev. 2/52)

Document disclosed under the *Access to Information Act*
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7. This caused Brigadier Lawson to ask what, in fact, would happen if a Canadian soldier found himself in the Korean lock-up. I replied that this was indeed an interesting question. We agreed among the three of us that the first step would probably be for a Canadian Army officer to get in touch with the local authority which had locked the man up. Failing successful results there, we did not know whether resort would be to ROK through the British Legation or through some military channel. The Brigadier thought this situation ought to be anticipated so that Brigade would know what to do and Ottawa would not differ. On our side we agreed that this was a good idea. This again seems to me to be a military matter in which, however, our Department would probably be interested.

8. I should mention here that I believe I have read in the last few days in Korean newspapers that there has occurred the first arrest by Koreans of a U.S. soldier. I seem to have mislaid this clipping. The Brigadier thought that this sort of thing would be more apt to happen in the future as the Koreans acquired more confidence.

9. I remarked that I never thought to ask Brigadier Allard how far such matters as the foregoing were reported upon by him to Ottawa. Brigadier Lawson suspected that Brigadier Allard's operational duties were sufficiently heavy that he would not be apt to report these things. It was perhaps, he thought, Brigadier Morton's job, so far as Brigadier Morton had the information. You will understand that this inquiry was entirely informal on my part as was also the Brigadier's reply.

10. My impression is that DAG's Branch had not given consideration to this general subject until Brigadier Lawson came here. He seemed not to know the content of our letters.

11. Coming back to the likelihood of ROK approach on the Status of Forces, I remarked that if it were true that ROK was not desirous of pressing for a treaty yet not so averse to doing so as the American officers thought, there might be a possibility of a compromise. My sources indicate that what the Koreans chiefly want is to get the appearance of sovereignty and equality with Japan; this for natural reasons of domestic politics. Supposing then that ROK did raise the question officially, our side might agree to a conference on the understanding that the first meetings should end in a statement of principles. These could include an assertion of Korean sovereignty and all those other generalities which might serve the purposes of Korean domestic politics. The statement would also include the assertion that conversations on detail would occur in due course. It would be tacitly understood that due course would not occur for a very long time. The Brigadier thought there was enough virtue in this idea that he would carry it back to Ottawa.

"S. Morley Scott"
S. Morley Scott.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

April 12, 1954

Korean Police Want Newsman Arrested

SEOUL, April 12 (Kyodo-UP) —National Police today asked for an indictment against a Korean who helped a Japanese newspaperman arrange an interview with five former Korean war prisoners.

The move was the latest in a recent series of steps apparently aimed at restricting Japanese newsmen in Korea.

Police asked the Seoul Prosecutor's Office to file charges against Kim Song Him, a movie director.

They said he helped Kinzaburo Seki, Seoul correspondent for the Yomiuri Shimbun of Tokyo, meet and interview anti-Red POW's released at Panmunjom in January after they rejected their former North Korean rulers.

Police accused Him, who was not under arrest, of leaking national secrets, fraud and posing as a government employe.

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (FILE COPY)

NUMBERED LETTER

TO: T[redacted]DER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference:

Subject: Status of Forces

Security: CONFIDENTIAL

No: Korea No. 177

Date: April 8, 1954

Enclosures: None

Air or Surface Mail: Air

Post File No: 210-7-13

Ottawa File No.	

References

While interviewing General Harrison on other matters on April 7 we took up with him the present situation regarding the status of forces in Korea. While General Harrison's reply was a little ambiguous, he left us with the impression that there has not been any official and formal approach by the Korean Government. It is clear that UNC knows the desires of the Korean Government but this could readily have been learned from the Korean newspapers. In general, the information given by General Harrison was consistent with that which Ottawa received from Washington on March 24.

2. The Korean demands, by the way, are set down in Routine Report No. 39 of the CNFE, sent you in our letter 326 of April 2.

S. Morley Scott.

Internal Circulation

Distribution to Posts

Ext. 182B (Rev. 2/52)

000711

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TRANSMITTAL SLIP

TO: The Canadian Embassy,
Tokyo, Japan

FROM: The Acting Under-Secretary of State
for External Affairs, Ottawa.

Security: CONFIDENTIAL

Date: April 5, 1954.

Air or Surface: Air Bag

No. of enclosures: 1

The documents described below are for your information.

210-7-?

Despatching Authority: D.L.(1)/P.A. Beaulieu/HF

Copies	Description	Also referred to:
1	Letter No. 594 dated April 1, 1954 from Washington. Re Status of UN Forces in Korea	London

R.B. McCULLOUGH LT COL
A.A. & A. MILITARY
CANADIAN MISSION
FAR EAST

APR 23 1954

APR 12 1954

000712

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, WASHINGTON, D.C.

Reference: Your Letter D-403 of March 26

Subject: Status of U.N. Forces in Korea.

Security: CONFIDENTIAL

No: 594

Date: April 1, 1954

Enclosures:

Air or Surface Mail:

Post File No:

Ottawa File No.

Canadian Embassy - Ambassade du Canada - TOKYO - Japan
APR 12 1954

References

Internal Circulation

Distribution to Posts

The consultations between the State Department and the Pentagon referred to in our letter No. 542 of March 24 are now proceeding. From these discussions will emerge a United States draft for an agreement with the ROK which will be used as a basis for consultation with Commonwealth governments.

2. There have been no developments on the question of the place for the continuing consultations. The State Department appear to regard Tokyo as a logical place but this is one of the matters being discussed by the Department and the Pentagon. The British Embassy has requested from London information about the British position on theplace for consultations and whether there should be one or more agreements negotiated with the ROK Government. The Embassy is still awaiting a reply from London. The Australian Embassy has received no intimation from Canberra of the Australian Government's views on the question of the place for consultations. The New Zealand Embassy informs us that Wellington favours Tokyo for this purpose.

(Signed) P.R.G. Campbell

The Embassy

COPY

Ext. 182C (Rev. 2 /52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: The Canadian Embassy, Tokyo, Japan

FROM: The Acting Under-Secretary of State for External Affairs, Ottawa

Security: CONFIDENTIAL

Date: March 31, 1954

Air or Surface: Air Bag

No. of enclosures: 1

The documents described below are for your information.

APR 6 1954

Despatching Authority: D.L.(1)/P.A. Beaulieu/HF

Copies	Description	Also referred to:
1	Letter No. D-403 dated March 26, 1954 to Washington Re: Status of UN Forces in Korea	210-7-?

There are 46 letters on this subject. This will go with this one. 000715

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE CANADIAN EMBASSY,
WASHINGTON, D.C.

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: Our Letter No. D-391 of March 25, 1954.

Subject: Status of UN Forces in Korea

Security: CONFIDENTIAL

No: D-413

Date: March 26, 1954.

Enclosures: 1

Air or Surface Mail:

Post File No:

Ottawa File No.

Canadian Embassy - Ambassade du Canada - TOKYO - Japan
APR 6 1954

References

IRIS McGREGOR, A.T.C.W.L.
A.G.
CANADIAN MILITARY MISSION
FAR EAST
APR 17 1954

Internal Circulation

Distribution to Posts

Further to my letter under reference, we enclose one copy of Letter No. 268 of March 22, 1954, from the Canadian Ambassador in Tokyo. In his letter, the Ambassador expresses the view that, in the present circumstances, it would be undesirable to select Tokyo as the place for the continuing consultations between the Commonwealth and the United States, during the negotiations with the Korean authorities. In this connection, may we direct your attention to paragraphs 8 and 11(3) of the memorandum enclosed with our letter No. D-391

2. In the light of the information contained in Letter No. 268, it may be necessary to reconsider our previous view and look into the possibility of selecting Washington as an alternative place. We are consulting the Department of National Defence on this problem and we will advise you further.

3. We should appreciate it if you would enquire informally of the Commonwealth Embassies in Washington as to the views of their respective Governments on the question of the place for the continuing consultations.

M. H. WERSHOF
FOR THE
Acting Under-Secretary of State
for External Affairs

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TRANSMITTAL SLIP

TO: [redacted] Canadian Embassy, Tokyo, Japan

FROM: The Acting Under-Secretary of State for External Affairs, Ottawa.

Security: CONFIDENTIAL

Date: March 26, 1954

Air or Surface:

No. of enclosures: 1

The documents described below are for your information.

Despatching Authority: D.L.(1)/P.A. Beaulieu/HF

21-7-?

Copies	Description	Also referred to:
1	Letter No. 542 dated March 24, 1954, from Washington.	~~Tokyo~~ London

Re: Korea - Status of U.N. Forces.

As previously

R.A. McDonald
A. & C.
Canadian Military
Far Mission
East

Ambassador APR seen & Amb. Lee

Mr. Rettie ERR

Registration Passed

Mr. Ryan + file

Canadian Embassy - Ambassade du Canada - TOKYO
APR 6 1954

000718

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA

FROM: THE CANADIAN EMBASSY, WASHINGTON, D.C.

Reference: Your Letter D-350 of March 17, 1954.

Subject: Korea - Status of U.N. Forces

Security: CONFIDENTIAL

No: 542

Date: March 24, 1954.

Enclosures:

Air or Surface Mail:

Post File No.:

Ottawa File No.

References

We discussed the questions raised in your letter of March 17 with McClurkin at the State Department. He confirmed our understanding that the Korean Government has not yet been approached for negotiations and he repeated assurances previously given that the United States intends to consult with Commonwealth Governments before commencing negotiations with the Korean Government.

2. He said that the U.N.C. drafts for agreements with the Koreans had just been received in Washington. The State Department had not yet seen the draft, copies of which were now being made at the Pentagon. The State Department and Pentagon are about to begin discussions on the drafts in order to produce an official United States position or a "United States draft", which would be considered with Commonwealth Governments.

Received in the Records Office of the Canadian Embassy, Washington, D.C. APR 6 1954

Internal Circulation

3. According to McClurkin there are at present some differences between the State Department and the Pentagon which have to be ironed out. We gather that in general the attitude of United States military authorities is similar to that of General Wells, as reported by Scott. McClurkin asserted, however, that the United States is committed, by precise terms in the Dulles-Rhee communique of August 7, to negotiate a status of forces agreement with the R.O.K. Government, if the latter requests it. There appears to be no pressure from the R.O.K. at the present time either publicly or officially. McClurkin said that the United States is quite prepared to let things drift until the R.O.K. renew their requests, since present arrangements in Korea are more satisfactory than anything that can be negotiated. It may well be that R.O.K. officials are now too pre-occupied with Geneva to give their attention to the status of United Nations forces. In the United States view, however, when the Koreans begin to press for negotiations, this request will have to be met, since otherwise they could cause difficulties.

Distribution to Posts

4. We made the point that we hoped there would be genuine consultations and that we would not be confronted with a draft immediately before it was planned to open negotiations with the Koreans.

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Ext. 182C (Rev. 2 /52)

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McClurkin replied, "We will certainly give you as much time as you can." He said that the State Department could not properly discuss the agreements with other governments until the official United States views on the various questions had been clarified by talks between the State Department and the Pentagon. The matters to be discussed by the two Departments included the questions whether there should be one or more agreements negotiated with the R.O.K. and the best places for consultations and negotiations.

5. McClurkin said that the Department had envisaged a time-table something like this. Negotiations with the Korean Government might be opened about one month after receipt of draft texts from the U.N.C. (i.e., approximately one month from now). It would probably take two weeks to prepare a United States draft, which could be used as a basis for consultation with Commonwealth Governments. This would leave a similar period of about two weeks for consultations between the United States and other governments. (The thing might well be spun out longer, however, if, as seems likely, the Geneva Conference delayed negotiations on the status of forces agreement). McClurkin said that he did not anticipate many difficulties in the consultations between the United States and Commonwealth Governments, since all had the same end in view and they had the experience of the negotiations on status of forces in Japan to draw on.

6. He thought there would certainly be difficulties with the Koreans on jurisdiction and finance. Apparently General Hull takes the position that there should be no transfer of criminal jurisdiction. McClurkin maintains that it would be impossible to get the Koreans to swallow this. He believes that it will be necessary to devise some face-saving formula such as transferring jurisdiction to them and then taking it away by means of a "hostilities clause"; or arguing that NATO-type jurisdiction arrangements should be suspended pending termination of hostilities or subject to re-examination in a year's time.

7. We are keeping in close touch with other Commonwealth Embassies on this matter.

(Sgd.) P.G.K. Campbell

The Embassy

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA

FROM: Office of the High Commissioner for Canada in Australia, Canberra.

Reference:

Subject: Status of United Nations Forces in Korea.

Security: ~~TOP~~ SECRET

No: 106

Date: March 25, 1954.

Enclosures: 3

Air or Surface Mail: Air

Post File No: A-374-2

Ottawa File No.

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REDUIT A SECRET

PCO - TOKYO - EXTERNAL AFFAIRS (HAIR)
FEB - 1 1955

References

Internal Circulation

Distribution to Posts

Enclosed you will find one copy apiece of the following communications received from the Department of External Affairs under cover of a letter dated March 19, 1954:-

(a) Letter No. L.147/23 of February 27, 1954 from the Office of the High Commissioner for the United Kingdom, Canberra, concerning the question of proposed negotiations regarding the status of United Nations Forces in Korea;

(b) Text of the Department of External Affairs draft reply;

(c) Copy of teleprinter message D.260 from the Department of Defence giving the text of a signal received from the Commander-in-Chief, BCFK, of which you will have received a copy direct.

2. The Australian reply to the United Kingdom High Commissioner contains preliminary comments on the views expressed by the Commander-in-Chief, BCFK. We are informed that these views are receiving further consideration by the Australian authorities concerned and we shall be informed in due course of the conclusions reached.

3. In explanation of the phrase used in para. 1 (b), "Draft reply", the United Kingdom High Commissioner's Office communicates with the Australian Government through the Prime Minister's Department and not through the Department of External Affairs. The draft reply to the United Kingdom was prepared by the Department of External Affairs for the Prime Minister's Department. We have been assured that the Prime Minister's Department accepted the draft in toto and used it as it stands in a reply to the United Kingdom High Commissioner dated March 24, 1954. External Affairs informed us that at the time they sent their draft to the Prime Minister's Department, a copy of it was also sent to the United Kingdom High Commissioner for his information.

4. This material came to us under a Top Secret classification and this letter is therefore given the same rating.

(Sgd.) A.J. Hicks

000722

Ext. 182C (Rev. 2 /52)

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COPY

OFFICE OF THE HIGH COMMISSIONER
FOR THE UNITED KINGDOM
CANBERRA

L 187/23 CONFIDENTIAL 27th February, 1954

To Secretary, Prime Minister's Dept., Canberra

Sir,

I am directed by the High Commissioner to refer to the question of proposed negotiations regarding the status of United Nations Forces in Korea, which has been the subject of discussions with the United States authorities, and of consultation between the Commonwealth countries concerned, in Washington.

Like the United Kingdom authorities, the Australian authorities will no doubt have received, in response to their approach, to the Americans on the question, a note confirming that the United States agree that all United Nations forces serving in Korea under the United Nations Command should be granted full parity of treatment and that the United States Government is planning to negotiate on behalf of both the United States and the other members of United Nations concerned with the Republic of Korea on the basis of full parity of treatment.

The United Kingdom authorities regard this as satisfactory, but they feel that there are two points on which their views should be made known without delay to the Americans:

(a) whether there is to be one agreement covering all United Nations (including United States) forces in Korea, or one agreement for United States forces and another covering all other United Nations forces;

(b) where consultation between United States Government and other Governments concerned, both before and during any negotiations with the South Korean authorities, should take place.

On (a), whilst the United Kingdom authorities have expressed preference for a single agreement in their note to the United States Government they see no particular objection to separate agreements. If, because of their mutual defence treaty with South Korea, the Americans find that separate agreements are desirable, the United Kingdom authorities feel that they should agree.

On (b), the United Kingdom authorities consider Seoul would not be suitable because Canada, Australia and New Zealand, and most of the other 16 United Nations countries concerned, have no diplomatic representatives there. Other possibilities are Washington and Tokyo. All 16 United Nations countries concerned are represented in Washington but the United Nations Command, which would handle actual negotiations with South Korea, is in Tokyo. The United Kingdom authorities do not feel strongly either way, as regards the choice between Tokyo and Washington, except that there is the consideration that consultations in Tokyo would have the advantage of enabling the Commonwealth Governments concerned to maintain the necessary contact with BCFK who, from the part they played in the recently concluded negotiations with Japan, are apprised of all that is required for negotiations of this kind.

The High Commissioner would be grateful for the early views of the Australian authorities on this question for transmission to the United Kingdom authorities before they raise these points with the Americans. It is suggested that, if the Australian authorities agree, they might instruct their Ambassador in Washington to concert action with the United Kingdom Ambassador.

The Australian High Commissioner in London has been informed and a copy of this letter is being sent to the Secretary, Department of External Affairs.

I am, Sir, your obedient servant,
S.J.G. FIELAND.

000723

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DRAFT REPLY TO LETTER L.147/23 of 27th FEBRUARY FROM U.K. HIGH COMMISSIONER'S OFFICE.

I refer to your letter No. L147/23 of 27th February, 1954 on the subject of the proposed negotiations regarding the status of United Nations forces in Korea.

I wish to confirm that the Australian authorities have also received advice from the United States in the terms quoted in paragraph 2 of your letter. We agree that the United Kingdom and Australian Ambassadors should concert action in conveying to the United States the view of their Governments on the two points mentioned in para. 3.

On the first point, the Australian authorities agree with the United Kingdom that a single comprehensive agreement covering all United Nations (including United States) forces would be the more satisfactory, but they would have no objection to two separate agreements if the United States preferred them. They consider, however, that in the event of separate agreements, there should be an understanding between the United States and the other United Nations countries concerned that no changes would be made in either agreement without prior consultation. (A somewhat similar understanding was obtained from the United States in January in respect of the hire of Japanese labour by United Nations forces in Japan.) Although the United States have already agreed to the principle of full equality of treatment in the negotiations, there is the possibility that, if separate agreements were concluded now, considerations of their own relations with the Republic of Korea might incline the United States at a later stage to make variations in their agreement which would embarrass the other United Nations countries under their separate agreement.

With regard to the second point raised in your letter, the most convenient place or places for consultation between the United States and other Governments concerned, both before and during the negotiations would seem to depend partly on the site chosen for the negotiations themselves.

Site: It is considered that it would be easier from the United Nations points of view if the negotiations were held in Tokyo, because of the previous experience of our representatives there in the negotiation of the agreement with Japan and the fact that some countries, such as Canada and New Zealand, have political representation in Japan but not in Korea. The Republic of Korea may, however, object to Japan as the site of the negotiations and it would seem prudent to pay due regard to its wishes, as it is the Republic which is to be asked to grant the rights. Moreover, it is considered that the Korean authorities are likely to be more reasonable and approachable if their side of the negotiations is handled at the seat of government in Seoul rather than by representatives in Tokyo. The Commander in Chief BCFK could be asked to send a suitable and experienced officer to Seoul if necessary, and Australian political representation could be arranged from our Delegation to UNCURK. While, therefore, our first choice would be Tokyo, we feel that we should be prepared to agree to Seoul if the Korean authorities showed a strong preference for the latter site.

