P1.在日韓人北韓送還及び韓・日両国抑留者相互釈放関係綴り、1955―60

(V.1 大村収容所に収容中の北送希望者の釈放問題、1958)

分類番号 **723.1 JA** 登録番号 **765**

P2. 索引目録

分類番号登録番号生産課生産年度フィルム番号ファイル番号フレイム番号723.1 JA765ア州課1960主題番号始まり終り北 1955-60 V.1C1-0010010001~0169

機能名称: 在日韓人北韓送還及び両国抑留者相互釈放関係綴り、**1955—60** 全 **10** 巻 大村収容所に収容中の北送希望者の釈放問題、**1958**

一連番号 内 容 頁

P3. 分類番号 723.1 JA 登録番号 765 保存期間 永久 1955-60 V.1

機能名称 在日韓人北韓送還及び韓日両国抑留者相互 釈放関係綴り、**1955―60** 全**9**巻(大村

収容所に収容中の北送希望者の釈放問題、1958)

生産課 ア州課 生産年度 **1960** V.1 大村収容所に収容中の北送希望者の 釈放問題、**1958**

RAGE

TO, KYUNG MU DAI, FORRIGN MINISTER.

REGARDING THE DETAINER ISSUE THE JAPANESE GOVERNMENT HAS

DECIDED TO TACKLE THE ISSUE BY A QUOTE NEW IDEA UNQUOTE, FORMIN

KISHI REPORTED TO THE CABINET MEETING TUESDAY ON THE DETAINER

ISSUE IN DETAIL, HE MADE FEW SUGGESTIONS TO THE CABINET MEETING

ON NEW JAPANESE POLICY TOWARD KOREA WHICH WAS APPROVED BY THE

MEETING, THE SOCALLED NEW IDEA OF FOREIGN MINISTER KISHI HAS

NOT BEEN MADE PUBLIC MET HOARVER IT IS TRUE THAT JAPANESE FOREIGN

OFFICE OFFICIALS CONCERNED ARE NOW CAREFULLY MAPPING OUT THEIR

NEW STRATEGY ON THE DETAINER ISSUE ON THE BASIS OF THIS NEW IDEA.

ACCORDING TO INFORMATION THE SOCALLED NEW IDEA IS CENTERED ON

THE MEASURES FOR QUOTE AFFEALING TO THE WORLD OPINION UNQUOTE.

THE JAPANESE GOVERNMENT MAY POSSIBLY TAKE THE FOLLOWING MEASURES

FOR THIS PURPOSE COLON

FIRST THE JAPANESE GOVERNMENT WILL MAKE PROPOSITION ON THE DETAINES

FIRST THE JAPANESE GOVERNMENT WILL MAKE PROPOSITION ON THE DETAINS
ISSUE IN AN OFFICIAL FORM REQUESTING OUR SIDE TO MAKE OFFICIAL
REPLY. THEN THE JAPANESE GOVERNMENT WILL MAKE PUBLIC THESE CONTENTS OF OFFICIALS VIEWS EXCHANGED RETWEEN THE TWO SIDES.
SECOND THE JAPANESE COVERNMENT WILL MAKE USE OF THE UN AND ITS
OWN NETWORK OF DIPLOMATIC AND CONSULAR OFFICES THROUGHOUT THE
WORLD AS PUBLICITY MEDIA FOR THIS PURPOSE.

THIRD FORMIN KISHI WANTS DO SEE HE ON TENTH MURNING. THIS IS ROUTINE MEETING OF THE HEALY APPINTED FOREIGN MINISTER WITH

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MEMBERS OF THE DIPLOMATIC CORPS HOMEVER KISHI MIGHT TOUCH UPON SOME PHASE OF THE PENDING PROBLEMS AS SOME LOCAL PRESS POINTED OUT. I AM CAREFULLY WATCHING THE DEVELOPMENT OF THE ISSUE AND WILL REPORT TO THE GOVERNMENT PROMPTLY. ONE

MINISTER KIM.

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PKM-3

NOTE: VERBALE

The Korean Mission in Japan presents its compliments to the Ministry of Foreign Affaire and, with reference to press reports of February 4, 1958 concerning those Koreans now under detention who reportedly desire to go to the northern part of Korea, has the honor to make the following representations;

According to the said reports, the Minister for
Justice of Japan testified before a meeting of the Judicial
Affairs Committee of the House of Councillors held on
February 3, 1955, that, in the implementation of the sutual
release and repatriation of the detainees, the Japanese Government was not considering the deportation of those Koreans
desiring to go to "north Korea", to the Republic of Korea "where
persecution is awaiting them if they are deported thereto".

