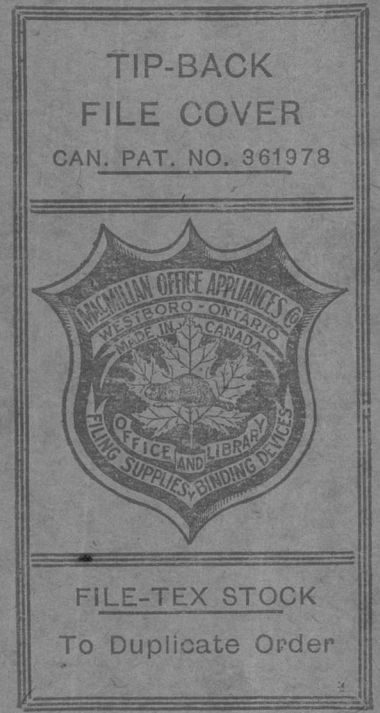
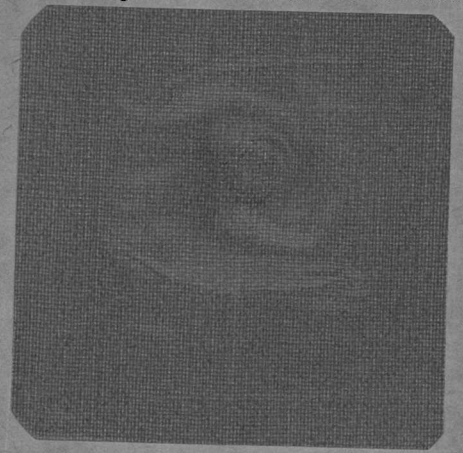


To NOV-26, 1958

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March 22, 1991



No. Sp. 2895

File No. 7 - 2 - 4 Vol. 1

Canada - Korea Relations (Legal Questions)

CLOSED

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 letter No. Y-446 of Nov. 6,
our letter No. 949 of Sept. 18 and
Subject: ~~Mr. Bull's despatch No. 929 of~~
~~Sept. 12.~~

SUBJECT: The Current Crisis in the
Taiwan Straits.

CONFIDENTIAL

Security:.....

No:.....1127

Date: November 26, 1958

Enclosures:.....

Air or Surface Mail: Air

Post File No: 8-3-6
cc: 8-2-2-2

Ottawa File No.

References

Shortly after receipt of your letter under reference, we made an occasion to call upon Mr. Okada, who heads the Chinese desk in the Asian Affairs Bureau of the Foreign Ministry. Mr. Okada told us that he had been in Taiwan just after the visit to Taipei of Mr. Dulles which, he said, had caused profound political disappointment among the leaders of the Nationalist Chinese Government. Mr. Okada, who is fluent in Chinese, made one point which we have not seen made elsewhere, namely that in the joint communiqué issued after Mr. Dulles' visit there is a significant difference between the English and the Chinese texts. According to Okada, the Chinese text, which his Bureau had compared with the English text, does not make a clear statement on the renunciation by the Nationalist Chinese of the use of force to reconquer the mainland but merely states that "it is not necessary to use force to reconquer the mainland".

2. Mr. Okada did not think that the U.N. would be allowed in the foreseeable future to play any useful rôle in the Taiwan Straits crisis since neither the Nationalist Chinese nor the Communist Chinese would agree to any intervention by that body. He did not think that the Communist Chinese were really very anxious to be admitted to the United Nations at present. Their main object was to draw attention to themselves as a major force.

3. When asked how he saw the crisis between the two Chinas developing in the future, Mr. Okada said that he thought Communist China would continue for perhaps as long as two years or more to bombard Quemoy and Matsu with shells and propaganda. He pointed out that, according to Chinese tradition, odd days are considered to be particularly unlucky. The Chinese are a very patient race and, moreover, the Communist side did not have adequate military power to attack Formosa by sea and from the air and would not have for a long time to come. In general terms, his view was that Quemoy and Matsu were being used, and would

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Internal
Circulation

Distribution
to Posts

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continue to be used, by the Communist Chinese to keep up tensions in Asia and to draw attention to themselves as a power which had to be reckoned with on the international scene. The lesson they were drawing, and were quite willing to continue to draw, was that there could be no peace in Asia without the consent of Communist China. Okada considered that the Warsaw talks might also go on indefinitely but would produce nothing of significance. He reiterated at this point that the Chinese were likely to be more patient than the Americans.

4. Referring to the August 1958 talks between Mao and Khrushchev, Okada said that, in his view, the reference in the joint communiqué, issued after these talks, to the strengthening of the Sino-Soviet Alliance probably meant that the two Communist leaders had agreed that an attack on the mainland by the U.S.A. and Nationalist China would bring Soviet forces to the aid of Peking. He pointed out that in the Sino-Soviet Alliance of February 15, 1950 the Soviet Union had undertaken an obligation to come to the defence of Communist China in the event of an attack by the U.S.A. and Japan but not in the event of an attack by the U.S.A. and Nationalist China. Hence the reference in the August 1958 communiqué to "a strengthening of the Sino-Soviet Alliance".