There would be some theoretical advantage in all the consultations between the United States and other interested members of the United Nations taking place at one fixed site, but we consider, on the basis of our experience of the negotiations on the status of forces in Japan, that it will prove necessary in practice for

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these consultations to be held sometimes in Washington and sometimes at Tokyo or the site of the negotiations. Washington would seem to be the most convenient place for preliminary consultation to settle the broad outline of our proposals and also to resolve any major questions of principle which might arise during the negotiations. Consultation on the details of the proposals and on day-to-day developments, on the other hand, could probably be conducted more conveniently with the United Nations Command negotiators on the spot. If, however, the negotiations were to be conducted at Seoul, by representatives sent from Tokyo, it might be more convenient for the preliminary consultations on matters of detail to be held in Tokyo and for the day-to-day consultations to continue in Seoul. It would, however, seem best not to lay down in advance too hard and fast a rule on the extent to which consultation among the members of the United Nations should take place in Tokyo or Seoul.

The Australian Ambassador in Washington is being informedof the above comments and is being asked to confer with his United Kingdom colleague in order that an agreed view may be put to the United States authorities.

Since the above comments were prepared we have received a copy of signal Z.314 of 12th March from the Commander-in-Chief, BCFK. In this signal, which will be available to the Governments of the United Kingdom, Canada and New Zealand, the Commander-in-Chief expresses the view that, whilst agreement with the Republic of Korea on certain items such as finance and kindred matters may be necessary and desirable at the present time, no agreement which directly affects our forces in Korea should be entered into whilst the armistice remains in force. In particular he considers that at no time should we agree to powers of criminal jurisdiction on the NATO or Japanese model being given to the Republic of Korea.

We have not yet been able to give full consideration to the Commander-in-Chief's view but we would certainly be opposed to giving the Republic of Korea criminal jurisdiction over our forces. Our reason for proposing in August a joint approach to the United States on the subject of an agreement with the Republic of Korea was not that we had concluded affirmatively that such an agreement was desirable in principle but that, as the Governments of the United States and the Republic had announced their intention to negotiate an agreement to cover United States forces, we were concerned to ensure that all UNC forces, and particularly BCFK, should be accorded no less favourable treatment if the United States did in fact negotiate an agreement on its own behalf.

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COPY TELEPRINTER MESSAGE ~~TOP~~ SECRET

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FEB - 1 1985
MLS (HAIR)

D.260
TO SECRETARY DEPT. OF EXTERNAL AFFAIRS
OTT SECRETARY DEPT. OF DEFENCE
URGENT

Reference my preceding message sent in clear. Following is a copy of Signal Z.314 of 12th March received today from the CIC British Commonwealth Forces in Korea, which he has repeated to all Commonwealth authorities concerned.

Quote Top Secret Priority
From BRITCOM Japan to Defence Melbour
For information to Ministry of Defence London, Defender Wellington, CANMILMIS for C of S Ottawa, British Embassy Tokyo, Australian Embassy Tokyo, Canadian Embassy Tokyo, New Zealand Legation Tokyo.

BEGINS
Z.314 for C.O.S. from C in C
Subject Korean United Nations Agreement.
First. Following the signing of the UN Japan Agreement the Korean Government has clearly indicated in the press its desire for a similar agreement with the UN forces in Korea. Whilst the position is not fully known from discussion with the UK Minister to Korea Mr. Graham there are indications that the US is considering the possible necessity of negotiating such an agreement and in this case is believed to be prepared to negotiate for all UN countries at the same time as herself a procedure which differs from that adopted in negotiations with Japan when US negotiated her own agreement first.

Second. The positions of Japan and Korea in regard to such agreements are not comparable. A. Japan has not been a participant in the Korean war. B. The Japanese have had long experience in international dealings and in implementing international agreements. C. The Japanese administration of justice whilst not conforming to practice in Commonwealth countries functions in a way that is not experienced in Korea. D. Commonwealth forces in Korea being parties to and guardians of the current armistice must be unhampered by restrictive agreements and remain ready for immediate operations lest the war be resumed without warning.

Third. In high level discussion on this subject at United Nations Command I found the views held were in close accord with my own as summarised below.

A. Whilst agreement on certain items such as finance and Kindred matters may be necessary and desirable at the present time no agreement which directly affects our forces in Korea should be entered into while the armistice remains in force.

B. Our existing arrangements are the best we can expect in Korea. Therefore it is to our advantage to avoid or delay efforts to alter our present position except as indicated above.

C. At no time should we agree to powers of criminal jurisdiction on the NATO or Japanese model being given to Korea.

Fourth. This subject was discussed at a meeting of Commonwealth Heads of Missions in Tokyo on 8 March. The Ambassadors whilst apparently in agreement with my views indicated that any negotiations on Korea were outside their normal sphere and they were not therefore in a position to advise officially. Diplomatic advice on Korea is being obtained therefore mainly from the UK Minister now resident at Seoul.

Fifth. As information indicates that the US may be preparing to negotiate with Korea on this subject I feel that my views should be available to the Commonwealth Governments concerned. Unquote.

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Mar. 16/54.

Note for Mr. Scott.

My wife told me that Mrs. A. J. Phelps told her at yesterdays meeting of the Tokyo Women's Club that her husband "Tony" Phelps, First Secy (Financial) at the Br. Emb. Tokyo had left on March 14 (or 15 maybe) for Korea intending to be there for perhaps as long as two months.

E.R.K.

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24 Mar '54

TRANSLATION UNIT
OFFICE OF PROGRAMS & REPORTS

Articles of Economic Interest

(Chosun Ilbo, 24 Mar): $ 4 MILLION, HWAN ADVANCE TO UN FORCES IN FEBRUARY WILL BE COLLECTED SOON

According to the Accounting Bureau of the Ministry of Finance yesterday, the hwan advance to U.N. Forces in February which amounted to $ 4,825,000 will be collected in dollars before long. Tge advance in hwan was Hw 965 million.

(Kyong Hyang Sinmun, 24 Mar): BRITAIN WANTS TO PAY BACK HWAN ADVANCE IN KIND AND WITH LIMITED POUNDS

visited Mr. Pak, Minister of Finance. Acco rnment soure yest their talk came to a standstill because of disagre about the method of settlement. The main points are:

The ROK Government wants to have the hwan advance paid back with unrestricted pounds at the present dollar-hwan exchange rate at one time. But Britain wishes to pay gradually in kind rather than with cash and to pay part of it with restricted pounds (which are good only within the sterling area) where cash payment is necessary.

(Chosun Ilbo, 24 Mar): ALLOCATION OF DOLLAR FUND FOR KOREAN DRIED LAVER SUSPENDED BY JAPANESE GOVERNMENT?

According to reliable sources, the Japanese Government may suspend the allocation of dollar funds for the import of Korea dried laver until the end of March. If this proves true, it not only means a hard blow to Korean dried laver dealers especially at a time then the Japanese Government has recently been said to have allocated $600,000 or $ 1 million for the import of Koreandried laver by the end of March, but also make it impossible for our exporters to export dried laver before the season is over.

(Chosun Ilbo, 24 Mar): MINISTRY OF PUBLIC HEALTH CEASED RECOMMENDING IMPORT OF JAPANESE DRUGS

The embargo on import of Japanese goods is not lifted yet. Now the Ministry of Public Health has stopped recommending not only the import of drugs from Japan with the Government dollar loans but also the import with general export dollars. Well informed medical sources said, however, "This new policy of the Ministry of Public Health has nothing to do with the new policy taken by the Ministry of Commerce and Industry and the Bank of Korea. It is only a temporary measure to re-examine the import of Japanese drugs as the quality of the drugs imported from Japan is not only inferior but expensive".

(Chosun Ilbo Mar, 24): 148,000 TONS OF UNKRA FERTILIZER RECEIVED IN FISCAL 1953

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The amount of fertilizer imported with UNRRA funds and received by the ROK government from April 1953 to February 1954 was 188,000 tons. The Federation of Financial Association has distributed 99,863 tons of sulphuric, nitric and nitrogenous fertilizer to farmers and used 36,974 tons of fertilizer for the purpose of grain collection by February 20. It is also expected that 9,597 tons of fertilizer which is on the road for delivery will be rapidly distributed.

Translated by Mr. Lim

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Mexico London

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

CONFIDENTIAL

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference:

Subject: Status of Forces - Korea

Security:

No: 268

Date: March 22, 1954

Enclosures:

Air or Surface Mail: Air bag

Post File No:

Ottawa File No.	

References

Internal Circulation

Distribution to Posts

We seem to be dropping the phrase "the new look" and going back to the original version of "looking facts in the face". It is with this in mind that I make bold enough to write you in connection with the status of forces agreement for Korea, a subject which is not directly the responsibility of this post. I think, however, it is my responsibility to try to prevent this office from becoming involved in negotiating this agreement. Apart from the fact that we do not have the staff to spare for this work there are more important considerations. At the present time relations between Japan and Korea are anything but happy. A few days ago the Koreans passed a regulation prohibiting any Korean from buying anything in Japan. This and the Rhee Line are only two of the major problems which have to be solved between the two countries. If Tokyo were selected as the site for the negotiations it would almost certainly involve an officer of this Embassy, perhaps even the Ambassador himself, whoever he may be, and my reason for writing is to point out the undesirability of Tokyo being the meeting place.

2. I think we should maintain the position that it is the responsibility of the U.N. Command to work out an agreement which would protect all the member countries of the United Nations and not merely the United States.

3. I believe that it is inevitable that we will some day have to meet the request of the Koreans for a status of forces agreement. No matter how favourable such an agreement may be it will still not improve our position of to-day. Therefore I think we should drag our feet as long as possible. No doubt you will have anticipated this position and will be able to give a pretty detailed memorandum so as to brief whoever is going to take part in these negotiations.

ORIGINAL SIGNED BY
R. W. MAYHEW

The Embassy

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Ext. 182B (Rev. 2/52)

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (DUPLICATE)

NUMBERED LETTER

TO: THE CANADIAN EMBASSY, WASHINGTON, D.C.

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: Your Letter No. 465 of March 12, 1954

Subject: Status of UN Forces in Korea

Security: ~~TOP~~ SECRET

No: D- 350

Date: March 17, 1954.

Enclosures: 4

Air or Surface Mail:

Post File No:

Ottawa File No.

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MS(H&LR)
FEB - 1 1985

References

You will find enclosed two copies of telegram No. 61 of March 13 from the Embassy in Tokyo reporting on a conversation between Morley Scott of the Embassy and General Wolfe. We are also enclosing two copies of CAM 1349 referred to in paragraph one of telegram No. 61. We have referred copies of telegram No. 61 to the Department of National Defence. However, as telegram No. 61 raises points which require clarification, we will consult further with the Department of National Defence in the next few days and will keep you informed.

2. Incidentally, you will note that in paragraph 5 of telegram No. 61 Scott says: "our side has virtually agreed to open discussions with ROK". Our understanding is that the question is still at the stage of consultations between the United States authorities and Commonwealth governments, and that the Korean authorities have not yet been approached.

3. We were recently informed by the Embassy in Tokyo that General Hull proceeded to Washington early in February and was to discuss the future of United Nations forces in Korea. We would appreciate receiving any information you could obtain from the State Department on the results of discussions between General Hull and United States authorities. You will note that, as reported in CAM 1349, General Wolfe refers to "high level discussion on this subject at United Nations Command".

Internal Circulation

4. Although your Letter No. 465 is helpful as far as it clarifies some of the points we had in mind, we are troubled by the fact that there is no indication as to when the State Department will be ready to proceed with consultations as promised in its Note to you of February 10, 1954. We feel that genuine consultations with the State Department as to the form and the substance of the proposed agreement are needed before the United States or anyone proceeds with the actual negotiations. What we wish to avoid is to be faced with the presentation of a draft text by the United States

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Ext. 181C (Rev. 2/52)

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authorities with a demand that we acquiesce without having had enough time to give it serious consideration. We would, therefore, appreciate having your advice as to when it is expected that the promised consultations will take place.

5. This is classified "Top Secret" because of the enclosures.

No enclosure

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LLS (M&LR)

M. H. WERSHOF
FOR THE

FEB - 1 1985

Acting Under-Secretary of State
for External Affairs

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference: Your telegram No. 61 of March 13

Subject: Korea: Status of Forces

Security: CONFIDENTIAL

No: Korea 138

Date: March 16, 1954

Enclosures: None

Air or Surface Mail: Air

Post File No: 210-7-3A

Ottawa File No.

References

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Distribution to Posts

The Ambassador and I have discussed General Wells' visit and telegram referred to in our telegram under reference. The Ambassador sees no reason why General Wells and I should not discuss information on the status of forces in Korea or why, according to my discretion, I should not express my personal views, describing them as such to the General.

2. After discussion with the Ambassador, who has talked with General Hull on this subject since I have, and Mr. Rettie, who is the Canadian officer engaged in the conversations about the Status of Forces in Japan, I have realized better than I did that there need be no incompatibility between UNC views as expressed to Wells and the intentions of the State Department as contained, for example, in your Telegram 67 of March 2. If the UNC and the State Department agree, this agreement is presumably on the following basis. Talks with the ROK Government should if possible be avoided. UNC should have its material in hand in case talks cannot be avoided (and probably has its material in hand, as has ROK). If talks occur they should be spun out through the Armistice period. If the Armistice period lasts a very long time indeed, or if a Peace is made, then the situation will have to be revieved. Whenever the agreement is made, if at all, UNC should not surrender criminal jurisdiction to ROK.

3. The position described makes sense, especially if it is not too unsatisfactory to the ROK government. It may be that the ROK government, which (according to Ambassador Briggs) is chiefly concerned with being able to prove it exerts sovereignty equal to that of Japan, will be content to have the talks begin without any great desire speedily to end them. However, to say that this position is logical, is not to say it exists. A month ago I would have said this was not the State Department position; but it now may be.

4. I should add that Wells' interest was chiefly, almost solely, in the jurisdiction element in the situation, and what I have just said about ROK views is also meant to apply to this element. The financial and facilities sides ROK may very well wish to press forward, these being bread-and-butter (and roof-tree) matters.

5. Most soldiers of my acquaintance would, I believe, share General Wells' views, especially about criminal jurisdiction. None of them has any faith in

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the Korean criminal law or in the Korean courts or judicial or police officials. It is fair to add that my military acquaintanceship does not include persons learned in the law of Korea and I doubt if they know more about it than I do. I at least know that when I spent a half-hour in the Korean National Assembly last month they were putting through amendments to the criminal law designed, my interpreter told me, to incorporate some basic principles of the Anglo-American law. This circumstance may conceivably have some bearing on the present subject, even on the timing of the Korean moves.

6. Wells' paragraph 2 Dog differs from the draft he showed me, because I criticized the earlier draft. The earlier draft merely said that there ought not to be an agreement of this sort because the Korean situation was not one of Peace but one of Armistice. I complained that soldiers kept telling me that, but none ever told me why. His present paragraph shows the military reason, which I take to be that in war time the commander must possess undivided control over his troops in the area of the fighting. This he recites as though it were a military truism. A question remains whether the present Armistice is nearer War or Peace.

7. My impression is that our Ambassador sees much wisdom in the Wells-Hull approach. Mr. Mayhew also believes that as long as ROK remains silent so should we. I agree that Canada is unlikely to wake this sleeping dog. It is conceivable however that if our side thinks we may get a Peace and thinks we shall have forces in Korea after a Peace, our side might reckon that we will get better terms during an Armistice, which terms might then carry on into the Peace.

8. Also, the Koreans are far from inexperienced in playing politics with the United States. It would be wiser to figure out their reason for suspending the demand for speedy action before falling in with the suspension.

9. If the Koreans really press for the opening of talks I don't see how we can refuse. They will maintain that if we can make a treaty with a country which has so recently been our enemy, which has proved itself treacherous and which remains a serious menace to peace, then there is no possible reason for us not to make an agreement with our friends and allies who have shown themselves loyal and consistent in policy and whose independence and unity we have undertaken to support.

10. You will note there is more speculation than ascertained fact in this letter. This is not the moment, I think, for us to seek a consultation with Hull.

11. As to the site of the talks, there is a heartening accord between the British and American Embassies here, which agree the talks should be either in Seoul or in Washington. Harmony also prevails in Seoul, where all Embassies agree they should be in Tokyo or Washington. Certainly it is in our interest to have them in Washington; housing and communications problems provide sufficient arguments against Seoul.

12. I have graded this letter Confidential in spite of General Wells' grading of his telegram as Top Secret. That's ridiculous.

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13. Finally, I should explain why I sent my rather expensive telegram under reference. One reason was that I understand there was a bit of a flare-up when Wells once put a governmental matter through a military channel and I was willing to get my explanation to you nearly as soon as CGS sent you the telegram. The other reason was that I probably overrated the novelty of UNC views as reported by him and thought you ought to know them promptly.

S. Morley Scott.

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TRANSMITTAL SLIP

TO: The Canadian Embassy,
Tokyo, Japan

FROM: The Acting Under-Secretary of State
for External Affairs, Ottawa

Security CONFIDENTIAL

Date March 18, 1954

Air or Surface

No. of enclosures 1

The documents described below are for your information.

Despatching Authority D.L.(1)/P.A. Beaulieu/HF

Copies	Description	Also referred to:
1	Letter No. 465 dated March 12, 1954 from Washington Re: Status of United Nations Forces in Korea	~~Tokyo~~ London Canberra Wellington

Ambassade du Canada - TOKYO - Japon
MAR 23 1954

000736

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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INSTRUCTIONS

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2. This form should ***NOT*** be used to cover documents requiring action.

3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.

4. The form should bear the security classification of the material it covers.

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA

FROM: The Canadian Embassy, Washington, DC, U.S.A.

Reference: your letter D-293 of March 4, 1954.

Subject: Status of United Nations Forces in Korea.

Security: CONFIDENTIAL

No: 465

Date: March 12, 1954.

Enclosures:

Air or Surface Mail: Surface

Post File No:

Ottawa File No.

References

MAR 23 1954
EA - TOKYO - Canada

Internal Circulation

Distribution to Posts

We have been in touch with the British Embassy about the two points mentioned in CRO telegram Y-102. It does not appear to be necessary to make further representations to the United States at this time. The UNC has not yet officially transmitted to the Administration drafts for agreements with the ROK government. The State Department understand that an informal draft from the UNC is being studied by the Pentagon but State Department-Pentagon discussions to determine the United States position on the various questions to do with the negotiations for the status of UN forces in Korea have not yet got underway. It seems doubtful tha the State Department will devote much attention to this while preparations are being made for the Geneva Conference.

2. McClurkin, the officer at the State Department who is primarily responsible for the negotiations on status of forces in Korea says that he personally favours one agreement for all United Nations forces. He does not know now, however, what the final United States position on this question will be. He thinks that it is relatively unimportant since the United States Government is in any event committed to the principle of concurrent negotiations.

3. The State Department favour Tokyo as the place for consultations amongst governments concerned on the status of forces in Korea because of the experience already gained there and because of the presence in Tokyo of UNC officers. We understand that the New Zealand Embassy is informing the State Department that the New Zealand Government also favours Tokyo as the place for consultations.

4. We shall, of course, continue to keep in touch with Commonwealth Embassies on this subject.

P.G.R. Campbell

The Embassy

000738

Ext. 182C (Rev. 2 /52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

March 15, 1954.

NOTE FOR STATUS OF U.N. FORCES IN KOREA FILE

The following paragraph occurs in Telegram 67 of March 2 sent from Ottawa to the Canadian Embassy in Tokyo. The other paragraphs do not deal with Status of Forces.

"The U.S. plans to negotiate with South Korea concurrently on behalf of the U.S. and U.N. members concerned Status of Forces Agreement based on full parity of treatment. Our position is that such treatment could best be assured by a single all-embracing agreement instead of one for U.S. forces and another for other U.N. forces. If the U.S. should find it necessary to conclude a separate agreement we may have to agree. We would insist that we be kept fully informed at all stages of negotiations between U.S. and Korea and be given an opportunity to comment on matters which might eventually affect our forces there. We have seen neither a Korean nor a U.S. Draft Agreement."