The mission wishes to be informed of the authenticity of the press reports in this regard, and if the story is trus, the Mission is obliged to lodge a strong protest with the Government of Japan for the following reasons;

It is pointed out that the above statement by the Minister for Justice not only disregards the agreement between the Republic of Korea and Japan concerning the mutual release of detainees, but is also at variance with the position taken

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/by the

by the Japanese delegation at meetings of the Republic of Korea-Japan Working Committee for the implementation of the terms agreed upon at the conclusion of the preliminary talks.

The Mission can hardly understand how the Minister for Justice arrived at such a conclusion as in his statement regarding a possible treatment in the Republic of Korea of the Koreans under reference upon their return to the Republic of Korea. The Mission is obliged to state that the Minister's remarks not only are unduly prejudiced against the Republic of Korea, but are also construed as purporting to create most adverse effect on the smooth implementation of the terms agreed upon in connection with the mutual release of detainees.

Reiterating that the Koreans under reference should be sent to the Republic of Korea without fail in accordance with the terms agreed upon between the two Governments, the Mission requests that the Ministry immediately take appropriate measures to rectify the situation thrown into confusion by the Minister's statement in question so that a speedy implementation of the terms agreed upon may be made.

Tokyo, February 4, 1958



AGREED MINUTES

Deputy Chief of the Korean Mission in Japan:

With regard to the "Name List of Illegal Entrants" under detention in Japan as of December 31, 1957, handed over to the Korean side by the Japanese side on January 27, 1958, at the meeting of the Korea-Japan Working Committee established for implementation of the terms agreed upon at the conclusion of the Korea-Japan Preliminary Talks on December 31, 1957, I understand that all the Koreans listed therein, excepting those who may not be confirmed by the Korean side as Korean illegal entrants after the end of World War II, will be sent, without fail, to such Korean ports as to be designated by the Government of the Republic of Korea and that any of them will not be allowed to go to any other places than the ones cited above.

Director of the Asian Affairs Bureau of the Ministry of Foreign Affairs:

It is also my understanding.

(To be signed)

(To be signed)

February , 1958

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J

P9. 極秘

韓日代第351号

檀紀 4291 年(1958 年)2 月 25 日

駐日大使 印

外務部長官 貴下

いわゆる北韓送還を希望するという者の名簿 報告の件

首題の件、大村収容所に収容されているいわゆる「不 法入国者名簿」に記載されている者の内、 いわゆる北韓送還を希望するという者で本国派遣された職

P10.員により調査確認された別添名簿を

ここに添付報告するものである。

別添 いわゆる北韓送還を希望するという者の名簿 写本一部

P11-19. 名簿のコピー

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20. 極秘

外政第867号 檀紀 **4291**年(**1958**年)**3**月**5**日

外務部長官

内務部長官 貴下

抑留されている在日韓人の内、北韓送還希望者名簿送付の件 首題の件、抑留されている在日韓人の内、北韓に 送還されることを希望するという者で駐日大使 により密航渡日事実が確認された者の名簿を 別添のように送付するものである。 推移本件別添物は3月5日貴部治安局外事係 李ゴンソン警査便で送付した。 以上

DISPATCHED COPY

June 10, 1958

0252

TO : His Excellency the President

FRGM : Vice-Foreign Minister

SUBJECT: The fourth Korea-Japan talks:

belegation's report No. 10 on legal status of Korean residents in Japan and the Finistry's

views thereupon

1. Cur chief delegate requested government instructions regarding a concrete proposal for the arrange and a for the acceptance of deportees. With regard to the problem of 'deportation', the joint draft of 1952 is not satisfactory to us because it stipulated a time limit during which the Japanese Government is restrained from taking arbitrary measures (Please refer to Guiding Principles - Committee on Legal Status of Korean Residents in Japan - 1). Therefore, our proposal is to delete the abovementioned time limit. Then, the main part of the proposed joint draft may read:

The authorities concerned of the Republic of Kores and Japan will consult with each other on the compulsory deportation of a Rorean resident in Japan who may have been granted permission for permanent residence ...