5. Mr. Okada referred to the growing possibility that in due course the native Taiwanese might become the dominating force in Taiwan. He said that in the Nationalist Chinese Army the junior officers were paid as little as the equivalent of ¥300 per month, generals were paid the equivalent of ¥3,000 per month, whereas Field Marshals got something like ¥3-million per month. Many of the Taiwanese soldiers and junior officers, however, come from quite well-to-do families and had, in his view, bought many of the senior Chinese officers. The point he was trying to make, in our view, was that the armed forces on Taiwan could not be relied upon in the event of civil disturbances to fire on their fellow-natives. Mr. Okada went on to say that he had found the Taiwanese markedly pro-Japanese in sentiment and that, in spite of strict Nationalist Chinese orders, Japanese was still very widely spoken, even by quite young people and in many Taiwanese homes. He said he could speak Japanese on the streets in Taipei quite readily. Given a choice, some 65 or 70% of the Taiwanese would, in his opinion, vote for independence and perhaps as many as 20% would vote for some sort of union with Japan.

6. We might usefully close this letter by referring briefly to the recent visit of Mr. John Scott, Commercial Secretary of the New Zealand Embassy, to Taiwan at the invitation of the Taiwanese Government. Mr. Scott was received by the Foreign Minister, several other Cabinet Ministers and senior officials and was entertained every night for a week by groups of Chinese and Taiwanese. On only one occasion did his hosts refer to their return to the mainland. On that occasion they apologized for the fact that they had no imported wines or imported spirits but merely rice wine and beer to offer their guest, adding that when they returned to the mainland they hoped to be able to entertain him in better style. The conversation then turned to the question of when the Nationalists would return to the mainland and one senior official thought it would be in five years; another that it might be in three. In all Mr. Scott's

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other interviews he gathered the opinion that the Chinese in Formosa were fairly well satisfied with their lot and had no illusions about the mainland. The officials he interviewed pointed out that the people on Taiwan were well-fed, well-housed, decently clad, the climate was good and both agriculture and industrialization were making excellent progress. All in all, Formosa was a pleasant place to live. Mr. Scott remarked that there seemed to be a real austerity programme in force. Few motor-cars were to be seen and even top officials travelled in pedicars. On the other hand he saw no evidence of poverty or dire hardship. We hope to have an opportunity shortly to check Mr. Scott's impressions with those of Mr. David Anderson, First Secretary of the Australian Embassy, who returned to Tokyo from a visit to Taiwan a few days ago.

7. Bearing in mind the present importance of Taiwan, we should like to ask what your views are on the possibility of one of the officers of this Embassy making a visit to that island.

R. DUDER

The Embassy

s.19(1)

7-2-4 N-393 Conf



REPUBLIC OF KOREA

KOREAN DIPLOMATIC MISSION IN JAPAN

40-0

The Korean Diplomatic Mission in Japan presents its compliments to the Canadian Liaison Mission, and has the honor to refer to the latter's note of August 6, 1951 requesting a statement as to whether [REDACTED] is a Korean citizen and, if so, how she acquired that status.

On the basis of the factors furnished in the referenced note it appears that [REDACTED] acquired by her marriage the nationality of her husband, [REDACTED], i.e., Korean, with the inauguration of the Government of the Republic of Korea on August 15, 1948 or more legally with the enactment of Public Act No. 16, Law of Nationality, on December 20, 1948.

This contention is, however, based on an assumption that the marriage between [REDACTED] which took place in 1940, was reported to and registered with the office of [REDACTED]'s legal domicile in Korea.

In regard to the nationality of [REDACTED] was considered a Japanese since the time of his birth to V-J Day, i.e., August 15, 1945, when all the Koreans restored their Korean nationality. This procedure was formalized by the enactment of the Law of Nationality.

Translation of Public Law No. 16 Republic of Korea and Public Act No. 17 South Korean Interim Government are enclosed herewith. The Canadian Mission is informed that prior to the enforcement of the latter, the Japanese Law of Nationality was in force in Korea.

Tokyo, November 20, 1951

To the
Canadian Liaison Mission,
Tokyo.

Y

Letter on
N. 393(c)
DW
9 May 52

SOUTH KOREAN INTERIN GOVERNMENT

PUBLIC ACT
NUMBER 11. (11)

May 11, 1948

TEMPORARY PROVISIONS CONCERNING THE
LAW OF NATIONALITY

Section 1. The purpose of this act is to define those who are Korean nationals, in order to clarify legal relationships.

Section 2. Persons who come under the following categories shall have Korean nationality;

- 1) Any person whose father is Korean.
- 2) Any person whose mother is Korean and whose father is unknown or has no nationality.
- 3) Any person born in Korea whose father and mother are unknown or who have no nationality.
- 4) Any alien woman who married a Korean; but if there is a dissolution of the marriage, her former nationality shall be restored if the law of her former nationality so provides.
- 5) Any alien who became naturalized in Korea; The requirements as to naturalization and rights of naturalized persons shall be provided by another law.