S. M. Scott.

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DEPARTMENT OF NATIONAL DEFENCE
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FOR CLASSIFIED MESSAGES ONLY

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FROM: CANMILMIS

ACTION ADDRESSEE/S: CANARMY

INFORMATION ADDRESSEE/S

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DRS(M&IR)
FEB - 1 1985

ORIGINATOR'S NO.: CMM 1349

FOR CGS FROM HORTON (.) FOLLOWING IS TEXT OF ~~TOP~~ SECRET MESSAGE FROM LT-GEN WELLS CINC BCFK TO DEFENCE MELBOURNE

QUOTE Z314 OF 12 MAR 54 (.) FOR COS FROM CINC (.) SUBJECT KOREAN UNITED NATIONS AGREEMENT

FIRST. FOLLOWING THE SIGNING OF THE UN JAPAN AGREEMENT THE KOREAN GOVERNMENT HAS CLEARLY INDICATED IN THE PRESS ITS DESIRE FOR A SIMILAR AGREEMENT WITH THE UN FORCES IN KOREA (.) WHILST THE POSITION IS NOT FULLY KNOWN CMA FROM DISCUSSION WITH THE UK MINISTER TO KOREA IR GRAHAM CMA THERE ARE INDICATIONS THAT THE US IS CONSIDERING THE POSSIBLE NECESSITY OF NEGOTIATING SUCH AN AGREEMENT AND IN THIS CASE THE US IS BELIEVED TO BE PRLPARED TO NEGOTIATE FOR ALL UN COUNTRIES AT THE SAME TIME AS HERSELF CMA A PROCEDURE WHICH DIFFERS FROM THAT ADOPTED IN NEGOTIATIONS WITH JAPAN WHEN US NEGOTIATED HER OWN AGREEMENT FIRST

SECOND. THE POSITIONS OF JAPAN AND KOREA IN REGARDS TO SUCH AGREEMENTS ARE NOT COMPARABLE

ABLE. JAPAN HAS NOT BEEN A PARTICIPANT IN THE KOREAN WAR

BAKER. THE JAPANESE HAVE HAD LONG EXPERIENCE IN INTERNATIONAL DEALINGS AND IN IMPLEMENTING INTERNATIONAL AGREEMENTS ..../2

ORIGINATOR	TELEPHONE	DATE - TIME GROUP	FILE NO.
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~~TOP~~ SECRET

C.N.S. 1320JC-50M-11-48 (2994)
C.A.F.B. 1617 (4 PARTS) - 480M-8-49 (2614)
H.Q. 224-21-8-1617
R.C.A.F. S42-355M 11-48 (5736)

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ORIGINATOR'S NO.		

CTH 1349 (CONT'D)

CHARLIE. THE JAPANESE ADMINISTRATION OF JUSTICE WHILST NOT CONFORMING TO PRACTICE IN COMMONWEALTH COUNTRIES FUNCTIONS IN A WAY THAT IS NOT EXPERIENCED IN KOREA

DOG. COMMONWEALTH FORCES IN KOREA BEING PARTIES TO AND GUARDIANS OF THE CURRENT ARMISTICE MUST BE UNHAMPERED BY RESTRICTIVE AGREEMENTS AND REMAIN READY FOR IMMEDIATE OPERATIONS LEST THE WAR BE RESUMED WITHOUT WARNING

THIRD. IN HIGH LEVEL DISCUSSION ON THIS SUBJECT AT UNITED NATIONS COMMAND I FOUND THE VIEWS HELD WERE IN CLOSE ACCORD WITH MY OWN AS SUMMARIZED BELOW

ABLE. WHILST AGREEMENTS ON CERTAIN ITEMS SUCH AS FINANCE AND KINDRED MATTERS MAY BE NECESSARY AND DESIRABLE AT THE PRESENT TIME NO AGREEMENT WHICH DIRECTLY EFFECTS OUR FORCES IN KOREA SHOULD BE ENTERED INTO WHILST THE ARMISTICE REMAINS ON FORCE

BAKER. OUR EXISTING ARRANGEMENTS ARE THE BEST WE CAN EXPECT IN KOREA (.) THEREFORE IT IS TO OUR ADVANTAGE TO AVOID OR

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TOP SECRET

C.N.S. 1320JC-50M-11-48 (2994)
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CIM 1349 (CONT'D)

DELAY EFFORTS TO ALTER OUR PRESENT POSITION EXCEPT AS INDICATED ABOVE

CHARLIE. AT NO TIME SHOULD WE AGREE TO POWERS OF CRIMINAL JURISDICTION ON THE NATO OR JAPANESE MODEL BEING GIVEN TO KOREA

FOURTH. THIS SUBJECT WAS DISCUSSED AT A MEETING OF COMMONWEALTH HEADS OF MISSIONS IN TOKYO ON 8TH MARCH (.) THE AMBASSADORS WHILST APPARENTLY IN AGREEMENT WITH MY VIEWS INDICATED THAT ANY NEGOTIATIONS ON KOREA WERE OUTSIDE THEIR NORMAL SPHERE AND THEY WERE NOT THEREFORE IN A POSITION TO ADVISE OFFICIALLY (.) DIPLOMATIC ADVICE ON KOREA IS BEING OBTAINED THEREFORE MAINLY FROM THE UK MINISTER NOW RESIDENT AT SEOUL

FIFTH. AS INFORMATION INDICATES THAT THE US MAY BE PREPARING TO NEGOTIATE WITH KOREA ON THIS SUBJECT I FEEL THAT MY VIEWS SHOULD BE AVAILABLE TO THE COMMONWEALTH GOVERNMENTS CONCERNED UNQUOTE

ORIGINATOR	TELEPHONE	DATE - TIME GROUP		FILE NO.
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GR

MARK X TO INDICATE SECURITY CLASSIFICATION

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FROM: CANADIAN EMBASSY, TOKYO, JAPAN

ACTION ADDRESSEE/S: EXTERNAL OTTAWA

INFORMATION ADDRESSEE/S:

ORIGINATOR'S NO. 61

KOREA. STATUS OF FORCES. FOLLOWING FROM SCOTT.

1. GENERAL WELLS CALLED ON ME TWO DAYS AGO , AMBASSADOR BEING UNAVAILABLE, TO SHOW US A TOP SECRET TELEGRAM HE WAS SENDING TO DEFENSE MELBOURNE. COPY WENT TODAY TO CGS OTTAWA AS CMM 1349. YOU SHOULD SEE THIS.

2. TELEGRAM SAYS WELLS AND UNC AGREE, FIRST, THAT THERE SHOULD BE NO AGREEMENT QUOTE DIRECTLY AFFECTING THE FORCES UNQUOTE BRACKET AS DISTINCT FROM MATTERS LIKE FINANCE BRACKET DURING ARMISTICE PERIOD AND, SECOND, THAT THERE SHOULD NEVER BE A TRANSFER OF CRIMINAL JURISDICTION. WHEN I EXPRESSED SURPRISE AT FIRST POINT WELLS INTIMATED THAT INFORMATION CAME FROM HULL AFTER HULL'S RECENT RETURN FROM WASHINGTON. WELLS TELEPHONED LATER TO SAY HE HAD CONFIRMED IT. YOU MAY THINK IT USEFUL TO CHECK THIS IN WASHINGTON IF YOU CAN DO SO WITHOUT REVEALING SOURCES.

3. WELLS WAS ANXIOUS THAT THIS TIME HIS VIEWS SHOULD BE PASSED THROUGH GOVERNMENT CHANNELS BRACKET WHICH IS I THINK ACCOMPLISHED BY MY PRESENT TELEGRAM BRACKET BUT WAS PUZZLED AS TO WHERE HE SHOULD SECURE CANADIAN QUOTE OFFICIAL UNQUOTE ADVICE LOCALLY ON THIS SUBJECT IN VIEW OF SITUATION SET DOWN IN HIS PARA FOUR. I SAID I COULD NOT DISCUSS FUTURE PROCEDURE UNTIL I HAD TALKED WITH MY AMBASSADOR WHICH WAS NOT POSSIBLE THIS WEEK. I DID SAY PERHAPS

ORIGINATOR	TELEPHONE	DATE - TIME GROUP	FILE NO.
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IMPROPERLY, THAT ~~X XXXXX~~ SUBJECT TO AGREEMENT OF AMBASSADOR I SHOULD BE HAPPY TO EXCHANGE INFORMATION AND PERSONAL VIEWS WITH HIM.

4. AS TO THE ASSERTED AGREEMENT OF AMBASSADORS BRACKET WELLS' PARA FOUR BRACKET FOLLOWING IS VERBATIM TEXT OF MINUTE OF THIS PART OF MEETING, CLEARED BY UK AMBASSADOR AND PASSED TO ME BY OUR EMBASSY OFFICER ATTENDING. GRADE IS CONFIDENTIAL. BEGINS. THE NEGOTIATION OF AN AGREEMENT REGARDING THE STATUS OF UNITED NATIONS FORCES IN KOREA. IT WAS NOTED THAT GOVERNMENTS HAD BEEN CONSIDERING WHERE THESE NEGOTIATIONS WOULD BE CONDUCTED AND MISGIVINGS WERE EXPRESSED THAT TOKYO HAD BEEN MENTIONED AS THE QUOTE CONSULTATION CENTRE UNQUOTE. IT WAS POINTED OUT THAT WHILE ALL COMMONWEALTH COUNTRIES CONCERNED WERE REPRESENTED IN TOKYO BUT ONLY THE UNITED KINGDOM IN KOREA, THE DIFFICULTY OF COMMUNICATIONS BETWEEN TOKYO AND SEOUL AND THE FACT THAT COMMONWEALTH REPRESENTATIVES HERE WERE NOT SUFFICIENTLY VERSED IN KOREAN AFFAIRS TO GIVE WORTHWHILE ADVICE WERE STRONG ARGUMENTS AGAINST THE CHOICE OF TOKYO. THERE WAS THE FURTHER POINT THAT WHILE COMMONWEALTH REPRESENTATIONS TO THE AMERICAN AMBASSADOR IN TOKYO MIGHT BE SYMPATHETICALLY RECEIVED HE WOULD BE IN NO POSITION TO TAKE ACTION UPON THESE REPRESENTATIONS AND WOULD BE OBLIGED TO REFER THEM

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FROM

ACTION ADDRESSEE/S

INFORMATION ADDRESSEE/S

ORIGINATOR'S NO.

TO WASHINGTON AND SEOUL. IN THESE CIRCUMSTANCES IT SEEMED THAT, WHILE THE NEGOTIATIONS THEMSELVES WOULD NO DOUBT BE CONDUCTED IN SEOUL, WASHINGTON, WHERE COMMONWEALTH REPRESENTATIVES WERE PRESENT IN FORCE, WOULD BE PREFERABLE AS A CONSULTATION CENTRE. THERE WAS, HOWEVER, THE QUESTION AS TO WHERE THE COMMANDER-IN-CHIEF, B.C.F.K. SHOULD SEEK ADVICE. ENDS

5. I BELIEVE WELLS' INFORMATION COMES MOSTLY FROM BRITISH MINISTER AND AUSTRALIAN REPORTER IN KOREA NEITHER OF WHOM I HAVE HITHERTO THOUGHT WELL POSTED ON THIS SUBJECT. MY OWN IMPRESSION, CHIEFLY FROM UNITED STATES AMBASSADOR IN KOREA AND THE DEPARTMENT, IS THAT OUR SIDE HAS VIRTUALLY AGREED TO OPEN TALKS WITH ROK AND THAT WELLS' POLICY COULD ONLY BE FOLLOWED BY PROLONGED DRAGGING OF OUR FEET. YOUR VIEW ON THIS LAST POINT BRACKET AND ON THE WHOLE BRACKET WOULD BE USEFUL. BUT PLEASE REGARD THIS AS AN INTERIM REPORT PENDING DISCUSSION WITH AMBASSADOR. SCOTT

Harpatched 13/3/54 OF Mar 54 DS.

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ORIGINATORS NUMBER

Z314

(12)

FROM BRITCOM JAPAN

TO DEFENCE MELBOURNE

INFO MINISTRY OF DEFENCE LONDON
DEFENDER WELLINGTON
CANMILMIS for C of S OTTAWA
BRITISH EMBASSY TOKYO
AUSTRALIAN EMBASSY TOKYO
CANADIAN EMBASSY TOKYO
NEW ZEALAND LEGATION TOKYO

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LHS (MAIR)
FEB - 1 1985

for COS from C in C . subject KOREAN UNITED NATIONS AGREEMENT .

FIRST . following the signing of the UN JAPAN AGREEMENT the KOREAN GOVERNMANT has clearly indicated in the PRESS its desire for a similar agreement with the UN forces in KOREA .

whilst the position is NOT fully known cma from discussion with the UK MINISTER to KOREA mr GRAHAM cma there are indications that the US is considering the possible necessity of negotiating such an Agreement and in this case the US is believed to be prepared to negotiate for all UN countries at the same time as herself cma a procedure which differs from that adopted in negotiations with JAPAN when US negotiated her own Agreement first .

SECOND . the positions of JAPAN and KOREA in regards to such Agreements are NOT comparable .

ABLE . JAPAN has NOT been a participant in the KOREAN war .

BAKER . the JAPANESE have had long experience in international dealings and in implementing international agreements .

not Re

Page 1 of 3 pages

REFERS TO MESSAGE

CLASSIFIED ☐ YES ☐ NO

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FEB - 1 1985

CHARLIE . the JAPANESE administration of justice whilst NOT conforming to practice in COMMONWEALTH countries functions in a way that is NOT experienced in KOREA.

DOG . COMMONWEALTH Forces in KOREA being parties to and guardians of the current ARMISTICE must be unhampered by restrictive agreements and remain ready for immediate operations lest the war be resumed without warning .

THIRD . in high level discussion on this subject at UNITED NATIONS COMMAND I found the views held were in close accord with my own as summarised below .

ABLE . whilst agreements on certain items such as finance and kindred matters may be necessary and desirable at the present time NO agreement which directly effects our forces in KOREA should be entered into whilst the ARMISTICE remains on force .

BAKER . our existing arrangements are tho best we can expect in KOREA . therefore it is to our advantage to avoid or delay efforts to alter our present .

Page 2 of 3 pages | REFERS TO MESSAGE | DRAFTERS NAME | OFFICE | TEL No.

CLASSIFIED ☐ YES ☐ NO

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FEB - 1 1985

position except as indicated above .

CHARLIE . at NO time should we agree to powers of CRIMINAL JURISDICTION on the NATO or JAPANESE model being given to KOREA .

FOURTH . this subject was discussed at a meeting of COMMONWEALTH Heads of Missions in TOKYO on 8th march . the ambassadors whilst apparently in agreement with my views indicated that any negotiations on KOREA were outside their normal sphere and they were NOT therefore in a position to advise officially . diplomatic advice on KOREA is being obtained therefore mainly from the UK MINISTER now resident at SEOUL .

FIFTH . as information indicates that the US may be preparing to negotiate with KOREA on this subject I feel that my views should be available to the COMMONWEALTH GOVERNMENTS concerned

Page 3 of 3 pages	REFERS TO MESSAGE	DRAFTERS NAME	OFFICE	TEL No.
	CLASSIFIED ☐ YES ☐ NO	H WELLS . Lt-Gen	C in C BCFK	26-7707

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Rettie,rl

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: Canadian Embassy, Tokyo

Reference: —

Subject: Truce Machinery in Korea

Security: CONFIDENTIAL

No: 220

Date: March 8, 1954

Enclosures: 1

Air or Surface Mail: Air

Post File No:

Ottawa File No.

References

Enclosed is a copy of a memorandum on the above subject arising out of views expressed by the United Kingdom Ambassador at a meeting of Commonwealth heads of missions in Tokyo today.

The Embassy.

Internal Circulation

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Ext. 182B (Rev. 2/52)

Document disclosed under the *Access to Information Act*
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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: Canadian Embassy, Tokyo

Reference: -

Subject: Status of UN Forces in Korea

Security: CONFIDENTIAL

No: 219

Date: March 8, 1954

Enclosures: 1

Air or Surface Mail: Air

Post File No: 360-5

Ottawa File No.	

References

Enclosed is a copy of a memorandum on the above subject arising out of views expressed by the United Kingdom Ambassador at a meeting of Commonwealth heads of missions in Tokyo today.

The Embassy.

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CONFIDENTIAL

March 8, 1954

MEMORANDUM FOR MR. SCOTT.

Status of UN Forces in Korea.

I attended with the Ambassador this morning a meeting of heads of Commonwealth missions in Tokyo at which the Commander-in-Chief BCFK was present. One of the items introduced by Sir Esler Dening related to the status of UN forces in Korea. He mentioned that he had seen a copy of a CRO telegram which suggested that there might be advantage in continuing the existence in Tokyo of the consultative machinery employed during the negotiation of the agreement regarding the status of United Nations forces in Japan, with a view to establishing Tokyo as the location for whatever consultations with the United States representative might be required during negotiation of a forces agreement with the Republic of Korea. Sir Esler said that he had sent immediately to the Foreign Office a very strong telegram deprecating this suggestion on the grounds, amongst others, that he personally had no official interest in or knowledge of events in Korea and that he would be very loth to undertake to give advice regarding a forces agreement with Korea when he was not in touch with day-to-day events in that country.

Other heads of Commonwealth missions expressed general agreement with his views.

E.R. Rettie

E. R. Rettie.

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TRANSMITTAL SLIP

TO: THE CANADIAN EMBASSY,
TOKYO, JAPAN

FROM: Acting Under-Secretary of State for External Affairs, Ottawa

Security: CONFIDENTIAL

Date: March 8, 1954

Air or Surface: Air

No. of enclosures: one

New file 210-7-1

The documents described below are for your information.

Despatching Authority: D.L.(1)/P.A.Bissonnette/ek

Copies	Description	Also referred to:
1	Letter No.D-293 of March 4, 1954 to The Canadian Embassy, Washington, with enclosures Canadian Position on Working Force in Korea IMPORTANT	~~Tokyo~~ London Canberra Wellington Ambassador. Mr. Scott Mr. Rettie L.R. March 13th, 1954

Embassy of Canada - Tokyo - Ambassade du Canada
MAR 12 1954

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

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CONFIDENTIAL

MAR 12 1954
CANADIAN EMBASSY - TOKYO - JAPAN

Ottawa, March 4, 1954.

Dear Mr. Reddaway,

On February 25 you let us have CRO Circular Y telegrams Nos. 102 and 103, dated respectively February 24 and 25, 1954, requesting our views on two questions in connection with the status of United Nations forces in Korea: (a) whether we would favour negotiating one single agreement or separate agreements and (b) where consultation before and during negotiations should take place.

2. We have a definite preference for one single all-embracing agreement rather than one agreement for the United States forces and another covering all other United Nations forces. The Canadian position on this point was made clear to the United States authorities in a note the Canadian Ambassador left with the State Department on October 30, 1953. As you doubtless know, this note was presented simultaneously with substantially similar notes from the United Kingdom, Australia and New Zealand in a joint interview with the State Department. While it would appear advisable to endeavour to insist from the outset that a single agreement is greatly desirable, we realize that the United States, because of its Mutual Defence Treaty, might find it necessary to conclude a separate agreement with the Republic of Korea. If this were to be the case, we may find ourselves in a position where we would have to agree, but we would insist at the same time that we should be kept fully informed at all stages of the negotiations between the United States and the Republic of Korea and be given an opportunity to comment on matters that might eventually affect our forces in Korea.