2. The Edinistry is withholding issuance of the above instructions because we are still to sound out real intentions of the Japanese Government on this issue. By his cable FT-66 dated Lay 30, 1958, the Foreign Edinister instructed:

0253

You reported that judging from the Japanese remarks, the joint draft of 1952 is not in its favor. Government wishes to know in the first place which part of the joint draft of 1952 is not in Japan's fevor. Lamedistely sound out Japanese intentions in this regard and report without delay for government consideration.

Up to this time, the Delegation failed to report on how and whether it sounded out the Japanese intentions in accordance with the seid government instructions.

- According to the Delegation's report, the Japanese side presented three so-called basic principles, which are:
 - Korean residents in this case means those who have been resident in Japan since prior to the end of world war II.
 - The Japanese side is ready to take into consideration special background and circumstances in which the Korean residents are placed.
 - iii. The Japanese side will consider some longrange measures for stabilized life of the Korean residents, with the hope that the problem on deportation would be settled smoothly.

With regard to item i and ii, we find nothing new, Item iii is noteworthy. It is assumed that the Japanese side will accord permanent residence to Korean residents in Japan on condition that they are subject to Japan's unilateral right of deportation, at lesst a few years after the coming into force of the Agreement. Item iii may mean that Japan still wishes to retain her assertion on Article III of the 1952 joint draft (three years time limit). The so-called 'stabilized' life

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cannot be assured unless the problem of deportation is settled in our favor. That is why we consider that Item iii provides nothing significant. Delegation's reports and records of the meetings submitted thereby give impression that our Delegation did not yet comprehend satisfactorily this point.

Enclosure:

Joint Draft Agreement between the Hepublic of Korca and Japan Concerning Nationality and Trestment of Korean Residents in Japan

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23

4291(1958).6.11.

P24.

大統領閣下の諭旨

4291 年(**1958** 年)**6** 月 **10** 日次官が大統領閣下に 韓日会談に関して報告を上げる席上、閣下から 次のように論旨があった。

記

在日韓人の追放問題に関連して、万一日本政府が正当な範囲内で彼らに補償を支払う用意さえあるならば、韓人全部を本国で受け入れることもできるだろう。この場合にそのような補償をわが政府が一旦受け取った後にこれを渡すのではなく、直接彼らに渡されることを願う。この問題はよく研究してみなさい。そして在日僑胞問題に関連して 1923 年東京大震災当時、日本人に虐殺された韓人に対する補償問題をどうするのか研究してみなさい。

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(説明) **1923** 年日本震災当時、虐殺された韓人に対する補償問題を問題にする場合、 在日韓人の法的地位問題委員会よりは韓国請求権委員会が正当なものと考 えられる。 (政務局 見解)

OUTGOING

MINISTRY OF FOREIGN AFFAIRS

TELEGRAM

R. O. K.

June 12, 1958

CLASSIFICATION

SENT TO COUNSELLOR KYU HAH CHCI KORDIPSION

ACCORDING TO PRESSOR JAPAN TIMES DATED JUNE BLEVENTH EDITORIALLY REPORTED ON SOME QUESTIONS CONCERNING LEGAL STATUS OF KORBAN RESIDENTS IN JAPAN PD WOULD YOU PLEASE CABLE-DISPATCH FULL TEXT OF THE ABOVE EDITORIAL BY CABLE

THIS APTERNOON PD EYE WOULD APPRECIATE YOUR COOFERATION PD

POLITICAL DIRECTOR KIM

List. Desired (Offices Only)

Origin:

Info.:



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OFF:

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COMMUNICATION SECTION

24

TS-910627

SOITARIAL JA:AN TIMES, JUNE 11 , 1958

Koreans in Japan.

The status of Koreans in Japan which is now under discussion by the Legal Status Committee of the Japan-Republic of Korea Conference on the normalization of relations, has long been a vexed question.

Reports indicate that there are about 600,000 Koreans in Japan, but the figure may be higher as it is believed that a number of Koreans have taken on Japanese names and become more or less assimilated.

The Committee which is discussing the status of
Koreans here is one of four committees set up on May 6,
subsequent to the opening of the normalization talks
between the two countries on April 15. It has a task quite
as important as the other committees which are confronted
with such problems as the Mhee Line.

The Release of Detainees and Diplomatic Issues.