Section 3. The rights of those persons who come under the following categories "2", "3" and "4" of Section 2 hereof, shall be the same as those receiving naturalization.

Section 4. Any person who comes under the following categories shall lose Korean nationality;

- 1) Any person who becomes a naturalized citizen of another country.
- 2) A woman who marries an alien or any person adopted by an alien.

Section 5. Any person who obtained foreign nationality or was entered in a Japanese family register and has waived such nationality or cancelled such Japanese family registry on the effective date, or shall waive or cancel hereafter, shall be deemed to be restored to Korean nationality as of, and prior to, 9 August 1945.

Section 6. Effective date. This Act shall be effective on the date appearing hereon.

THE LAW OF NATIONALITY

PUBLIC ACT No. 16,
dated Dec. 20, 1948)

Article 1. This law shall provide the requirements for Korean nationality.

Article 2. Any person who comes under the following categories shall
be Korean nationality:

- 1) Whose father is Korean at the time, when he is born.
- 2) whose father is deceased before his birth and has the
Korean nationality at the time.
- 3) whose mother is Korean, in cases where his or her father
is unknown, and he or she has no nationality.
- 4) who is born in Korea, in cases where his or her parents are
unknown, and he or she has no nationality.

Any deserted child who is found out in Korea shall be presumed
as being born in Korea.

Article 3. Any alien who comes under the following categories shall
have Korean nationality;

- 1) those who marry a Korean man
- 2) those who are acknowledged by a father or mother who is Korean
- 3) those who become naturalized as a Korean

Article 4. Any alien who shall have Korean nationality by acknowledgement
shall meet the following requirements;

- 1) to be an infant according to the law of his or her mother country
- 2) not to be a wife of an alien

- 3) to be acknowledged formerly by father or mother who is Korean
- 4) to be acknowledged by Korean father when father and mother acknowledge simultaneously.

Article 5. Any alien who shall become naturalized as a Korean by Licence of the Minister of Justice shall meet the following requirements;

- 1) to have a residence in Korea throughout periods of more than 5 years.
- 2) to be above full 20 years old and of full legal capacity according to the law of his or her mother country.
- 3) to keep a good behaviour
- 4) to have property or ability so far as to maintain an independent living.
- 5) to be a person who has no nationality, or loses the former nationality by having Korean nationality.

Article 6. Any alien who comes under the following categories and has a residence throughout periods of more than 3 years, may become naturalized as a Korean without the requirements of "1" of the proceeding Article;

- 1) whose father or mother is Korean
- 2) whose wife is Korean
- 3) one who is born in Korea and his or her father or mother is born in Korea

Article 7. Any alien who comes under the following categories and have a residence in Korea at present may become naturalized as a Korean without the requirements of "1", "2" and "4" of Article 5 hereof;

- 1) whose father or mother is Korean
- 2) one who rendered distinguished services for Korea
- 3) one who has not yet acquired Korean nationality despite the fact that her husband has Korean nationality

In case of permitting naturalization for an alien who comes under the "2" of the proceeding paragraph, Minister of Justice shall do it with the consent of the president.

Article 8. An alien woman whose husband has obtained Korean nationality shall have Korean nationality with him unless otherwise providing by the law of her mother country. Any child whose father has Korean nationality and who is an infant according to the law of his or her mother country shall have Korean nationality

Article 9. Any wife of an alien shall not become naturalized as a Korean unless naturalizing with her husband.

Article 10. Any naturalized person, his wife or his son shall not be appointed to the following official duties;

- 1) president, vice president,
- 2) minister
- 3) ambassador extraordinary and plenipotentiary, legation
- 4) the highest ranking officer of the national military force, chief of the general staff

Any person who has Korean nationality according to the provisions of "1" of Article 3 or Article 8 shall besame as those above mentioned.

Article 11. Naturalization shall be published in the official gasette.

Naturalization shall be effective after the publication

Article 12. Any Korean who comes under the following categories shall lose Korean nationality;

- 1) one who marries an alien and has the nationality of her spouse.
- 2) who is adopted by an alien and has his or her nationality
- 3) any person who has Korean nationality by marriage reverts to the alien nationality by revocation of marriage or divorce.
- 4) who has the alien nationality of his own accord
- 5) who has double nationalities and waved Korean nationality with the licence of Minister of Justice
- 6) a Korean infant who has an alien nationality by acknowledgement of an alien, except one who marries a Korean man or is adopted by a Korean

Article 13. In case a wife or an infant whose husband or father loses the Korean nationality the wife or an infant shall also lose the Korean nationality

Article 14. In case a person who loses the Korean nationality according to the provisions of proceeding two articles and has a residence in Korea, the person may restore Korean nationality with a licence of Minister of Justice

Article 15. All procedures as to naturalization or waving of nationality, restoring of nationality shall be provided by the presidential executive order.

Article 16. Any person who loses Korean nationality shall transfer the rights which shall not be enjoyed by no one unless Korean, to Korean within a year from the date of losing Korean nationality.

Any person violating of the proceeding paragraph shall lose his or
her rights.

Appendix:
~~Additional Rule~~

This law shall be effective on the date appearing hereon.