3. On the second question we share the United Kingdom

----- 2

G.F.N. Reddaway, Esquire, M.B.E.,
Secretary,
Office of the High Commissioner for
the United Kingdom,
Earnscliffe,
Ottawa, Ontario.

000754

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views that, under the circumstances, the consultation during the negotiations could with advantage take place in Tokyo. We understand however that before negotiations open, the United States intends to consult the Commonwealth countries in Washington.

4. The Canadian Ambassador in Washington is being asked to discuss with the United Kingdom Ambassador the question whether any useful action might be taken at this juncture.

Yours sincerely,

BENJAMIN ROGERS

Benjamin Rogers

000755

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

Defence Liaison (1)/P.A.Bissonnette/ek

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE CANADIAN EMBASSY,
WASHINGTON, D.C.

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference:

Subject: Status of United Nations Forces in Korea

Security: CONFIDENTIAL

No: D-293

Date: March 4, 1954

Enclosures: 3

Air or Surface Mail: Surface

Post File No:

Ottawa File No. 50069-M-40

References

D/M Nat.Def. (4 copies)
D/M Finance

2 I enclose two CRO Circular Y Telegrams Nos. 102 and 103 dated respectively February 24 and 25, 1954, which Mr. Reddaway of the United Kingdom High Commissioner's Office gave us on
1 February 26. I also enclose a letter to Mr. Reddaway setting forth our views as requested in these telegrams.

2. From the enclosed telegrams, I am not too clear as to what action is contemplated by the United Kingdom and we are not aware of any new development which would warrant amending our instructions to you set forth in our letter No. D-1167 of October 14, 1953.

3. However, in view of paragraph 5 of CRO telegram Y No. 102, I should be grateful if you would consult with the United Kingdom Ambassador on the proposals set forth in the enclosed telegrams, and then let me have your views as to the advisability of further representations to the United States authorities at this time.

M. H. WERSHOF
FOR THE

Acting Under-Secretary of State for External Affairs

Internal Circulation

Far Eastern
Legal

Distribution to Posts

Tokyo
London
Canberra
Wellington

000756

Ext. 181C (Rev. 2/52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

COPY

TELEGRAM

FROM: The Secretary of State for Commonwealth Relations London
TO: The High Commissioner for the United Kingdom. Ottawa.

Sent 7.48 p.m. 25th February 1954
Recd 3.40 p.m. 25th February 1954

PRIORITY

CYPHER-SIMPLEX

Circular Y No.103 CONFIDENTIAL

Addressed Circular Y No.103,
(repeated air mail Capetown, Delhi, Karachi, Colombo)
Saving to Washington, Tokyo, Seoul.

Paragraph 4(b) of my telegram Y No.102.
Status of United Nations Forces in Korea.

Since sending my telegram under reference, War Office have represented that consultations in Tokyo, as opposed to Washington, would have advantage of enabling us to maintain necessary contact with B.C.F.K. who from part played in recently concluded negotiations with Japan are apprised of all that is required for negotiations of this kind.

2. Please inform Governments of Canada, Australia and New Zealand. Three High Commissioners in London informed.

JAM.25.3.54

000757

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

COPY

T E L E G R A M

FROM: The Secretary of State for Commonwealth Relations, London

TO; The High Commissioner for the United Kingdom, Ottawa.

Sent 7.07 p.m. 24th February 1954

Recd 10.25 a.m. 25th February 1954

PRIORITY

CYPHER-SIMPLEX

CIRCULAR Y.NO.102 CONFIDENTIAL

Repeated air mail Capetown, Delhi, Karachi, Colombo, and Saving Washington, Tokyo, Seoul.

Reference Anderson's letter 1st December FE 29/42/1.

Status of United Nations forces in Korea.

You will have seen from United States Government's reply to United Kingdom Ambassador's Note of 21st October (Washington telegram No.74 Saving of 10th February, copy sent to you bag on 13th February) that United States Government have agreed inter alia to enter into negotiations on behalf of themselves, and all other countries with forces in Korea, for conclusion of a status of forces agreement with South Korean Government. Replies on similar lines were presumably sent to Governments of Canada, Australia and New Zealand.

2. This is satisfactory but there are two points on which we feel our views should be made known without delay to the Americans

(a) whether there is to be one agreement covering all United Nations (including United States) forces in Korea or one agreement for

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United States forces and another covering all other United Nations forces

(b) where consultation between United States Government and other Governments concerned both before and during any negotiations with the South Korean authorities should take place.

3. On (a) whilst we have expressed preference for single agreement (paragraph 5 of our Note dated 31st October to State Department) we see no particular objection to separate agreements. If, because of their Mutual Defence Treaty with South Korea, Americans find that separate agreements are desirable we feel we should agree.

4. On (b) we consider Seoul would not be suitable because Canada, Australia and New Zealand and rest of the other sixteen United Nations countries concerned have no diplomatic representatives there. Other possibilities are Washington and Tokyo. All sixteen United Nations countries concerned are represented in Washington, but United Nations Command, which would handle actual negotiations with South Korea, is in Tokyo. Tokyo or Washington would be equally convenient to us, and we do not feel strongly either way.

5. Please inform Governments of Canada, Australia and New Zealand and seek their views, which we would like to have before we speak to Americans. You might suggest that they may wish to instruct their Ambassadors in Washington to concert action with United Kingdom Ambassador.

6. Canadian, Australian, and New Zealand High Commissioners in London informed.

E.T.25.2.54

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

TRANSMITTAL SLIP

TO: The Canadian Embassy,
Tokyo, Japan

FROM: The Acting Under-Secretary of State for External Affairs, Ottawa.

Security: CONFIDENTIAL

Date: February 18, 1954.

Air or Surface

No. of enclosures: 2

The documents described below are for your information.

Despatching Authority: D.L.(1)/P.A. Beaulieu/HF

Copies	Description	Also referred to:
2	Despatch No. 257 dated February 11, 1954, and enclosure, from Washington. Re: Status of United Nations Forces in Korea.	~~Tokyo~~ London Canberra Wellington

Canadian Embassy - Ambassade du Canada - TOKYO - Japan
FEB 23 1954

Ext. 250 (Rev. 10/51) (Instruction on Reverse Side)

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

DESPATCH

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN AMBASSADOR, WASHINGTON, D.C.

Reference: Our teletype WA-184 of January 30, 1954

Subject: Status of United Forces in Korea.

Security: CONFIDENTIAL

No: 257

Date: February 11, 1954.

Enclosures:

Air or Surface Mail:

Post File No:

Ottawa File No.

Canadian Embassy - Ambassade du Canada - TOKYO - Japan
FEB 23 1954

References

Internal Circulation

Distribution to Posts

Enclosed are five copies of a Note dated February 10 from the Acting Secretary of State in reply to my Note of last October giving Canadian views on the status of United Nations forces in Korea. You will see that the United States Government is in accord with the Canadian position on this matter.

2. The U.N.C. draft treaty texts referred to in our letter No. 22 of January 7 are still awaited here. It is expected that they will be received soon. It is probable that draft texts will soon also be produced on the R.O.K. side. What the State Department envisage is that, after seeing the Korean text, they will produce a negotiating draft about which they will consult with other interested governments before transmitting it to the Korean Government.

3. State Department officials expect the negotiations with the Korean Government to be protracted and difficult, particularly on the questions of jurisdiction and finance. A United States position on the jurisdiction question has not yet been determined. State Department officials say informally that they would expect the United States military authorities to want something better than the regime which now prevails in Japan. They suggest that the line to take with the Koreans might be to argue that N.A.T.O. type arrangements regarding jurisdiction should be suspended pending official termination of hostilities or should be suspended for the present, on the understanding that the problem might be re-examined in a year's time.

4. The Department believe that when basic policy questions have been settled in Washington, it may be advisable for practical consultations and negotiations between the United Nations governments concerned and between the United States and Korean governments to take place in Korea. They realize that this would raise difficult problems of representation for some governments, which might make it more advisable for these consultations and negotiations to take place in Tokyo.

5. Similar Notes have been handed by the State Department to other Commonwealth Embassies concerned.

(Sgd.) A.D.P. Heeney

Ext. 180C (Rev. 2/52)

000762

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

COPY

DEPARTMENT OF STATE
WASHINGTON

CONFIDENTIAL

The Acting Secretary of State presents his compliments to His Excellency the Canadian Ambassador and has the honour to acknowledge the receipt of his note of October 22 concerning the views of his Government on the status of United Nations forces in Korea.

This Government considers that the Joint Statement of August 7, 1953, by Secretary Dulles and President Rhee includes an undertaking by the Republic of Korea that for a limited period the status of United Nations Command forces in Korea and the availability to them of facilities will continue as at present. Since the period is limited the United States Government is preparing to enter into negotiations to formalize arrangements with respect to United States forces in Korea and forces of other members of the United Nations participating in the Korean action.

It is the view of this Government that all United Nations forces serving in Korea under the United Nations Command should be granted full parity of treatment in questions of jurisdiction and in all other matters relating to their status and the provisions of facilities and services. This Government plans to negotiate, concurrently on behalf of the United States and the other members of the United Nations concerned, with the Republic of Korea on the basis of full parity of treatment.

The United States Government will consult with the Canadian Government with respect to the question of negotiation of a single agreement or separate agreements and with respect to the timing and substance of the agreement or agreements.

Department of State,
Washington, February 10, 1954.

CONFIDENTIAL

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

Ext. B

FILE COPY

OTTAWA FILE
No.

Letter No... Korea No. ~~108~~ 110

Date..... February 15, 1954.

SECURITY CLASSIFICATION
RESTRICTED

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Reference... Our K. 94 of February 10, 1954.

Subject:.... Korea - Status of Forces

Copies Referred To.....

No. of Enclosures
NONE

Post File
~~210-7-3~~

The Korean Republic of February 1 gives the following account of a statement by Foreign Minister Pyun:

"The administrative agreements signed between the U.S. and the NATO countries, as well as Japan, stipulate that U.S. personnel are subject to the laws of local countries for crimes committed during off-duty hours. If the proposed agreement between Korea and the U.S. is similar to those of the NATO nations, ROK courts will have the right to try U.S. personnel under Korea laws.

"Minister Pyun emphasized that in negotiating such an agreement with America, he intends to stress the sovereign rights of the Republic of Korea was well as the fact that it is wartime.

"Pyun said that he once suggested the necessity for such agreement to U.S. authorities but added that no formal negotiations have yet commenced.

"Some U.S. Congressmen oppose such agreements. They claim the agreements violate constitutional rights of American citizens. President Eisenhower, however, brushed off such idea at a press conference last week. He pointed out that aliens in America are subject to American laws and said that it is natural for American citizens in oversea countries to be treated the same as aliens in America."

S. Morley Scott pour le W.
S. Morley Scott.

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

Ext. 182B

FILE COPY

OTTAWA FILE

No.....

Letter No...Korea No. 99.....

Date.....February 12, 1954.

SECURITY CLASSIFICATION

CONFIDENTIAL

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Reference...Our Telegram 33 and letter K.94 of February 8.....

Subject:....Korea - Status of Forces.....

Copies Referred To.....
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No. of Enclosures

.....

P210-E7-3

No.....

I am not altogether pleased with the way the Americans here have kept us informed. From this Embassy three lines (so to speak) lead out: the Military Attache to UNC liaison and other UNC officers; Mr. Rettie to his various opposite numbers concerned with status of forces in Japan and therefore knowledgeable on the Korean side of it; myself to various people - most recently to the Korean Desk in the British Embassy which is my link with the British Legation in Seoul. These various lines have been bringin in various reports, which appeared to be not mutually consistent, and which (as far as reconcilable) seemed not to add up to a realistic American programme. I did not feel that we were being deliberately misled but rather that there was lack of frankness - that we were being told the minimum necessary to satisfy the formalities of the promise to keep us informed; alternatively, perhaps, no one American, unless perhaps the Chief of Staff and the Commander-in-Chief, knew the full story. Hence the Ambassador's query to General Hull, reported in our telegram 33 and in letter K.94, both of February 8. Hull's answer was of course accurate, but of necessity brief and therefore not as revealing as it might have been. Until today we did not know for certain there was or would be a UNC draft.

2. Letter 22 of January 7 and telegram WA 184 of January 30 from our Embassy in Washington to the Department, which have been received today, make things a bit clearer. (I know it is very difficult to realize what sorts of things are urgently useful abroad, but you will perhaps forgive me if I suggest (merely by way of reminder for the future) that prompter receipt of the information in these two communications would have saved us a few headaches.)

3. Today I have read a letter from the British Embassy in Washington to their Embassy here dated January 26 which caused their desk officer here to remark (with some exaggeration) that we had been "sold down the river again". The information in it is consistent with that in the two documents received from you today. Further, it emphasizes the chronological relationship between the proposed agreement on status of forces and the signed but not yet effective Mutual Defensive Treaty. One gathers that Washington had wished and expected to make

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considerable progress with the status agreement before the Treaty became effective. The Pentagon and/or the State Department were startled at the rapidity of U.S. Senate ratification of the Treaty. The possibility of retarding Presidential action was suggested but not hopefully. UNC had promised the first draft by February 15 and had been told that this was not fast enough. The Department's intention on January 26 was to present the Koreans with a negotiating draft, at the same time telling them that it was presumed the older understanding (Dulles-Rhee of August 7) still subsisted. British Embassy opined (Joy to McClurkin) that HMG would certainly wish to comment on such a draft before anything was said to the Koreans. State Department replied: yes, but time for this discussion might be very limited.

4. WA 184 of January 30 seems more optimistic than this, as it uses the phrase, of the UNC draft, "when they have been received and considered here in consultation with interested Commonwealth governments".

5. This may all tie in with Korean rapidity in ratifying the Treaty, reported a little naively in K. 72 of January 29.

6. Incidentally, the word "here" quoted in paragraph 4 above is encouraging. It seems to show that Washington will be the venue of discussion.

7. Apparently the two sides stand more or less ready for the fray, brief-cases fully loaded with drafts. The question is: will the battle await our concurrence?

8. Please note that this is a "K" letter, and does not profess to represent the views of any officer of this Embassy other than myself; in fact, I am writing it without consultation to get it into next week's bag, before I go to Seoul.

S. MORLEY SCOTT

S. Morley Scott.

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Ext. [redacted]B

FILE COPY

OTTAWA FILE

No......

Letter No. Korea No. 97.....

Date....February 12, 1954.....

SECURITY CLASSIFICATION

RESTRICTED

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Reference.....

Subject:....Korea - Jurisdictional Agreement regarding Extradition of United States civilians.

Copies Referred To.....

No. of Enclosures

NONE

Post File No. 210-7-3

Inagaki, a Mainichi staff writer covering a U.S. Air Force court martial in Japan, writes a feature story designed to show that a secret agreement between the United States and Korean governments enables the United States armed forces to arrest, detain, and ship out to Japan American civilians residing in South Korea.

2. An American civilian named Rubenstein ran a U.S. Air Force club in Japan during the occupation. In 1951, it is alleged, he behaved dishonestly. Somehow he got to South Korea, and last June was there arrested and detained by the USAF, and brought to Japan where he is being tried by court martial. Counsel are arguing, among many matters, the legality of the arrest and extradition (if it can be called extradition).

3. Inagaki reaches the conclusion that there exists a "secret jurisdictional agreement" between the governments of the United States and Korea. The article says that defending counsel told the court martial that (after repeated denial of knowledge of an agreement) the American consul-general in Tokyo told him in a letter of February 2 that a jurisdictional agreement did exist, but that he was not at liberty to state its terms. The Air Force, says Inagaki, claims the agreement exists.

4. Whether this agreement, if it exists, applies to any other than United States citizens in Korea is not indicated in the press account. Otherwise the incident, I suppose, has no interest for us (even though Rubenstein is said to have disposed of 700 cases of Seagram's V.O. and 2750 cases of Canadian Club).

S. MORLEY [redacted]

S. Morley Scott.

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TO SEE AND RETURN FOR FILING: ~~AMBASSADOR~~ ~~MR. RETTIE~~ ERR

Ext. [illegible]B

FILE COPY

OTTAWA FILE
No......

Letter No. Korea No. 94

Date February 10, 1954.

SECURITY CLASSIFICATION
CONFIDENTIAL

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Reference: Our telegram No. 33 of February 6

Subject: Korea - Status of Forces.

There is very little to add to what paragraph 2 of the Ambassador's telegram under reference says. We noticed a Reuter despatch from Washington saying that U.S.-Korea talks were going on; and an AP one from Seoul saying that ROK was handing General Hull the ROK draft of an agreement last week. Inquiries at lower levels brought mutually contradictory answers. The Ambassador therefore asked General Hull how the matter stood. Hull said that because of the known fact that ROK was working on a draft, the UNC had started to study the matter; we rather gathered that UNC was preparing a draft but that may not be so. No agreement has been made, and there have been no official approaches either way. Hull was given no draft in Seoul. When UNC officers in Korea wished some understanding about hunting licenses, ROK said that ROK had (or would have) game laws. If UNC personnel broke the game laws, they would be arrested by ROK, but turned over to UNC for trial. Hull apparently took this as indicative of Korean thinking. Apart from that sort of indication, his people are going by press accounts.

2. General Hull was aware of the interest of other U.N. governments. He hoped that one agreement would do for all governments, but led the Ambassador to believe that the United States would make its own agreement if there failed to be agreement among U.N. governments.

3. The General said that the agreement would probably be like the NATO one, mutatis mutandis. One mutation would arise from the circumstance that the NATO agreement provided for its own lapse in the event of hostilities; in Korea there are already "hostilities".

4. It has for some weeks been rather hard to believe that it would not have been in the interest of the UNC to have been thinking about the Korean agreement. Possibly things may move fast when they begin to move. To be sure, I heard at second-hand from Korea that the Americans there would prefer to delay an agreement, citing the objection (when the Koreans invoked the precedent of Japan) that Japan was at peace but Korea at war. They realized, however, that this would much annoy the Koreans. When the Korean minister here last mentioned the matter to us, he cited the NATO not the Japanese precedent.

5. In spite of the several sets of fooleys out in Tokyo, it might be desirable for our Embassy in Washington

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Copies Referred To.....
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CITI FE.....
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No. of Enclosures
NONE
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Post File
210-7-1
No.....

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to query its usual informants shortly before or shortly after General Hull's departure from Washington, a fortnight or so hence. I write this on the assumption that the department is keenly interested in the subject.

S. MORLEY SCOTT
S. Morley Scott.

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

February 9, 1954.
CONFIDENTIAL

NOTE FOR FILE

Status of Forces in Korea

On January 13, the British Minister in Korea reported home that Foreign Minister Pyun had often mentioned this informally to Briggs. There was, however, no official request. Briggs hoped that United States would continue to refrain from action. He thought that the fact that an armistice rather than peace prevailed in Korea would justify refusal. He recognized that the refusal would annoy the Koreans.

2. Briggs implied that the Americans had refrained from acting on the case of the Japanese photographer because the ground in this particular instance was too shakey.

S. Morley Scott.

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CMFE 5-0-6 (A)

CANADIAN MILITARY MISSION
FAR EAST

TOKYO, Japan,

4 Feb 54

MEMO TO MR. MORLEY SCOTT

United Nations in Korea - Status of Forces

1. Reference your memorandum to Mr. Rettie and myself dated 3 Feb 54 regarding an agreement between the United States and the Republic of Korea.