Little progress on the question of Koreans here was hitherto been possible owing to the unfriendly relations existing between Japan and the Republic of Korea, but lately there has been considerable change in the atmosphere. The visit to Korea last month of Prime Minister Kishi's personal envoy, Mr. Kazuo Yatugi, is believed to have helped

0257

to bring this about. His reception by ROK President

Syngman Rhee is not to be regarded so much as a change in

Korean Government policy but rather as indicating a

change of spirit and an expression of willingness to try

to come to friendly terms with Japan despite the recollections

of the past still harbored in top Korean official circles.

It is understood that negotiations, so far as these affect the legal status of Koreans living in Japan, will deal mostly with the position of Korean nationals who came to Japan before the end of World War II and are still residing here and the problems that have arisen in connection with them since they became aliens following the effectuation of the San Francisco Peace Treaty in April 1952.

South Korea is desirous of getting Japan to grant
them special status because of the peculiar circumstances
under which they came to live in this country. Japan is
willing to differentiate these Koreans from aliens in general
but would like to limit the scope of special exceptions
to a minimum.

It would seem likely that there are a large number of Koreans here who would do better to return to their own country, but, as they have been living in Japan a long time and have local ties there; it is difficult to devise a plan that would be fair to all. There is also the question of their children born in Japan.

0258

The Existence in Japan of a Large Bloc of People who Must be Regarded as Ipso Facto Undesirable.

The existence in Japan of a large bloc of people who must be regarded as aliens, and having alien connections, must be regarded as ipso facto undesirable, but the problem is to reach an arrangement which would not inflict injustice on anyone.

Perhaps, the best solution would be an agreed plan by which the Koreans could be divided into three categories -those who might be permitted to stay under some "special status," perhaps of a temporary nature, and those who should be encouraged to return to Korea which should be asked to make adequate arrangements to receive them.

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MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM

TOKYO



NO. MT-075 DATE. 06111830

WITH REGARD TO CABLE NUMBER FT-072 OF JUNE 11, 1958,
PLEASE REFER TO MY LETTER REPORT TO BE SENT VIA POUCH
TOGETHER WITH THE GIST OF TALKS COVERING THE FOURTH
MEETING OF LEGAL STATUS COMMITTEE HELD ON JUNE 9, 1958.

AMBASSADOR LIMB



TO.

JUN 12 1958

TIME RECEIVED

INFO. TO:

CLEARANCE:

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CENSOR



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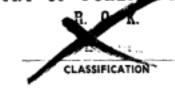
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0260

COMMUNICATIONS SECTION

MINISTRY OF FOREIGN FFAIRS

INCOMING TELEGRAM

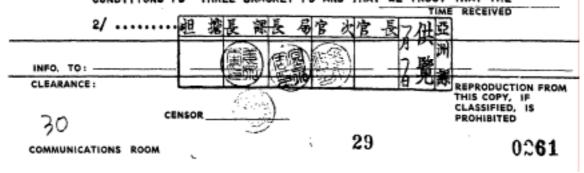


NO. MT-086 DATE 07051500

TOKYO

TO. KORPITAL & FOREIGN MINISTER

WITH REFERENCE TO HUNGER STRIKE AT THE OMURA DETENTION CAMP BY THOSE KOREANS WHO ARE ALLEBEDLY DESIROUS OF GOING TO NORTH KOREA CMA THE DIRECTOR OF THE IMMIGRATION BUREAU OF JAPANESE GOVERNMENT TOLD AS THAT SOME OF THOSE KOREANS ARE UNDER SERIOUS CONDITIONS PO IN THIS CONNECTION CMA HE REQUESTED US TO GIVE HIM OUR CONSENT TO HIS PLAN OF RELEASING SOME OF THOSE KOREANS FROM STRICTLY HUMANITARIAN VIEWPOINT ON A TEMPORARY BASIS PO IN REPLY CMA WE POINTED OUT THE FOLLOWING COL ONE BRAKECT PD THAT WE HAVE CONSISTENTLY REQUESTED THE JAPANESE SIDE TO EXPEDITE THE DEPORTATION OF THOSE KOREANS TO THE REPUBLIC OF KOREA IN ACCORDANCE WITH THE AGREEMENT MADE ON DECEMBER THIRTY FIRST CMA ONE NINE FIVE SEVEN CMA AND THAT CMA THEREFORE CMA THE JAPANESE SIDE SHOULD HAVE SENT THEM TO THE REPUBLIC OF KOREA LONG BEFORE PD TWO BRACKET PD THAT PRPOER MEDICAL CARE SHOULD BE GIVEN TO THOSE KOREANS WHO WOULD BE UNDER SERIOUS CONDITIONS PD THREE BRACKET PD AND THAT WE TRUST THAT THE



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	MINISTRY	OF FOREIGN	AFFAIRS	
INCOMING		R. O. K.		,
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то.____

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JAPANESE SIDE WOULD KEEP ITS PROMISE PREVIOUSLY MADE NEITHER TO SEND THEM TO NORTH KOREA NOR TO RELEASE THEM IN JAPAN PD UNQUOTE

AMBASSADOR LIMB

		TIME RECEIVED
INFO. TO:		
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MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM CLASSIFICATION

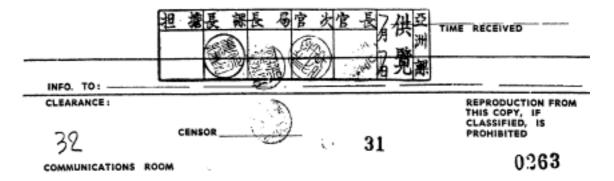
NO. MT-088 DATE: 07061600

TOKYO

TO. KORPITAL FORMIN

IN CONNECTION WITH THE REPORTED HUNGER STRIKE FOR THEIR
RELEASE IN JAPAN BY THOSE KOREAN BETAINEES OF POST WAR
CATEGORY AT OMURA WHO ARE ALLEGEDLY DESIROUS OF GOING TO
NORTH KOREA CMA JAPANESE NEWS PAPERS REPORTED THIS MORNING
PARENTHESIS JULY SIX THAT THE JAPANESE GOVERNMENT DECIDED
TO RELEASE IN JAPAN SOME OF THOSE KOREAN DETAINEES IN QUESTION
CMA NAMELY THOSE WHO ARE REPORTEDLY NOW UNDER CRITICAL
CONDITION CMA SOME AGED DETAINEES AND WOMEN CMA ETC PERIOD
IN THIS CONNECTION CMA THE MISSION IS GOING TO PRESENT A NOTE
OF PROTEST TO THE JAPANESE FOREIGN OFFICE MONDAY MORNING
JULY SEVEN CMA SIMULTANEOUSLY INQUIRING ABOUT THE AUTHENTICITY
OF THE SAID PRESS REPORT PD

KORDIPSION



P33. 大韓民国 駐日代表部 韓日代第 **1192** 号

檀紀 4291 年(1958年)7月7日

外務部長官 閣下

駐日大使 印

件名・・・・北韓行きを希望する韓人、日本国内釈放報道に 対して日本政府外務省に発送した抗議文に関する件

頭の件、去る7月6日当地日本の新聞報道によると大村収容所に収容中のいわゆる 北韓行きを希望する韓人抑留者のハンガーストライキに関連して、その中で危篤の状態に ある韓人若干名を臨時に、日本国内で釈放することに日本政府が決定したという報道に対 しては、既に電文 MT-088 号で報告したが、別添写本のように同新聞報道の真否如何と、 万一同報道が事実としたら、第一に日本政府は昨年12月31日に締結した諸協定と韓日連 絡会議で行った約束違反であり、第二にこのような継続的な日本側の約定違反が、現在進 行中の韓日会談の円満な進行に悪影響を及ぼすことになるという点を指摘して、厳重に抗 議したのでこれを報告するものである。

推移 7月8日午後3時に連絡会議(Working Committee)を開催して、この真相をもっと追究し、抗議することにしたのでお伝えするものである。

別添 当代表部 抗議覚書 写本一通

以上

NOTE VEHRALE

The Korean Mission presents its compliments to the Ministry of Foreign Affairs and, with reference to prese report regarding the contemplated release in Japan of some of those Koreans under detention at the Omura Detention Camp whom the Government of Japan is get to send to the Republic of Korea, has the honour to make the following representations

According to local press report of July 6, 1968, the Government of Japan has decided to release in Japan some of those detainees in the very near future.

In this connection, the Mission wishes to be informed of the authoristy of the said press report, and if it is true, the Mission is obliged to express its deep concern over the report, pointing out that such a decision on the part of the Government of Japan would be clearly at variance with the agreement reached at the conclusion of the Kores-Japan Preliminary Talks on December 51, 1957, and the commitments repeatedly made thereafter by Japanese mambers of the Kores-Japan Working Committee that the Herean detaineds under reference would neither be allowed to go to 'north Kores', nor be released in Japan.