2. I thank for your suggestion and I referred the matter to UN Command this morning and was told that negotiations have been in progress for some months now concerning this subject. I was further informed that the United States were empowered to represent and to include other members of the United Nations who have troops in Korea in their negotiations with the South Korean Government. Apparently the decision was made and agreement reached on this matter in Washington. It was thought that the Canadian Government would be aware of this arrangement and it seemed probable, with the progress of the talks, that a judicial and administrative agreement would be concluded between USA representing the United Nations' Governments concerned and the Republic of Korea Government in the near future.

3. I would be glad if I could secure any more information from your side on this matter.

(R.E.A. Morton) Brigadier
Commander
Canadian Military Mission
Far East

c.c. Mr. Rettie (for information)

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Ambassador Room
Brigadier Rose on file

TRANSMITTAL SLIP

TO: ... THE CANADIAN EMBASSY, TOKYO, JAPAN ...

[redacted]

FROM: THE ACTING UNDER-SECRETARY OF STATE ...
... FOR EXTERNAL AFFAIRS, OTTAWA ...

Security ... CONFIDENTIAL ...

Date. February 3, 1954 ...

Air or Surface ... Air ...

No. of enclosures ... 2 ...

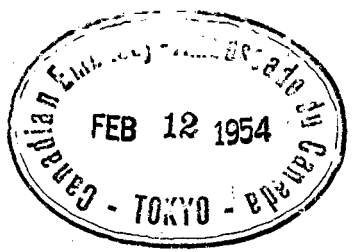
The documents described below are for your information.

210-7-3

Despatching Authority. Defence Liaison(1)/P.A.Beaulieu/er

Copies	Description	Also referred to:
1	each of telegram No. WA-184, dated January 29, 1954, and of letter No.22, dated January 7, 1954, from Washington. - United Nations Forces in Korea	~~Tokyo~~ London Canberra Wellington

Read & Returned by me on request hereof.



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INCOMING MESSAGE

Canadian Embassy - TOKYO - Japan
FEB 12 1954

COPY

FROM:

THE CANADIAN AMBASSADOR TO THE UNITED STATES

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification
CONFIDENTIAL
File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-184	January 30, 1954

Departmental Circulation
MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
POL/CO-ORD'N SECTION

Done
Date

References

Reference: Your teletype EX-169 of January 29.

Subject: Status of United Nations forces in Korea.

The situation remains as stated in our letter No. 22 of January 7. The U.N.C. has not yet sent in its drafts, despite proddings from the Pentagon. The State Department say that the U.N.C. will now be urgently requested to complete the drafts. When they have been received and considered here in consultation with interested Commonwealth governments, the State Department have it in mind to transmit a draft agreement to the ROK Government as a basis upon which negotiations might be opened, with a covering note stating that it is the understanding of the United States Government that the present conditions regarding the status of forces in Korea would remain, pending conclusion of the negotiations.

.....

Done
Date

Ext. 230 (rev. 3/52)
53 P. 179

Document disclosed under the *Access to Information A*
Document divulgué en vertu de la *Loi sur l'accès à l'informat*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, WASHINGTON, D.C.

Reference: Your Letter D-1510 of Dec. 23, 1953

Subject: Status of United Nations Forces in Korea.

Security: CONFIDENTIAL

No: 22

Date: January 7, 1954

Enclosures:

Air or Surface Mail:

Post File No:

Ottawa File No.	

References

The United States Government has not yet made a move to open negotiations with the ROK Government regarding status of United States forces. We have been assured by the State Department that we will be informed before this is done. The United States position is still being studied by the Pentagon and by the United Nations Command in Korea. The U.N.C. is preparing a draft scheme which suggests three separate agreements with Korea as follows:

(a) To cover the status of U.N.C. forces;

(b) To cover the status of United States forces after disbandment of the U.N.C.;

(c) A financial agreement establishing general principles for repayment of won drawings.

2. The State Department believe that a reply will soon be made to the Commonwealth Notes of October 30. They expect that the Note will undertake to protect Commonwealth interests and will be generally satisfactory to us.

Internal Circulation

(Signed) P.G.R. Campbell

The Embassy

Distribution to Posts

Ext. 182C (Rev. 2 /52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

February 3, 1954.

MEMORANDUM FOR: Brigadier Morton,
Mr. Rettie.

United Nations in Korea Status of Forces

I do not know whether you have noticed a Reuter despatch from Washington dated February 1 saying that United States and South Korea plan to open formal negotiations soon for an agreement defining the status of the American forces in Korea. The despatch says that preliminary talks between United States and South Korean officials have been in progress for some time.

2. CMM has several times inquired from UNC about this and Mr. Rettie made some detailed inquiries not so long since from his opposite numbers dealing with the same question in Japan.

3. As Ottawa may well see the Reuter despatch, would it be worthwhile to make fresh inquiries based upon it?

S. Morley Scott

Document disclosed under the *Access to Inform*
Document divulgué en vertu de la *Loi sur l'accès à*

U.S., Korea Schedule Jurisdiction Talks

Reuter

WASHINGTON, Feb. 1—The United States and South Korea plan to open formal negotiations soon for an agreement defining the status of the American forces in Korea, it has been learned.

Officials said it was expected to follow the lines of agreements which the United States signed with Japan last year. This gave the Japanese courts the right to try American servicemen for crimes committed off duty.

Preliminary talks between the United States and South Korean officials have been in progress for some time. If the agreement does follow the general line of the status of forces agreement with Japan, United States military authorities in Korea will retain jurisdiction for trying offenses committed by the troops on duty.

The South Korean Government will be able to choose between trying servicemen charged with a crime off duty or handing them over to their own commanders for court-martial.

The United States will have the right to ask the Government to waive its jurisdiction to permit the military authorities to take charge of any specific

...roposed pact is 'an ex-

U.S. Dollar Aid May Start to Ebb

Reuter

LONDON, Feb. 1—The Tokyo correspondent of the independent weekly review The Economist declared Japan's postwar economy is still sustained only by dollar tranfusions which the Americans are administering with flagging enthusiasm.

"Exasperated American representatives have indulged in sufficient thinking aloud at the interminable wrangles over Japanese rearmament to warn the Japanese that the wells of American generosity and aid can dry up.

"During the past three years the United States has spent 2,500 million dollars in Japan for goods and services to maintain the Korean war, defend Japan and help other Far Eastern nations. This emergency sustenance enabled and encouraged the Japanese in 1953 to import a flood of luxury goods which has helped swell the trade deficit to 240 million dollars.

"The sick and ailing yen has lost another ten per cent in value during the past ... months, so that the re... change value sho...

Germ... Worri...

Reuter

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000777

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

EWS

SANWA BANK
Authorized Foreign Exchange Bank
HEAD OFFICE OSAKA

昭和29年1月19日国鉄特別扱承認第899号 ★★★ Price 5 Yen

ubmits Draft
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prise Parley Move

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Wants to Put Proposal Before Internat. Meet

By The Associated Press

BERLIN, Feb. 1—Soviet Foreign Minister V. M. Molotov laid before the Big-Four conference Monday night the draft of a peace treaty for a united Germany.

Mr. Molotov dropped his shell at the tag end of the session yet—4 1/2 hours

000778

To Each His Own

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

January 20, 1954.

NOTE FOR MR. RETTIE AND FILE 210-7-3

General Harrison on January 19 said that no approach had been made to UNC by the Koreans. He knows that the Koreans are drafting a plan.

S. Morley Scott.

U.N. Forces in Korea.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

Mr Reid EDK
Brigadier ...
Gp Capt ... file copy

January 14, 1954.

NOTE FOR FILE 210-7-3

I asked Mr. Kim, the Korean Minister, yesterday about Korean preparations for an agreement about United Nations personnel. All that he knew was that an agreement was being prepared in the Korean Government. He did not know whether any approach had been made to the UNC. He did not know what sort of personnel would be covered in the agreement but he supposed that all personnel, including military, would be covered just like the agreements in other countries.

Scott
S. Morley Scott.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

MR. RETTIE TO SEE AND RETURN FOR FILING S.M.SCOTT/NAW

Ext. 182B

FILE COPY

OTTAWA FILE

No.....

Letter No. Korea No. 32

Date January 13, 1954

SECURITY CLASSIFICATION

CONFIDENTIAL

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Reference: Korea Letter No. 24 of January 6

Subject: Press Correspondents in Korea - Status of Forces There.

In my letter under reference (paragraph 6) I said that I had lost trace of a statement by Foreign Minister Pyun on the arrest of a Japanese photographer, Shiraishi. I now find in the Korean Republic of December 30 that Pyun told his press meeting that "a draft agreement is being drawn up on matters of legal jurisdiction between Korea and the United States". From various digests of Korean language newspaper information, it is clear that Korean officials had been working for at least a month on drafts of an agreement but whether the drafts are concorned with both civilian and military personnel, or only with civilian personnel of UN organizations and UNC is not yet clear to me. The drafts concern themselves with the financial aspect of things as well as with judicial jurisdiction and customs exemptions, entry and exit permits and internal taxations.

2. The same issue of the Korean Republic said that "prosecution authorities" affirmed that "foreigners working in UN organizations are under Korean jurisdiction". The same authorities blamed the exaggerated reports current in the Japanese newspapers on those attempting to injure Korean-UN relations. Pyun remarked that Japanese correspondents, even when they behaved themselves, were restricted in their movements.

3. An earlier number of the same paper says that Shiraishi was drunk when he assaulted the Korean. Two correspondents told me yesterday that he was usually drunk. These correspondents thought ROK had won the first round of the battle to get control of movements of correspondents. They were regretful but fatalistic.

S. MORLEY SCOTT

S. Morley Scott.

Copies Referred To.....

No. of Enclosures None

Post File No 210-7-3

000781

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

MR. RETTIE TO SEE AND RETURN FOR FILING

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(FILE COPY)*

NUMBERED LETTER

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: THE CANADIAN EMBASSY, TOKYO, JAPAN

Reference:

Subject: Korea: Press Correspondents in Korea - Status of Forces there

Security: CONFIDENTIAL

No: Korea No. 24

Date: January 6, 1954

Enclosures: None

Air or Surface Mail: Air

Post File No: 210-7-3

Ottawa File No.

References

Internal Circulation

Mr. Rettie

Mr. Rogers (para. 11)

Distribution to Posts

There has been a flurry in the newspapers about these subjects but as far as I can find out no corresponding international activity in government offices.

2. On December 23 a Japanese press photographer in Seoul, Akira Shiraishi of the United Press Movietone Newsreel, got into a fracas with a Korean guard at the Eighth Army press billet for foreign correspondents. The guard went to hospital and the photographer to a Korean jail. I am told by a press man that two UNC provost corps men went with him to prevent his being mistreated. The newspapers here do not say this, but do say he suffered no hardship except two weeks' confinement, pending trial, in an uncomfortable unheated cell. He came up for trial a few days ago, in a Korean court, and apparently UNC made no official protest about this (if they did, it has not been publicized), nor did UNC enter or support any plea to the jurisdiction during the trial. The charge was personal assault, there was no jury and according to a press account, while three prosecution witnesses were heard, two would-be defence witnesses were refused hearing. At the end of the evidence, the prisoner, asked what he had to say for himself, contented himself with asking for a light sentence. He apparently had counsel. The sentence was indeed light, a fine of $56; the prosecutor had asked for eight months hard labour. Shiraishi has evidently been released on bond (put up by his employees) pending a possible appeal.

3. There are two controversies involved, one old, one now freshly raised (as far as I know) but inherent in the Korean situation. Both controversies seem to exist chiefly in the press and in unofficial utterances of officers and officials.

4. The old controversy is whether foreign correspondents (who are now accredited to the UNC and admitted to Korea by UNC) ought not to be subject, like other visiting unofficial foreigners, to the civil government of Korea - not merely for police purposes, but in respect to admission, permission to reside and like matters. You have expressed an interest in this question and I have to report that I cannot find, in Tokyo, that the Korean government has now raised this

...2

Ext. 182B (Rev. 2/52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

question afresh with either the UNC or the American Embassy. The last I heard of it the Embassy was stalling on it and ROK was not pressing it.

5. The other controversy, now started, is whether the Japanese photographer, being accredited to UNC, and thus I suppose assimilated to the status of a soldier, is subject to the police and judicial authority of the civil government. This leads to the question (really the same question) of the status of USA and other UN forces in Korea. At my suggestion, CMM made some inquiries from UNC, and an officer of this Embassy made some inquiries from the American Embassy and from another branch of UNC. The CMM was told by the UNC Intelligence Liaison Officer (Colonel Field) that nothing had been started. Mr. Rettie was told by J-1 that no approach had been made to UNC HQ, to 8th Army HQ, to US Embassy, Tokyo (Rettie confirmed this) or to US Embassy, Seoul. On the date of that conversation (January 4) J-1 had not really studied or analyzed the public statements.

6. At the time of the arrest, AP reported from Seoul that the Vice Chief of the National Police said that Korea had the right to arrest and try American or other personnel who "violate our internal laws". The Vice Minister of Justice said South Korea could try any civilians (sic) in the country - American, British or Japanese. He said no nation had extra-territoriality in Korea. The Eighth Army Advocate General said (according to the same source) that Korea had no jurisdiction over United Nations men. He cited the jurisdictional pact of July 1951. I believe the Foreign Minister also issued a pronouncement but I cannot now find it.

7. Following the trial the AP correspondent in Seoul wrote that because of the failure of the American Army to obtain Shiraishi's return to U.S. authorities for action, the case sets a precedent that has seriously alarmed the press corps in Korea. He says the prosecutor claimed that Shiraishi was neither a soldier nor a paid employee of the U.S. army and therefore he could be tried in a civil court.

8. "If such a precedent stands", says the AP story, "every correspondent in Korea, American or foreign is subject to Korean domestic law. This has disturbed the press group in view of several hostile actions of the ROK government against various press groups in the past. Last week a Korean reporter for an American news agency was beaten twice by ROK Military Police; who tore his UN correspondent's patch from his shoulder and ripped it in two."

9. You will judge from this that a certain confusion prevails, as between the two controversies. The AP story just quoted would indicate that the case was a precedent against the interest of newspaper correspondents, but not necessarily against the forces.

10. I should myself be mildly surprised if the appropriate "J" branch in UNC or "G" branch in AFFE was not watching the case closely. Inaction does not prove the contrary. If the status of UN forces is the important thing, the case of a press photographer is perhaps not a good one upon which to open the battle. If the press correspondents are to be legally defended, it might be

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CANADIAN EMBASSY
CANADIAN DELEGATION

best not to start with the Japanese. The Japanese correspondents are particularly disliked by the Korean authorities. I believe they are kept some distance behind the front line; several of them have returned home; and some have complained to UNC about the lack of support given them.

11. I shall try to follow up by the press angle in this story but I must advise you that it would be unwise to depend on the "K" series of letters to keep you up to date on the Status of UN Forces in Korea, as I do not consider myself seized of that subject.

12. I did casually inquire of my friends and acquaintances in Korea, when I was there, whether there were any signs of the Status question being raised. My friends (none of whom is, unfortunately, a Korean) were horror-struck at this idea. They do not think of it in at all the same terms as in Japan. Korean justice does not have a good reputation among our soldiery.

S. MORLEY SCOTT

S. Morley Scott.

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

[redacted]

R E S T R I C T E D

January 5, 1954

Memorandum for Mr. Scott.

Status of U.N. Forces In Korea.

1. I asked a member of J-1 Division of UNC HQ (Mr. Steve Sims) yesterday whether the ROK government had approached the UNC yet about an agreement on the legal status of U.N. or U.S. forces in Korea. Mr. Sims said no approach had been made to

a) UNC HQ
b) 8th Army HQ
c) U.S. Embassy, Tokyo (I confirmed this), or
d) U.S. Embassy, Seoul.

He said that he was responsible for this subject in the Judge Advocate branch of UNC HQ. and that he had nothing but Mr. Pyun's press statements to go on. These had not yet been fully analysed nor had the subject yet been discussed with Maj.Gen. Christenberry (Asst. Chief of Staff, J-1) preparatory to bringing it to the attention of the Chief of Staff.

2. I note that you gather that we both understand that you do not conceive yourself seized of Status of Forces in Korea. I gather that we both understand that neither is the Embassy, at least not in any formal way. I also note, however, that you are drafting a letter on the press aspect of the Shiraishi incident, which should satisfy the Department's requirements for the moment. Perhaps you would like to incorporate therein the foregoing paragraph. If the Department should indicate a requirement for something more from Tokyo than reports on the public aspects of Status of U.N. Forces in Korea, perhaps we could then further discuss the question of seizure. My view, which is shared by Mr. Rogers, is that the "Korean side" of the Embassy would be the logical one to become seized.

3. My stenographer is jammed too.

E.R.R.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

Dec. 29, 1953

(2) file on (C) 210-7-3

ROK Wants Power To Arrest, Try US Soldiers: Foreign Minister Tae

By George Suh, United Press Staff Correspondent

SEOUL, Dec. 29.—Korea's Foreign Minister said today his nation wants the power to arrest American soldiers and try them in Korean courts.

Pyun Yung Tae said he will soon ask the United Nations for such jurisdiction and he predicted "it will soon be drafted and agreed to."

He said that no formal request as yet has been made "but we are going to start on it soon."

The United States already has agreements with Japan and the NATO nations, giving them legal power over servicemen who commit off-duty crimes off post.

It seemed that a Korean agreement would have to be along different lines because soldiers in Korea are considered on-duty all the time and all Korea north of the Han River can be considered a "post."

The Eighth Army judge advocate, Col. Claude Reitzel, said there is "probably" no legal difference between a U.N. post and any other part of Seoul--all of which falls under the Seoul City command, a U.N. unit.

Reitzel said, "in my opinion, there is no legal difference between a guy who hits a Korean in a bar at midnight, and a guy who hits a houseboy in his barracks during working hours."

In both cases, Reitzel said, the soldiers would be "on duty" and "on post."

He said Korean jurisdiction "would certainly be a matter for this command to forward to the U.N. Command."

The jurisdiction matter was an outgrowth of the arrest by Korean police of a Japanese cameraman employed by an American Newsreel Company on charges of "injuring" a Korean civilian.

The cameraman, Akira Shiraishi, was turned over to the Seoul prosecutor yesterday for 10 days interrogation and possible indictment.

Pyun said that Korea "increasingly feels the need of such an agreement," now that a U.N. correspondent has been arrested and imprisoned.

At the time of Shiraishi's arrest, the question was raised as to whether Korea has jurisdiction over U.N. correspondents and if so, over American correspondents as well.

Pyun dodged the issue at a press conference today saying, "there is no administrative agreement between this Government and the U.N. Command" making the matter clear.

He said that an agreement between Korea and the U.N., giving the ROKs some sort of jurisdiction over servicemen, "will furnish us a proper channel in such cases."

Meanwhile, Pyun said, the lack of an agreement "does not mean that when cases arise the Korean Government cannot exercise full sovereignty."

Speaking specifically of Shiraishi the Minister said, "Japanese are not supposed to go anywhere they like in Korea." He said they should restrict themselves to Panmunjom.

The Japanese was arrested at the correspondents billets in Seoul for allegedly hitting a Korean gate keeper at the billets.

BUDGET FOR 1954

South Korea Wants Power To Arrest, Try Americans

Kyodo-UP

SEOUL, Dec. 29—Korea's Foreign Minister said today his nation wants the power to arrest American soldiers and try them in Korean courts.

Pyun Yung Tae said he will soon ask the United Nations for such jurisdiction and he predicted, "it will soon be drafted and agreed to."

He said that no formal request as yet has been made "but we are going to start on it soon."