As has repeatedly been made clear to the Hinistry in the past, the northern part of Korea, which is an

/integral part

integral part of the territory of the Aspublic of Korea, is now under unlawful occupation by Communist aggressors. Therefore, the Government of the Republic of Korea is most energetically opposed to allowing any of Koreans now in Japan to go to the northern part of Rorea. Furthermore, in accordance with the agreement reached between the Republic of Korea and Japan on December 51, 1987, the Government of Japan should have expedited the deportation of the Koreans under reference to the port of Pusan as was designated by the Government of the Republic of Korea.

9980

In view of the above, the Mission lodges a strong protest with the Ministry against its repeated failure to abide by terms of the agreement reached at the conclusion of the Preliminary Talks on December 31, 1957, and its commitments made thereafter, and at the same time, the Mission wishes to repeat its request that the Government of Japan should take immediate measures to fulfil terms of the agreement and its commitments by completing the sending to the part of Pusan of all the remaining 255 Koreans of the 1259 Koreans whose list was efficially handed over by the Japanese side to the Korean side at the Korea-Japan Working Committee.

It is added that the Covernment of the Republic of Korea expresses its keen regret over the reported decision by the Covernment of Japan on the release in Japan of the Koreans under reference at this very juncture when the Korean Japan Overell Talks is now under way, and wishes to call the most serious attention of the Covernment of Japan in this regard.

35

Toky. , July 7, 1958



Tokyo, July 7, 1958

No. 81

Excellency:

I beg to acknowledge with appreciation the receipt of Tour Excellency's letter No. 39 of July 4.

 Some of Korean detainees at the Unura camp who allegedly desire to go to north Korea, went on a hunger strike since about ten days ago, demanding that they be released in Japan as soon as possible.

In this connection, Director Katsuno of the Japanese Justice Ministry's Immigration Bureau on June 5 telephoned this office, requesting our consent to a contemplated Japanese plan to release in Japan temporarily, from humanitarian standpoint, Korean detainess who are on a critical list among those who are on strike. Our side immediately rejected, saying that it was against the agreement concluded, at the end of last year and repeated commitments of the Japanese side not to send them to the north nor to release them in Japan. Cable No. MT-086 was sent on July 5 in this regard.

Following above, the Japanese dailies here started reporting, mainly on Sunday, July 6, that as a result of consultation between Foreign Minister Fujiyama and Justice Minister Aichi decision has been reached to release the aged, women and those on a critical list among the Korean detainees who went on strike and that the Japanese Government was going to notify our side on this matter. This has already been reported by cable No. MT-088 of July 6.

/2. At

His Excellency President Syngman Rhee

0267

2. At 10:30 a.m. today Minister Yiu visited Asian Bureau Director Itagaki at the Foreign Office at the latter's request. Mr. Itagaki said that the Japanese Government has reached a conclusion to release in Japan temporarily some Korean detainees, as reported in the newspapers, and requested our side to give consent, because it was decided from humanitarian standpoint.

Our side immediately retorted his statement, saying that the Japanese side had previously committed itself at the Working Committee, established on the basis of the decision upon the conclusion of the preliminary talks on Dec. 31, 1957, and at other opportunities that those workens who allegedly desire to go to the north would neither be sent to the north, nor released in Japan but that they would be persuaded gradually to return to our side. This office then handed over a written protest to the Japanese side, a copy of which is enclosed herewith for Your Excellency's reference.

furthermore, in order to sound out the real Japanese intention in this regard, a meeting of the working Committee will be called at 3:00 p.m. tomorrow, the result of which will be reported to the Government without delay.

3. As the Government is fully aware, the "apanese side in the past repeatedly promised not to send those Moreans in question to north Morea nor turn them loose in Japan but persuade them gradually to go to the Republic of Morea. Such a decision on the part of the Japanese Government, even if temporarily and under strict surveillance, as claimed by them, is undoubtedly a breach of the existing agreement between the two countries. Since left-wing Socialists and Communists here have actively been engaged in an attempt to wreck the current overall talks at any cost, should such an action be actually carried out, the Japanese side, consciously and unconsciously, is playing into the hands of the Communist propaganda and instigation which will only have adverse effect on the current talks. I will continue to watch the Japanese action in this regard and report any further development promptly. Meanwhile, I would greatly appreciate any Government instructions on this matter.