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The cameraman, Akira Shiraishi, was turned over to the Seoul prosecutor yesterday for 10 days interrogation and possible indictment.

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

TRANSMITTAL SLIP

(R.D. McDOUGALL) CANADIAN MILITARY MISSION FAR EAST 4 1953

TO: THE CANADIAN EMBASSY
TOKYO, JAPAN.

Security: NO CONFIDENTIAL

Date: October 19, 1953.

FROM: The Acting Under-Secretary of State for External Affairs.

Air or Surface: Air

No. of enclosures: Four

The documents described below are for your information.

210-7-3

Despatching Authority: M.H.Wershof/ams

Canadian Embassy - Ambassade du Canada - TOKYO - OCT 23 1953

Copies	Description	Also referred to:
1	Letter of October 16, 1953 to the Deputy Ministers of National Defence and Finance, enclosing:	
1	Telegram WA-2257 of October 6 from Washington	
1	Foreign Office telegram No. 3228 Saving of October 1	
1	Our letter No. D-1167 of October 14 to the Canadian Embassy, Washington Re: Status of United Nations Forces in Korea.	

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

INSTRUCTIONS

1. This form may be used in sending material for informational purposes from the Department to posts abroad and vice versa.

2. This form should ***NOT*** be used to cover documents requiring action.

3. The name of the person responsible for authorizing the despatch of the material should be shown opposite the words "Despatching Authority". This may be done by signature, name stamp or by any other suitable means.

4. The form should bear the security classification of the material it covers.

5. The column for "Copies" should indicate the number of copies of each document transmitted. The space for "No. of Enclosures" should show the total number of copies of all documents covered by the transmittal slip. This will facilitate checking on despatch and receipt of mail.

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Canadian Embassy - Ambassade du Canada
OCT 23 1953
TOKYO - Canada

CONFIDENTIAL

October 16, 1953.

The Deputy Minister,
Department of National Defence;

The Deputy Minister,
Department of Finance.

Status of United Nations Forces in Korea

3

With reference to the letter of October 13 from National Defence, I enclose the following:

Telegram WA-2257 of October 6 from Washington

Foreign Office telegram No. 3228 Saving of October 1

Our Letter No. D-1167 of October 14 to the Canadian Embassy, Washington

We shall in due course send you copies of the note to be sent by the Canadian Embassy to the State Department.

Copies of this letter are being referred for information to Chairman, Chiefs of Staff and to the Judge Advocate General.

M. H. WERSHOF

FOR THE

Acting Under-Secretary of State for External Affairs.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

INCOMING MESSAGE

COPY

FROM: THE CANADIAN AMBASSADOR TO THE UNITED STATES

Canadian Embassy - Ambassade du Canada
OCT 23 1953

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Security Classification
CONFIDENTIAL
File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-2257	October 6, 1953.

Departmental Circulation
MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
POL/CO-ORD'N SECTION

Done
Date

References

Reference:

Subject: Status of United Nations Forces in Korea.

The British draft note enclosed with our despatch 1827 of September 24 has been approved by the Foreign Office provided some additions are made to the text which would give certain safeguards. Foreign Office comments on the British Embassy's draft note are contained in Saving telegram No. 3228 of October 1 from the Foreign Office to the British Embassy in Washington, which has been repeated to the United Kingdom High Commissioner in Ottawa. You may wish to obtain a copy of this telegram.

Done
Date

Ext. 230 (rev. 3/52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

COPY

CONFIDENTIAL

U.K. FOREIGN OFFICE TO WASHINGTON Telegram No. 3228
Saving of October 1, 1953

Status of forces in Korea.

We are principally concerned over two possibilities:

(a) that the Americans may make a bi-lateral Agreement covering their own forces and leaving us to do what we can afterwards

(b) that the Americans while prepared to agree to parity for all components of the United Nations Command, may be willing to accept from the Koreans terms which do not fully cover our desiderata.

The first point is adequately covered in the draft Note. In order to cover the second more fully the following drafting changes are suggested:

(i) at the end of the first sentence of paragraph 4 of the draft add "and that the effect of any agreement should not be a reduction of existing facilities".

(ii) at the end of the second sentence of paragraph 4 add the words "and upon the maintenance of existing facilities".

(iii) amend the last three lines of paragraph 5 to read: "The Republic of Korea, protecting all the other contingents of the United Nations Forces in accordance with the preceding paragraph of this note".

2. When delivering Note please explain that the term "facilities" should be taken to include provision of Korean currency and that Her Majesty's Government are concerned to ensure that their position in this respect should not be prejudiced (compare your telegram No. 209 Saving (of March 10)).

3. With reference to paragraph 4 (b) of your telegram No. 2004 we agree that we should leave the New Zealand Embassy to pursue their point on their own for the present.

4. I agree with paragraph (b) of your telegram No. 2022 (of September 24). No doubt request would be so worded as not to detract from the idea that the best course would be to have a single Agreement.

5. With reference to paragraph (c) of your telegram No. 2022 I agree that the United States Government should undertake the negotiation of the United Nations Forces Agreement and that this point should be made at an early stage.

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. (DUPLICATE)

NUMBERED LETTER

TO: the Canadian Embassy
Washington, D. C.

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Reference: Your Despatch No. 1827 of September 24, Letter No. 1831 of September 25 and telegram No. WA-2257 of October 6

Subject: Status of United Nations Forces in Korea

Security: CONFIDENTIAL
No: D-1167
Date: October 14, 1953
Enclosures:
Air or Surface Mail: Surface
Post File No:

Ottawa File No.

References

Internal Circulation

Distribution to Posts

The draft note to be sent by the Canadian Embassy to the State Department (enclosed with your Despatch No. 1827) has been considered by the Departments of National Defence and Finance. You are authorized to give the note to the State Department with, however, one change which has been approved by the Minister.

2. The purpose of the change is to avoid any possible implication that Canadian forces will remain indefinitely in Korea. The change is to substitute the following wording for the third paragraph of your draft:

"The foregoing excerpt from the joint statement is a guarantee by the Government of the Republic of Korea that the status and facilities presently accorded United Nations forces in Korea will be continued for the immediate future. However it commits the Government of the Republic of Korea to a continuance of its present co-operation with the United Nations Command in this respect for a limited period, perhaps only a few months, until the bilateral United States - Korea agreement comes into force. It would not protect the position of non-United States contingents which temporarily remain in Korea, for periods the exact length of which cannot at present be forecast, after the entry into force of a United States - Republic of Korea status of forces agreement. In view of the relationship between the prospective United States - Republic of Korea negotiations and the future status of the other national contingents serving under the United Nations Command in Korea, the United States Government will appreciate the interest of the Canadian Government in learning the intentions of the United States Government with respect to those negotiations."

3. The Department of National Defence has furnished the following comments (concurred in by

2 . . .

000792

Ext. 181C (Rev. 2/52)

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

the Department of Finance) on the Australian Embassy's suggestions set forth in your Letter No. 1831:

> "Regarding future financial arrangements referred to in Despatch No. 1831, I would suggest that the terms of the recent United States settlement for their drawings of Korean currency (see the attachments to letter No. 901 of September 9 from the Canadian Ambassador at Tokyo) lend weight to the caution of the Australian Embassy in Washington that the United States might, as an indirect means of affording financial aid to the Republic of Korea, make arrangements very favourable to Korea. It would seem to be somewhat unreasonable that these same arrangements should apply to Canada and other Commonwealth countries. There is, on the other hand, the difficulty to which the Canadian Embassy draws attention of attempting to obtain parity with the United States with respect to jurisdiction, and, at the same time, to obtain terms of settlement for the use of facilities and for drawings of Korean currency more favourable than those accepted by the United States. I would suggest, therefore, that we should approach the question of parity with the United States in financial matters with considerable caution and that we should, if possible, attempt to obtain from the United States Government their proposals with respect to payment to the Koreans for facilities and currency before they are handed to the Government of the Republic of Korea.
>
> "Incidentally, I agree, with the observation contained in the last sentence of paragraph 3 of despatch No. 1831, that the understanding that negotiations for a U.N. - R.O.K. agreement would be carried on by the Unified Command is implicit in the Canadian draft note."

I agree with these comments but do not think it is necessary to alter the wording of the note to the State Department. Will you please take up orally with the State Department the suggestion of National Defence that the United States let us, and other Commonwealth Governments, see the prospective U.S. proposals respecting payment to Korea for facilities and currency before they are handed to the Korean Government. We assume that such proposals will be formulated by the United States in preparation for the negotiation of a bilateral status of forces agreement with Korea pursuant to the Korea - U.S. Mutual Defence Treaty.

4. We have just obtained from Earnscliffe a copy of telegram No. 3228 Saving of October 1 from the Foreign Office (mentioned in your WA-2257). The changes in the U.K. note suggested in paragraph 1 of telegram No. 3228 seem reasonable and we would have no

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objection to your incorporating them in your note; we do not however consider it essential that you do so.

5. Please send us copies of the notes finally sent to the State Department by the four Commonwealth missions.

R. A. MACKAY

for Acting Under-Secretary of State for External Affairs

000794

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: THE CANADIAN EMBASSY, TOKYO, JAPAN.

Security: CONFIDENTIAL

Date: September 30, 1953

FROM: THE ACTING UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA

Air or Surface: Air

No. of enclosures: 1

The documents described below are for your information.

210-7-3

Despatching Authority: Defence Liaison(1)/M.H.Wershof/mjr

Copies	Description	Also referred to:
1	Copy of letter, dated September 28, 1953, to the Deputy Ministers of National Defence and Finance, and enclosures - Status of United Nations Forces in Korea	~~Mr. Scott~~ Mr. Rettie

Tokyo does not seem the natural place for these conversations, unless a special international meeting is called upon them. Washington is the most natural, Ottawa (which does not have attendance of some) the next natural.

Analogous to the Payment of ... Canada is concerned, is ... Ottawa ... Lester ...

It will be necessary to decide who is to cope if we have a series of negotiations in this.

L.R.

October 5th, 1953

Canadian Embassy - Ambassade du Canada
OCT 5 1953
TOKYO

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CONFIDENTIAL

September 28, 1953.

The Deputy Minister,
Department of National Defence,
Ottawa.

The Deputy Minister,
Department of Finance,
Ottawa.

Status of United Nations Forces in Korea

2

Enclosed are copies of despatch No. 1827 of September 24 and letter No. 1831 of September 25 from the Canadian Embassy in Washington.

Enclosed with despatch No. 1827 is the draft of a Note which the Canadian Embassy might present to the State Department. Would you please let me know whether you concur in the wording of the draft Note.

I should also be interested to have your comments on the points raised in letter No. 1831 regarding future financial arrangements for forces in Korea.

M. H. WERSHOF
FOR THE
Acting Under-Secretary of State
for External Affairs.

Canadian Embassy - Ambassade du Canada
OCT 5 1953
TOKYO

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Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

DESPATCH

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: The Canadian Ambassador, Washington, D.C., U.S.A.

Reference: WA-2122 of September 6, 1953.

Subject: Status of United Nations Forces in Korea.

Security: CONFIDENTIAL

No: 1827

Date: September 25, 1953

Enclosures:

Air or Surface Mail:

Post File No:

Ottawa File No.

References

Internal Circulation

Distribution to Posts

A further meeting of Commonwealth representatives was held on September 22 to discuss drafts of a note to the State Department concerning the future status of United Nations forces in Korea which had been prepared by the United Kingdom Embassy and our Embassy. Some of the revisions to an earlier United Kingdom draft which we had suggested have been incorporated in the draft which has now been forwarded to London for approval. A copy of that draft is attached for your information.

2. I attach also a copy of a draft which we have prepared, the substance of which is similar to that of the United Kingdom draft, but which is somewhat less insistent in tone. There are good reasons, we believe, why the notes sent by the interested Commonwealth Embassies should not be exactly similar and we are inclined to believe that the United Kingdom draft may be somewhat too demanding.

3. It was agreed at the Commonwealth meeting that we should all submit notes along the lines of the two attachments to the State Department in the near future. One of the Commonwealth representatives had been told by a responsible State Department official that the State Department was just beginning consultations with the Pentagon with a view to the opening of negotiations with the South Korean Government on the future status of the United States forces. He was told that the State Department hoped to be in a position to begin negotiations with the South Koreans in about a month's time. We all had the impression from our conversations with various State Department officials that their personal opinions were in accord with our desire to ensure parity of treatment for all United Nations contingents Whether those personal views will be the views of the United States Government is, of course, impossible to predict. In the circumstances we believe it would be a good idea to put our written views to the State Department as soon as possible and before a firm decision on policy has been taken.

4. It has been suggested from Wellington that the New Zealand Embassy raise with the State Department the possibility of arranging immediately with President Rhee an exchange of notes guaranteeing the continuation of the status and facilities presently granted to United Nations forces until such time as a formal agreement covering

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United Nations forces can be negotiated. It was agreed at the Commonwealth meeting that this suggestion might better be taken up orally with the State Department when a note along the lines of the attachments was presented and should not be included in the written request for views.

5. I would be grateful to know whether you approve of our draft note and whether you believe it should be given to the State Department in the near future.

(Sgd.) G. Ignatieff

for the Ambassador.

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CANADIAN DRAFT NOTE

CONFIDENTIAL

September 24, 1953.

The Canadian Ambassador presents his compliments to the Secretary of State and has the honour to refer to the joint statement issued in Seoul on August 7, 1953 by the Secretary and President Syngman Rhee. The Canadian Government wishes to draw to the attention of the United States Government its views on the status of United Nations forces in Korea and would be grateful to have the views of the United States Government.

The joint statement referred to above states in part that the United States Government and the Government of the Republic of Korea "will promptly negotiate agreements to cover the status of such forces as the United States may elect to maintain in Korea after the mutual defence treaty comes into force and effect, and the availability to them of Korean facilities and services needed for the discharge of our common task. In the meantime, the Republic of Korea will continue to co-operate with the UNC and the status of UNC forces in Korea and the availability to them of Korean facilities and services will continue as at present."

The foregoing excerpt from the joint statement is a guarantee by the Government of the Republic of Korea that the status and facilities presently accorded United Nations forces in Korea will be continued for the immediate future. However it commits the Government of the Republic of Korea to a continuance of its present co-operation with the United Nations Command in this respect for a limited period only. It would not protect the position of non-U.S. contingents after the entry into force of a United States-Republic of Korea status of forces agreement. In view of the relationship between the prospective United States-Republic of Korea negotiations and the future status of the other national contingents serving under the United Nations Command in Korea, the United States Government will appreciate the interest of the Canadian Government in learning the intentions of the United States Government with respect of those negotiations.

The Canadian Government believes it essential that all the national contingents which will continue to serve under the United Nations Command while in Korea should be granted full parity of treatment and trusts that that view is shared by the United States Government. Since any bilateral United States-Republic of Korea agreement on the status of United States forces in Korea will be of immediate concern to all other United Nations contingents which remain in Korea, the Canadian Government hopes that all interested governments will be kept fully informed at all stages of the United States-Republic of Korea negotiations and will be given an opportunity to comment on matters that might eventually affect their forces in Korea.

It would be preferable in the view of the Canadian Government to have one single agreement with the Republic of Korea covering the status of all foreign national contingents serving in Korea. In the event however that the United States Government finds it necessary to negotiate a separate bilateral status of forces agreement covering only the United States forces in Korea, the Canadian Government hopes the United States Government would agree that before any bilateral agreement which it might negotiate would enter into force, an agreement should be reached with the Government of the Republic of Korea which would grant all other national contingents of the United Nations Command parity of treatment with United States forces.

The Canadian Government would be grateful to know if the views of the United States Government are in accord with the views expressed above.

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UNITED KINGDOM DRAFT NOTE

CONFIDENTIAL

September 24, 1953.

2. The joint statement issued in Seoul on August 7, 1953 by Mr. Dulles and President Rhee states that the United States and the Republic of Korea "will promptly negotiate agreements to cover the status of such forces as the United States may elect to maintain in Korea after the mutual defense treaty comes into force and effect, and the availability to them of Korean facilities and services needed for the discharge of our common task. In the meantime, the Republic of Korea will continue to co-operate with the United Nations Command and the status of United Nations Command forces in Korea and the availability to them of Korean facilities and services will continue as at present".

3. The foregoing excerpt from the joint statement is a guarantee by the Government of the Republic of Korea that the status and facilities at present accorded to the United Nations forces in Korea will be continued for the immediate future. However this commitment is binding upon the Government of the Republic of Korea only for a limited period and would not protect the position of non-American contingents of the United Nations forces after the entry into force of any bilateral status of forces agreement between the United States and the Republic of Korea. The prospective negotiations between the United States and the Republic of Korea will therefore have a direct bearing on the future status of the other national contingents serving under the United Nations Command in Korea; Her Majesty's Government in the United Kingdom will, therefore, be interested to learn in more detail the intentions of the United States Government concerning the negotiations which they are to hold with the Government of the Republic of Korea.

4. Her Majesty's Government consider it essential that all the national contingents serving in the United Nations forces in Korea should be granted full parity of treatment in all matters of status jurisdiction and the provision of facilities etc. Her Majesty's Government therefore trust that the United States Government will insist in any negotiations with the Republic of Korea upon full parity of treatment among all these national contingents.

5. It would clearly be preferable to have one single agreement with the Republic of Korea covering the status of all national contingents. In the event however that the United States Government find it necessary to negotiate a separate bilateral status of forces agreement covering only the United States forces in Korea, Her Majesty's Government consider that, before such a bilateral agreement entered into force, an agreement should be reached with the Republic of Korea, protecting the status of all the other contingents of the United Nations forces, and granting them parity of treatment in accordance with the preceding paragraph of this Note.

6. Her Majesty's Government confidently expect that the United States Government will consult with them and with the other Governments concerned in this matter, before and during any negotiations with the Republic of Korea affecting the common interests of the Governments contributing forces in Korea.

7. Her Majesty's Government will be grateful to learn that the United States Government agree with the views set out above.

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DEPARTMENT OF EXTERNAL AFFAIRS, CANADA. *(DUPLICATE)*

NUMBERED LETTER

THE UNDER-SECRETARY OF STATE FOR
EXTERNAL AFFAIRS, OTTAWA, CANADA.

FROM: The Canadian Embassy,
Washington, D.C., U.S.A.

Reference: Despatch No. 1827 of September 25,1953

Subject: Status of United Nations Forces in Korea.

Security: CONFIDENTIAL

No: 1851

Date: September 25, 1953

Enclosures: One

Air or Surface Mail:

Post File No:

Ottawa File No.
50069-B-40

References

Internal Circulation

Distribution to Posts

I attach for your information a copy of the draft note concerning the status of United Nations forces in Korea which the Australian Embassy has forwarded to Canberra for comment. You will note that it follows closely our draft.

2. In forwarding the note to Canberra the Embassy here has made two points which may interest you. The Embassy suggests that Canberra may wish to consider whether a demand for parity of treatment with respect to facilities as distinct from jurisdiction might not have embarrassing consequences if the United States negotiated with the Republic of Korea relatively generous financial terms of settlement for use of facilities and for Won drawings. The Embassy has also raised the point that it might be appropriate to ask specifically in the note that the United States Government negotiate an agreement with the Government of the Republic of Korea for parity of treatment for all United Nations forces in its capacity as the Unified Command.

3. It seems to us that it would be extremely difficult to ask for parity of treatment with respect only to jurisdiction and to attempt to obtain more favourable treatment with respect to financial settlement in the event that the United States Government was prepared to grant generous terms to the Republic of Korea. So far as the second point made by the Australian Embassy is concerned we have no strong news one way or the other since we believe the understanding that negotiations would be carried on by the Unified Command is implicit in our draft note to the State Department.

"G. Ignatieff"

for the Embassy

Ext. 182C (Rev. 2 /52)

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CONFIDENTIAL

AUSTRALIAN DRAFT NOTE

1. Joint statement (Dulles-Rhee of August 7) referred to above states in part that U.S. Government and ROK Government "will promptly negotiate agreements to cover status of such forces as U.S. may elect to maintain in Korea after mutual defense treaty comes into force and effect, and availability to them of Korean facilities and services needed for discharge of our common task. In the meantime ROK will continue to cooperate with UNC and status of USC forces in Korea and availability to them of Korean facilities and services will continue as at present."

2. Foregoing excerpt constitutes guarantee by ROK Government that status and facilities presently accorded to United Nations forces in Korea will be continued for immediate future. This commitment, however, is binding on ROK Government for limited period only and would appear to provide no protection for position of non-U.S. contingents of U.N. forces after entry into force of any bilateral U.S.-ROK status of forces agreement. U.S. Government will appreciate that Australian Government is especially concerned to ensure that future status of non-U.S. foreign troops (including Australian troops) in Korea should be clearly and fully safeguarded.

3. Australian Government considers it essential that all national contingents serving in Korea under UNC should be granted parity of treatment in all matters relating to status, jurisdiction and provision of facilities, etc. Australian Government trusts that this view is shared by U.S. Government. The substance of any bilateral U.S.-ROK agreement on status of U.S. forces in Korea would therefore be of immediate concern to all other UN contingents in Korea. In these circumstances, the Australian Government hopes that all interested Governments would be kept fully informed at all stages of U.S.-ROK negotiations and would be given opportunity to comment on matters that might eventually affect their forces in Korea.

4. In Australian Government's view it would be preferable to have one single agreement with ROK covering status of all U.N. forces serving in Korea. In the event, however, that U.S. Government finds it necessary to negotiate separate bilateral status of forces agreement covering only U.S. forces in Korea, Australian Government considers that, before such a bilateral agreement entered into force, an agreement should be reached with ROK Government protecting position of all non-U.S. forces serving under UNC and granting them full parity of treatment with U.S. forces.

Australian Government would be grateful to have U.S. Government's views on future status of U.N. forces in Korea.

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TRANSMITTAL SLIP

TO: THE CANADIAN EMBASSY, TOKYO, JAPAN.

FROM: THE ACTING UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, OTTAWA, CANADA.

Security: CONFIDENTIAL

Date: SEPTEMBER 23, 1953

Air or Surface: AIR

No. of enclosures:

The documents described below are for your information.

210-7-3

Despatching Authority: A.R. Menzies

Copies	Description	Also referred to:
	Letter dated September 11, 1953 from Mr. MacGinnis, British Embassy, Washington, D.C., to London Foreign Office.	

Canadian Embassy - Ambassade du Canada - TOKYO - SEP 28 1953

000804

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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A BAG.
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BRITISH EMBASSY
Washington, D. C.,
September 11, 1953.

1190/11/53

Your telegram No. 2785 Saving of 29th August was about the status of Commonwealth forces in Korea after the entry into effect of the United States/Korean Security Treaty. We discussed this question with the four "old" Commonwealth Embassies and we all agreed that before any formal or concerted approach was made to the State Department we ought first to see what information we could get individually about the significance of the 5th paragraph of the Rhee/Dulles statement (extract enclosed for reference) and about the intentions of the United States Government in this matter. We adopted this approach because we did not wish to raise this issue formally until we had enough information to show that the matter was bound to come to a head anyway. We shall be meeting early next week to discuss the information we have each of us obtained and to consider what further action may be necessary. We shall be writing to you then but in the meantime I am sending you this letter as an interim report.

2. I called last week on Ken Young, the Director of the Office of North East Asian Affairs who, as you will remember accompanied Dulles on his trip to Korea last month. I asked him what were the intentions of the United States Government over the negotiation of a status of forces agreement with the Koreans. Young said that the United States Government had been concerned about the lack of any formal agreement of any kind defining the present status of the United Nations forces in Korea. The last sentence of paragraph 5 of the Dulles/Rhee statement said that pending the negotiation of a status of forces agreement between the United States and Korea "The Republic of Korea will continue to co-operate with the United Nations Command and the status of United Nations Command forces in Korea and the availability to them of Korean facilities and services will continue as at present". Young said that the main reason for the insertion of this sentence in the joint statement had been the desire of the United States Government to obtain at least something on paper immediately which would protect the present status of the United Nations forces in Korea. In point of fact this sentence in the joint statement was the nearest thing that there was to an agreement covering the present position.

3. I asked Young about the prospects for the future. He said that, while the matter was under consideration, the United States had not yet reached any firm conclusions about the proposals they should put forward in the negotiations which will have to be held with the Koreans. Speaking personally, he was very clear in his own mind that all United Nations contingents in Korea must be accorded completely equal status of facilities. He said there seemed to be a number of ways in which this might be achieved. It might be possible for instance to include in a bilateral United States/Korean Agreement a clause to the effect that non-American contingents serving under the United Nations Command continued to exist, i. e. so long as non-American contingents of the United Nations forces remained in Korea. In this event the period between now and the entry into force of the bilateral arrangements might be covered either by an agreement to maintain existing arrangements for the United Nations Command, or alternatively by the negotiation of a separate detailed agreement on the status of the United Nations Command. This would presumably follow the lines of the bilateral United States/Korean agreement, with

J. M. Addis, Esq.,
China and Korea Department,
Foreign Office,
London, S. W. 1

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with appropriate modifications. It would of course be far simpler to adopt the first of the two courses he mentioned and to have a single agreement to cover all points.

4. I made it quite clear to Young that we should certainly expect Commonwealth forces to be granted the same status and facilities as American forces for as long as the Commonwealth forces had to remain in Korea. I also emphasized that we would expect the status of Commonwealth forces (as part of the United Nations force) to have been fully protected by an agreement with the Republic of Korea before any similar agreement covering the status of American forces alone was brought into effect (see paragraph 4 of your telegram under reference - it is surely the entry into force of the United States/Korean status of forces agreement which is the significant date here rather than the entry into force of the United States/Korea Security Treaty). I thought it best not to mention to Young at this stage the tricky financial points such as the provision of services and facilities or above all the provision of local currency. Young was most emphatic in agreeing that United Nations contingents must be given completely equal treatment in matters of status and facilities etc. and he himself pointed out that any other arrangement would destroy the whole character of the United Nations Command. He was of course expressing only his personal views but he added that he did not know of any opposition to these views with the United States Government.

5. He was not able to say anything specific about the timing of negotiations with the Koreans but suggested that the negotiations might be opened in about November.

6. As I mentioned above we shall be discussing the position in the light of this information next week with the other Commonwealth Embassies concerned. We shall consider then what further action we should recommend, or take here, and shall be writing again after that. For convenience of reference I enclose a copy of the relevant paragraph of the Dulles/Rhee statement.

7. I am sending copies of this letter to the Chanceries at Tokyo and Korea and to the Offices of the United Kingdom High Commissioners at Ottawa, Canberra, Wellington and Capetown.

(Sgd) F. R. MacGinnis.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: The Canadian Embassy,
TOKYO, Japan.

FROM: The Acting Under-Secretary of State
for External Affairs.

Security: SECRET

Date: September 17, 1953.

Air or Surface: Air

No. of enclosures: 2

The documents described below are for your information.

210-7-3

Despatching Authority: D.L.(1)/M. Wershof/PW

Copies	Description	Also referred to:
1	Telegram No. WA-2122 of September 16, 1953, from Washington, re Status of United Nations Forces in Korea.	Oct. 5 1953 Pattie to see & file. London ~~Tokyo~~ Canberra
1	Telegram No. WA-2123 of September 16, 1953, from Washington, re Status of United Nations Forces in Korea.	

Canadian Embassy - Ambassade du Canada - TOKYO - SEP 21 1953

000808

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INCOMING MESSAGE

COPY

FROM: THE CANADIAN AMBASSADOR TO THE UNITED STATES	Security Classification
	SECRET
	File No.
TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA	

Priority	System	No.	Date
	CYPHER-AUTO	WA-2122	September 16, 1953.

Departmental Circulation

MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S

POL/CO-ORD'N SECTION

Done

Date

References

Reference: Your telegram EX-1487 of September 1.

Subject: Status of United Nations Forces in Korea

In the course of the last week MacGinnis of the British Embassy here spoke to Young, the Director of the State Department's office of Northeast Asian Affairs concerning the present and future status of United Nations forces in Korea. You may have been given by the United Kingdom High Commissioner's office in Ottawa a copy of MacGinnis's report of September 11 to the Foreign Office on his interview. Young told MacGinnis that the United States Government was concerned about the lack of any formal agreement defining the present status of United Nations forces in Korea. He said that United States officials had been responsible for the insertion of the last sentence of Para 5 of the Dulles-Rhee statement of August 7 which reads in part, "the availability to them (the United Nations forces in Korea) of Korean facilities and services will continue as at present", to ensure that there was something on paper to guarantee the continuance of the present status of United Nations forces in Korea. Young said that this sentence in the joint statement was the nearest thing that there was to an agreement on the status of United Nations forces. He indicated that no final decision had been taken by United States authorities as to what proposals should be put forward for negotiation with the R.O.K. Government to cover the future status of United States and United Nations forces although the subject was under active consideration. It was his personal opinion that whatever method was adopted should ensure equal treatment of all United Nations contingents including United States forces. In the event that you have not seen MacGinnis's report to the Foreign Office, a copy of it is being forwarded by bag.

2. Separate enquiries which we made at the State Department yielded some additional information, although that information tended in the main to confirm Young's chief point that no agreement covering the status of United Nations forces in Korea ever existed. Ward Allen with whom we discussed the question, got for us the text of a note from the ROK Ministry of Foreign Affairs dated July 12, 1950, which was contained in a telegram to the State Department from Ambassador Muccio. The

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Done

Date

(rev. 3/52)

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text of that telegram is included in our immediately following telegram. You will note that it contains a recognition by the ROK Government that "United States forces cannot be submitted to any but United States courts". Allen got the impression from the enquiries which he made in the State Department and the Pentagon, that Muccio had been requested to get from the ROK Government a commitment to treat other United Nations forces in the same manner as United States forces but that that commitment had never been obtained. A request has gone to the United States Embassy in Tokyo for confirmation on this point and the State Department will let us know what Tokyo's answer is as soon as possible. Allen told us that from his conversations on the subject with interested Pentagon officials he got the impression that the military had been satisfied with the ad hoc arrangements which local unit commanders had been able to make in Korea and had never been enthusiastic about pressing for written agreements since they might have had the effect of reducing the privileges which local commanders were in fact able to obtain.

3. In summary, therefore, it is probably safe to assume that no comprehensive status of forces agreement covering United Nations forces in Korea was ever drawn up and that whatever status was enjoyed by those forces during the past three years was in the main based on ad hoc operational arrangements rather than on written legal agreements. It is also clear, however, that attention is being given to the future status of United States and United Nations forces by the State Department at the moment.

4. We met with representatives of the United Kingdom, Australia, New Zealand and South African Embassies on September 14 before we had obtained the text of the telegram from Allen's office. For purposes of the Commonwealth discussion, therefore, we assumed that Young's views were accurate. There was general agreement among the Commonwealth representatives that some joint approach should be made to the State Department at an early date to indicate the interest of Commonwealth Governments with forces in Korea that in any negotiations between the United States and ROK Governments regarding the status of forces, every precaution should be taken to ensure that equal treatment should be given to all United Nations forces. It was agreed that a draft note to the State Department should be prepared and submitted to the Commonwealth capitals for concurrence. The United Kingdom would not wish at this stage to go into much detail in any note which is sent to the State Department since, according to the British Embassy here, it does not wish at the moment to raise the thorny problem of financial settlement. To a greater or less degree this view is shared by the Australian and New Zealand Governments. There is something to be said, we believe, at this stage for confining any note which might be sent to the State Department to generalities.

5. There was some discussion as to whether a joint approach should mean a single note from the five embassies or the simultaneous presentation of individual notes similar in substance. There probably is a preference among embassy representatives here for the latter method, that is, the presentation simultaneously of similar notes.

6. As soon as a draft acceptable to embassy representatives here has been prepared we shall forward it to you for your concurrence.

Document disclosed under the *Access to Information Act*
Document divulgué en vertu de la *Loi sur l'accès à l'information*

INCOMING MESSAGE

COPY

FROM: THE CANADIAN AMBASSADOR TO THE UNITED STATES	Security Classification: SECRET
TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA	File No.

Priority	System	No.	Date
	CYPHER-AUTO	WA-2123	September 16, 1953.

Departmental Circulation
MINISTER
UNDER/SEC
D/UNDER/SEC
A/UNDER/SEC'S
POL/CO-ORD'N
SECTION

Done
Date

References

Done
Date

Reference: Our immediately preceding telegram WA-2122 of September 16.

Subject: Status of United Nations Forces in Korea.

The following is the text of the telegram of July 12, 1950 to the State Department from Muccio in Korea, Text begins:

Following is text of self-explanatory note received under today's date from ROK Ministry of Foreign Affairs:

"The Ministry of Foreign Affairs of the RK presents its compliments to the American Embassy and acknowledges receipt of the Embassy's note of July 12, 1950, at Taejon.

"The Ministry has the honor to inform the American Embassy that the Government of the ROK is glad to accept the propositions as set forth in the Embassy note of July 12, 1950:

"(1) That United States courts martial may exercise exclusive jurisdiction over the members of the United States military establishment in Korea;

"(2) In the event that arrests of Korean nationals by the United States forces are made necessary when the former are known to have committed offenses against the United States forces or their members, such persons will be delivered to the civil authorities of the ROK as speedily as practicable; and

"(3) The Ministry of Foreign Affairs understands that in view of prevailing conditions of warfare, the United States forces cannot be submitted to any but United States courts; and that courts of the United States forces will not try nationals of the ROK, unless requested owing to the non-existence of local courts." Text ends.

(rev. 3/52)

Document disclosed under the *Access to Information Act*
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TRANSMITTAL SLIP

[redacted]

Canadian Embassy,
Tokyo, Japan

FROM: The Under-Secretary of State
for External Affairs

The documents described below are for your information.

Despatching Authority D.L.(1)/M.H. Wershof/MS

Security SECRET

Date Sept. 2, 1953

Air or Surface Air

No. of enclosures 1

210-7-3

Copies	Description	Also referred to:
1	Copy of Telegram No. EX-1487 of September 1, 1953, to Washington To see: Brigadier Morton SEP 8 1953 Mr. Ritchie LR and file EKL SEP 8 1953 September 7th, 1953	London ~~Tokyo~~ Canberra Canadian Liaison Mission TOKYO SEP 7 1953 TOKIO Mission de Liaison du Canada

000813

Ext. 250 (Rev. 10/51) *(Instruction on Reverse Side)*

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Security S.E.C.R.E.T.....

COPY

MESSAGE FORM
OUTGOING

File No.	
50069 - B - 40	

FROM: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

TO: HEAD OF POST, WASHINGTON, D.C.

Message To Be Sent		No. EX 1487	Date Sept 1, ~~August 31~~, 1953.	For Communications Section Only
AIR CYPHER				
EN CLAIR				
CODE				
CYPHER	~~XXX~~			

Priority .....

ORIGINATOR

.....
(Signature)

M.H.Wershof/elb
(Name Typed)

Div. 1.1.1

Local Tel. .....

APPROVED BY

J.D.P
(Signature)

.....
(Name Typed)

Internal Distribution:
S.S.E.A. - U.S.S.E.A.
Far Eastern Div.
Legal Div.

Done.....

Date.....

Copies Referred To:
London
Tokyo
Canberra
D/M Nat. Def.
CCOS
JAG
D/M Finance
Sec. to Cab.

Done.....

Date.....

Ext. 97 (Rev. 1/52)

REFERENCE:

SUBJECT: Future Legal Status of and Facilities for United Nations Forces in Korea

We sent you a copy of our letter of August 18 to the Deputy Minister of National Defence regarding the Australian Government's inquiry on the subject. The Deputy Minister has replied as follows:

"It is of course impossible at this time to predict whether there will be any Canadian forces still in South Korea when the U.S. (ROK) Mutual Defence Treaty comes into force. Nevertheless it would seem to me that whether or not Canadian forces are involved it would be highly undesirable to have a repetition of the situation obtaining after the U.S. concluded its administrative agreement with Japan with U.N. forces having an inferior status in the same country.

"I am not aware of any document defining the status of U.N. forces in Korea at the present time. If there is such a document I think we should continue to be governed by it.

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However, if there is no such document, I feel that Canadian forces as part of the U.N. forces in Korea acting in defence of that country should continue to enjoy as far as possible all the rights and privileges that they have de factor enjoyed heretofore."

2. We assume that, in the early stages of the Korean war, some written agreement was made between the United Nations Commander and the Government of Korea regarding the status of U.N. forces. Please ask the State Department for a copy of this agreement, if there is one, and for an explanation of the legal basis of the regime during the past three years if there was no written agreement. Please do this without opening up the subject raised by the Australian Government.

3. Kindly discuss the Australian views, with which we are in agreement, with the Commonwealth Embassies. If all four agree, we favour a joint approach to the State Department. As National Defence says, we do not want a repetition of the Japanese negotiations. The United States should, at the beginning of its negotiations with the ROK Government regarding the status of United States forces, get the ROK Government to promise that there will be equal treatment for other United Nations forces so long as such forces remain in Korea. I think that Commonwealth Governments should be fully informed at all stages of the U.S.-ROK negotiations and should have an opportunity to comment on matters that may eventually affect Commonwealth forces.

4. In all of this it is necessary to avoid any indication of the length of time that some Canadian forces may remain in Korea. This is a matter that remains to be decided by the Government. We assume that U.S.-ROK Security Agreement and its subsidiary

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status agreement cannot come into force before early 1954 and that, in the meantime, there is no possibility of any change in the status and privileges of United Nations forces in Korea.

SECRETARY OF STATE FOR EXTERNAL AFFAIRS

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Document divulgué en vertu de la *Loi sur l'accès à l'information*

TRANSMITTAL SLIP

TO: Canadian Embassy
Tokyo, Japan

FROM: the Acting Under-Secretary of State
for External Affairs, Ottawa

Security: SECRET

Date: August 20, 1953

Air or Surface: Air

No. of enclosures: One

The documents described below are for your information.

Despatching Authority: D.L. (1)/M.H.Wershof/elb

210-7-3

Copies	Description	Also referred to:
1	copy of letter to Deputy Ministers of National Defence and Finance Re: Future Legal Status of, and facilities for, United Nations Forces in Korea	London Washington ~~Tokyo~~ Canberra

Canadian Embassy - Ambassade du Canada - TOKYO - AUG 27 1953

MEP 5 Kettle
file.
August 28th, 1953

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SECRET

Canadian Embassy - Ambassade du Canada
AUG 27 1953
TOKYO

Our file: 50069-B-40

August 18, 1953

The Deputy Minister
Department of National Defence

The Deputy Minister
Department of Finance

Future Legal Status of, and facilities for, United Nations Forces in Korea

The Australian High Commissioner has given us a copy of a telegram from his Government which says:

"We have noted references in Dulles-Rhee communique to negotiation of an agreement to cover status of forces maintained in Korea after Mutual Defence Treaty comes into force and statement that meanwhile U.N.C. forces will continue to be accorded facilities and services as at present.

"In view of our experience in negotiations for status of forces agreement with Japan, we think it would be desirable to make an early approach to United States to ensure positively that all U.N.C forces and particularly B C.F.K. will be accorded equality of treatment with United States forces."

His Government wishes to know the views of the Canadian Government and similar enquiries are being made in London and Wellington.

2 . . .

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2. The U.S.- Korea Mutual Defense Treaty has been initialled but not yet signed. The relevant article is Article IV which says:

> "Article IV. The Republic of Korea grants, and the United States of America accepts, the right to dispose United States land, air and sea forces in and about the territory of the Republic of Korea as determined by mutual agreement."

3. The joint statement issued on August 7 by President Rhee and Secretary of State Dulles told of the draft Mutual Defense Treaty and said:

> "Our Governments will promptly negotiate agreements to cover the status of such forces as the United States may elect to maintain in Korea after the mutual defense treaty comes into force and effect, and the availability to them of Korean facilities and services needed for the discharge of our common task. In the meantime, the Republic of Korea will continue to cooperate with the UNC and the status of UNC forces in Korea and the availability to them of Korean facilities and services will continue as at present."

It seems clear that, as in the case of the U.S.- Japan Security Treaty, there is to be a subsidiary administrative agreement governing the privileges and status of U.S. forces in Korea.

4. You are of course familiar with the unsatisfactory history of the negotiations regarding Commonwealth forces in Japan and will therefore appreciate the Australian Government's apprehension. On the other hand, we do not know when the U.S.- Korea Mutual Security Treaty (and the prospective subsidiary administrative agreement) may come into force and still less do we know whether there will be Canadian forces left

3. . .

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in Korea after that date. Accordingly, if the Commonwealth Governments are to approach the U.S Government as suggested by the Australians, it will have to be done with great care.

5. I should be grateful for your views before I consult my Minister on this question.

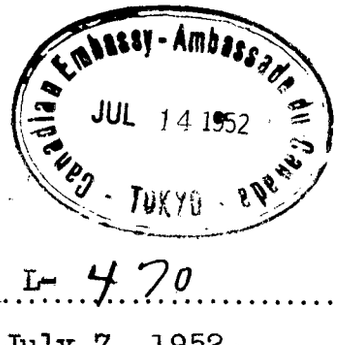
6. I am referring copies of this letter, for information, to the Chairman, Chiefs of Staff, the Judge Advocate General, and the Secretary to the Cabinet.

C. S. A. RITCHIE

Acting Under-Secretary of State
for External Affairs

Document disclosed
Document divulgué en vertu de la Loi sur l'accès

Ext. 19



To see Mr Rettie ELL. File AJM

OTTAWA FILE
50069-B-40
No.....

Letter No. L- 470

Date..... July 7, 1952.

SECURITY CLASSIFICATION
CONFIDENTIAL

FROM: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

TO: THE CANADIAN EMBASSY, TOKYO, JAPAN.

Reference..Your letter No. 338 of March 31, 1952.

Subject:...Rentals and Claims arising from Use and Occupancy of Real Estate in Korea.

Copies Referred To.....

No. of Enclosures .....

Post File No. 216-7-36

The question raised in your letter under reference has been studied in consultation with other Departments concerned. It was noted that the Army Staff Judge Advocate of the 8th U.S. Army considers that the members of the United Nations having forces operating in Korea may well become liable to the owners or occupiers of privately owned real estate used, occupied or damaged during the course of the Korean campaign and that, in the absence of any specific agreement with the Republic of Korea, the latter may not be in a position to assume responsibility in this regard.

2. We have considered specifically the advisability of the Canadian Government approaching the Governments of the United States and of the other countries of the Commonwealth with a view to ascertaining whether they had given consideration to this problem. However, it was considered inadvisable for Canada to take the initiative in raising at this stage the specific matter of rentals and claims from the use and occupancy of real estate. This question represents only one of a variety of financial problems arising out of the presence of U.N. Forces in Korea which may have to be settled en bloc at the end of hostilities. As you are aware, the question of settlement with the Korean Government of the drawings of Korean currency by the Canadian Brigade in Korea was discussed with the Department of National Defence and the Department of Finance, and it was agreed that the matter should not be taken up with the Korean Government at this time. Further enquiries made by our Embassy in Washington have revealed that neither the British nor the Australians have discussed with the Korean Government this question. It is, therefore, doubtful whether the Canadian authorities would take the initiative of raising this question with the Korean Government under present circumstances.

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Document divulgué en vertu de la Loi sur l'accès à l'information

3. Although the legal responsibility which might eventually devolve upon the Canadian Government in regard to claims and rentals in Korea has not been fully examined, as yet, the Canadian Armed Services are being instructed to maintain for the time being full and complete records of all the properties used and occupied by Canadian forces in Korea in order that any claims that may eventually be received can be properly identified and dealt with.

The Under-Secretary of State
for External Affairs.

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2016-03

Menzies:MMcK

April 1, 1952

CONFIDENTIAL

Dear Sir Esler:

3 Attached are copies of my Letter No. 338 of March 31, 1952, to External Affairs, Ottawa, concerning rentals and claims arising from the use and occupancy of real estate in Korea.

I discussed this subject informally with Alex Adams when he was over here in February. I would be grateful, therefore, if you would be kind enough to pass him a copy of my letter for information.

The attached U.S. legal study reveals a rather extraordinary situation which it would probably be desirable for our Governments to see remedied.

Since I obtained a copy of this U.S. memorandum informally, I should be grateful if you would take care not to reveal the way in which you came by this information.

With warm regards,

Yours sincerely,

A.R. MENZIES

His Excellency Sir Esler Dening,
K.C.M.G., O.B.E.,
Head of the United Kingdom Liaison
Mission,
T O K Y O, Japan.

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Menzies:MMcK

Ext. 18[illegible]

FILE COPY
~~DUPLICATE~~

OTTAWA FILE
No.....

338
Letter No.....
March 31, 1952
Date.....

SECURITY CLASSIFICATION
CONFIDENTIAL

FROM: THE CANADIAN LIAISON MISSION, TOKYO, JAPAN

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Reference..... My Letter No. 185 of February 20, 1952

Subject..... Rentals and Claims Arising from Use and Occupancy of Real Estate in Korea

Copies Referred To.....
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No. of Enclosures
2
.....

Post File
No 210-7-3

In my letter under reference, I reported asking Brigadier Connelly to see if he could get some information concerning the authority for use of properties occupied by the Canadian Brigade in Korea and also what liability there might be for eventual payment of rent, claims, etc. I spoke on this same subject about the same time to Major J. G. Loranger, Assistant Judge Advocate General, 25 CIB. Major Loranger brought me this afternoon the attached memorandum, dated March 7, 1952, by the Army Staff Judge Advocate, Headquarters, Eighth United States Army, entitled "Opinion regarding Rentals and Claims Arising from Use and Occupancy of Real Estate in Korea".

2. I understand that this paper was stimulated by the enquiries made by Major Loranger at my request. It illuminates a quite extraordinary situation. It appears that no agreement has been concluded with the Republic of Korea Government by which that Government would assume responsibility to compensate private owners of real estate for use, occupancy or damages and therefore the several United Nations whose forces occupy such properties in Korea may well be liable.

3. I attach a list of private properties presently occupied by the 25th Canadian Infantry Brigade in Korea.

4. I should like to suggest that, after consultation with the Department of National Defence (JAG), you request the Canadian Ambassador to the United States to approach the U.S. Government (Unified Command), stating that as a result of enquiries in Korea we learn that the situation mentioned in the final sentence of paragraph 2 exists, and ask that the U.S. Government negotiate the necessary agreement with the Republic of Korea Government. You may wish

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to make some suggestions concerning the terms of such agreement or to ask that U.S. proposals be submitted informally to some interested governments before discussion with the ROK Government.

5. As the attached paper was obtained informally by Major Loranger and passed to me informally, I suggest that it not be quoted back to our United States friends.

6. I should be grateful to be kept informed. I am sending a copy of this letter to Brigadier Connelly.

A.R. MENZIES

A. R. Menzies,
Head of the Canadian Liaison
Mission in Japan.

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C O P Y

SECURITY INFORMATION
CONFIDENTIAL
COPY

HEADQUARTERS
EIGTH UNITED STATES ARMY KOREA (EUSAK)
Office of the army staff Judge Advocate
APO 301

7 March 1952

SUBJECT: Opinion Regarding Rentals and Claims Arising From Use and Occupancy of Real Estate in Korea.

TO: SEE DISTRIBUTION.

1. Subject: In response to enquiries received from interested agencies, this office has sought to determine the background and legal basis for present practices respecting the above subjects.

2. Background: The Armed Forces of Member States of United Nations (AFOSOUN) are operating in Korea with the consent and in support of the Government established under U.N. auspices. Accordingly, they are friendly or supporting forces, operating in an allied country. Under such circumstances, the United Nations forces and their respective governments are not responsible under international law for combat or battle damages, including the destruction or damage to property incident to the establishment and improvement of tactical positions, such as bunkers, fox holes, gun emplacements and clearing fields of fire. With respect to installations and facilities in rear areas, it may be assumed that publicly owned buildings and facilities including training areas are contributed by the Republic of Korea. However, with respect to privately owned property in rear areas such as is used for depots, dumps, headquarters, billets etc., the general rule is that the visiting forces are expected to make suitable compensation to the owners or occupants of the respective real estate and buildings.

3. Operations in Korea:

a. Since the arrival of the U.N. Forces in Korea in July 1950, it has been the practice to procure real estate for the necessary depots, headquarters, billets, etc., by a request directed to the ROK Army (ATTN G-5). The latter requisitions the property on behalf of the Republic of Korea and turns it over to the U.S. or other forces. Applicable procurement directives have consistently adhered to this policy, under which the obligation of the United States is assumed to be to the Republic of Korea for any compensation or damages in connection with the use of the premises, and the Republic of Korea deals with and is responsible to the several owners and other parties having interest in the realty. At the present time much private property is in use by U.N. Forces, with no payment to the owners by either the ROK or the U.N. Forces. It has been rather generally assumed that the procurement of real estate through the ROK Army obligated the ROK Government for any charges or claims incident to such use; and Dept of Army policy directives have always indicated that property should be requisitioned with no direct payment.

b. In an effort to determine the basis for such practices, diligent search has been made for any contract, agreement, or written understanding with the Republic of Korea which would set forth the terms and conditions of such procurement, and indicate acceptance by the Republic of Korea of the obligations and liabilities discussed in the preceding paragraph. The files of the AG Section this headquarters, contain no such information; and the only official written communication discovered thereon is a copy in G-4 Section of a letter, written May 1951, by the Deputy Army Commander to the President of the Republic of Korea, reciting the procurement practices referred to above, and requesting a statement as to whether or not the Republic of Korea was willing to assume the liabilities and obligations in con-

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nect n with real estate used by United Nations Forces, such as rentals, (nages resulting from use and occupancy, utility charges, etc. There is no indication that any formal reply was ever received, but the copy in the G-4 file indicated that there was some informal or personal communication from Korean authorities to the effect that in view of the financial situation and budgetary limitations, the Republic of Korea would be unable to support such a program.

c. Inquiry of The Judge Advocate Section, GHQ, indicates that there is no record of any such agreement known to the headquarters. Finally, inquiry was made of the U.S. Embassy, at Pusan, Mr. Lightner, counselor, made a search of the files and records, which failed to disclose any such agreement. We then took the matter up with the Honorable John J. Muccio, U.S. Ambassador, who has been in Korea since before the Communist invasion began. Mr. Muccio recalled that the matter had been considered on one or more occasions, and had been taken up with Headquarters, CINCUNC. He further recalled that when the matter was under study at the latter headquarters, General MacArthur had disapproved a request for proposal for such an agreement on the basis that it smacked too much of an occupation force or regime, and was not consonant with the allied status and mission of the United Nations forces in the independent Republic of Korea.

4. Discussion.

a. In view of the foregoing, it may fairly be concluded that there is, at the present time, no intergovernmental agreement or written understanding under which the Republic of Korea is responsible for or has agreed to defray the costs and damages incident to the use, by United Nations forces, of privately owned Korean real estate. While the Korean military authorities have assisted and continued to aid in the procurement of such property, such action is on an informal basis and does not, so far as can be determined, relieve the member states of their several obligations to the owners of the respective parcels of realty. In some cases, it is true, the Korean officials have purported to turn over the property "rent free", "claim free" or on a similar basis. It is, though, very questionable how far under Korean law, these officials are authorized to bind the government of that country; and in view of the facts noted above, it scarcely seems likely that the subordinate officials of the Republic could obligate the nation in a matter which the responsible leaders have either declined or failed to accept liability.

b. It may also be worthwhile to consider the manner in which real estate has heretofore been procured or is now being obtained for use of Member States, other than the United States. In the event that there is a general civil assistance or economic agreement between the U.N. and the Republic of Korea covering use and damage to privately owned real estate, by the forces of all member states, from June 1950, this problem will not arise. If, however, there is no such agreement, or if it is only effective from the date thereof, the United States might be liable for all privately owned realty procured by our officials, unless it was clearly indicated that the procurement thereof was at the request of and for the use of the forces of another nation.

c. Accordingly, it must be concluded that the actions of the ROK Army in the procurement of real estate have been on a basis of accommodation for the U.N. forces and for the reservation of the appearance of sovereignty in dealing with their own citizens, rather than on a basis of firm contractual obligation.

d. Unless and until there is a definite intergovernmental agreement between the armed forces of the United Nations, or their respective governments on one hand, and persons authorized to bind the Republic of Korea on the other, which will cover not only the procurement or requisitioning of real estate, but also the payment of rentals and damage claims in connection therewith, it would appear that the several nations whose forces are occupying and using such real estate would remain liable, under international law, to the respective owners of the

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private property used for activities other than direct combat. Such an inter[illegible]overmental agreement might be concluded at any time and could of course be retroactively effective, as well as those to follow. It might also be possible, in the event that hostilities are concluded and after any truce or armistice which may be reached, to include the settlement of all such claims in a general military assistance or economic agreement with the Republic of Korea. It is not the purpose of this memorandum either to imply that such agreement is impossible, or to discuss in detail the several methods by which it could be brought about; it is merely desired to point out that, as of the present date, there appears to be no such agreement in effect.

e. In a discussion of this matter, it is believed worthy of special note that a number of the premises occupied by United Nations forces are privately owned property of religious, educational, and charitable organizations located within and deriving their support from sources in the United States. Regardless of any intergovernmental agreement which may be reached with respect to the settlement of these claims, it is very questionable whether the owners of this latter type of property will be satisfied with anything short of direct payment by the United States, or other allied nations, of such compensation, or the restoration of the buildings and facilities to such condition as will permit these religious, etc, groups to resume their missions as soon as the military and political situation permits.

f. Finally, it may be worthy of note that there is at the present time no United States foreign claims commission operating in Korea. While most of the claims which would arise from these transactions (use and occupancy of real estate) are preferably handled as procurement matters, there are some situations in which claims procedures only are available. For example, there may be instances of inability to reach agreement with the owners as to the proper rentals, disputes as to the extent of damages, or questions as to liability for partial or complete destruction of the premises during occupancy, as by fire. Here again, there are numerous procedures as to the manner in which such claims might be settled, and it is only desired to point out, that, as of the present time, there has been neither a policy adopted nor implementing procedures established.

5. Conclusions.

a. At the present time member states of the United Nations whose forces are operating in Korea including the United States may well be liable to the owners or occupants of privately owned real estate for use, occupancy, and damages.

b. It cannot safely be assumed, that as of the present date, the Republic of Korea is either bound to defray or reimburse such expenses, or is in any position to do so.

c. Several procedures or methods are open whereby, on an intergovernmental level, these matters could be settled without the necessity of direct dealing by U.S. authorities, etc., with Korean Nationals, but no firm basis has yet been established.

d. Until such time as a general agreement is reached on those matters, the records of real estate procurement and use should clearly indicate where such use is exclusively that of a member nation, other than U.S. in order that if separate bilateral settlements are made, the liabilities of the several states may be more properly determined.

e. Settlement of claims, for use, occupancy, etc., or privately owned properties owned by religious and charitable foundations, etc., within the United States will probably require special treatment. Records of such property should be maintained with especial care.

ROBERT LANCEH ELD
Colonel JAGC
Army Staff Judge Advocate

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Claims & Hirings,
Att British F.M.A.
British Army Post Office 3

22 Mar 52.

A.J.A.G.
25th Canadian Brigade

Subject:- CANADIAN OCCUPIED AREAS

1.	25 Cdn Fd Dressing Stn	- HAN YANG Technical College, SEOUL
2.	25 Cdn Fd Dtn Bks	- ZUN NONG Primary School, SEOUL
3.	RCASC Detachment	- SEOUL Middle School
4.	1 Inf Tps Recovery Unit - Det	- KONAN Infantry Barracks, SEOUL
5.	25 Cdn Sp Wksps (Not Yet Occupied)	- CHO ILL Industrial Co. Ltd., YONG-DUNG-PO

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Claims & Hirings,
Att British F.M.A.
British Army Post Office 3

A.J.A.G.
25th Canadian Brigade.

Subject:- CANADIAN CLAIMS HELD IN CLAIMS & HIRINGS AS AT 22 MARCH 1952.

s.19(1)

Subject.	Date of occurrence.	Persons involved.
Alleged Burglary.	7 Dec 51.	x [redacted]
Traffic Accident.	11 FEB 52.	x [redacted]
Traffic Accident.	9 Feb 52.	[redacted]
Murder	9 Feb 52.	Unknown. Believed to be a Canadian soldier.
Traffic Accident.	2 Mar 52.	[redacted]
Death by Gunshot wounds of L/Cpl CHONG SUNG MOOK. KSC.	3 Feb 52.	x [redacted]
Absence.	15 Mar 52.	x [redacted]
Assault.	8 Mar 52.	x [redacted]

N.B.: x - One copy SIB Report held in AJAG's Office, 25 Cdn Inf Bde.

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OTTAWA FILE
No.....

Letter No. 185

Date.....

SECURITY CLASSIFICATION
RESTRICTED

February 20, 1952

FROM: THE CANADIAN LIAISON MISSION, TOKYO, JAPAN

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Reference.....

Subject: Korean Property - Authority for Use of, And Possible Payment of Rental For

In discussing with Brigadier A. B. Connelly to-day the question of post-Treaty base facilities in Japan for Commonwealth Forces, we considered the possibility that, if the Japanese Government were to want to charge too much for their facilities, some thought might be given to moving some of the base facilities to Korea.

2. In this connection, I said that I thought it would be of interest to have on hand information concerning the procedure for requisitioning property in Korea. I wondered whether the procedure was for the U.S. 8th Army to request the Korean Government to requisition property. If this were done, I wondered further wheter any undertaking had been given by the U.S. authorities to the ROK authorities that they would consider payment of rental for private property used if not public property. I said that I thought that there must have been some correspondence exchanged between the U.N. Command and the ROK Government on this subject and that it would be useful to know about it. I thought that we should know whether at some later date we would be expected to pay rental for various buildings being utilized by the Canadian Brigade in Korea. If we were expected to do so, I thought it might be a good idea to try to get some informal indication in advance as to what sort of rent would have to be paid so that this information might be considered at the time that discussions were going on with the Japanese Government concerning property that would be required here in Japan after the Peace Treaty.

3. Brigadier Connelly said he would see what information he could obtain on this subject. I send forward this informal note on our conversation so that you may know that this matter is being looked into.

A. R. Menzies,
Head of the Canadian Liaison
Mission in Japan.

Copies Referred To.....

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