4. Separately, this office cabled a report comerning the Asahi editorial appearing in its Junday (July 6) issue which dealt with our seisure of the Japanese fishing boat

/Hoshi Maru

37

[©]0268

Hoshi Maru No. 2. The editorial, as reported in the cable, charged our side with the Hoshi Maru No. 2 case and at the same time accused us of maltreatment of recently-repatriated Japanese fishermen while they were under our detention.

As in the cable, this office feels that it would be to our advantage to reply, as soon as possible, to the Japanese note, with our facts about the so-called Hoshi Maru No. 2 case. I would, therefore, appreciate the Government instructions including necessary data, so that this office may be able to lodge a counter-protest to the Japanese side.

5. The seventh session of the Subcommittee on Vessels was held as scheduled at 3: 30 p.m. today. The meeting centered on both sides repeating each other's insistence concerning the adoption of the agenda, without reaching any conclusion. The next meeting was agreed to be convened on Friday, July 11.

with sentiments of loyalty and esteem, I remain,

Most respectfully,

4.7.K.

Enclosure:

copy of note

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MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM

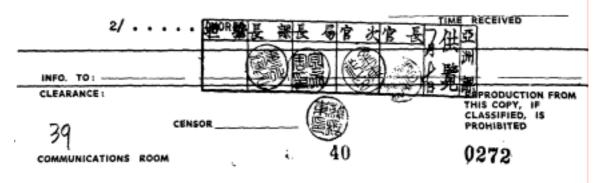


NO. MT-089 DATE: 07071430

TOKYO

KYUNG MU DA! & FOREIGN MINISTER

MINISTER YIU MET MR ITAGAKI CMA ASIAN AFFAIRS DIRECTOR OF
JAPANESE FOREIGN MINISTRY AT TEN THIRTY AM ON JULY SEVEN
CMA NINETEEN FIFTYEIGHT CMA AT THE LATTER'S REQUEST PD
AT THIS MEETING CMA MR ITAGAKI INFORMED MINISTER YIU THAT
DUE TO SERIOUSNESS OF A HUNGER STRIKE AT OMURA CAMP CMA
THE JAPANESE GOVERNMENT DECIDED TO RELEASE SOME OF THOSE
KOREAN DETAINEES OF POST WAR CATEGORY AT OMURA WHO ARE
DESIROUS OF GOING TO NORTH KOREA ON A TEMPORARY BASIS FROM
STRICTLY HUMANITARIAN STAND POINT PD IN THIS CONNECTION
CMA MINISTER YIU STRONGLY PROTESTED AGAINST JAPAN'S BREACH
OF THE AGREEMENT REACHED ON DECEMBER THIRTYFIRST CMA NINETEEN
FIFTYSEVEN AND ITS OWN COMMITMENTS MADE THEREAFTER PD MINISTER
YIU CALLED UPON THE JAPANESE SIDE TO HOLD WORKING COMMITTEE
MEETING IN ORDER TO TAKE UP THE MATTER PD JAPANESE SIDE AGREED
TO HOLD A MEETING OF THE WORKING COMMITTEE AT THREE PM ON JULY



1 A

MINISTRY OF FOREIGN AFFAIRS

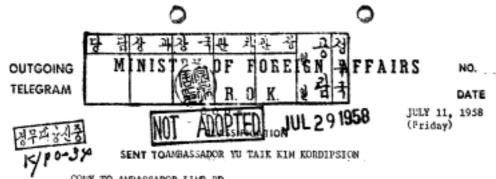
R. O. K. INCOMING TELEGRAM CLASSIFICATION (CONT'D)

EIGHT PD A COPY OF THE TEXT OF THE NOTE OF PROTEST OF THIS MISSION TO THE JAPANESE FOREIGN OFFICE WHICH WAS HANDED BY MINISTER YIU TO MR ITAGAK! AT THE ABOVE MEETING WILL BE SENT TO THE GOVERNMENT VIA TUESDAY POUCH PD

AMBASSADOR KIM

- 2 -

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CONT TO AMBASSADOR LIMB PD

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Desirof (Offices

MINISTRY PERUSED CABLES MT ZERO EIGHT SIX CHA MT ZERO EIGHT NINE AND AMBASSADOR KIMS REPORT NUMBER EIGHT ONE REGARDING THE CONTEMPLATED RELEASE IN JAPAN OF SOME KOREAN DETAINERS OF POSTWAR CATEGORY PD ON THIS ISSUE CMA YOU ARE INSTRUCTED TO NEGOTIATE WITHOUT DETAY WITH THE JAPANESE SIDE ON THE BASIS OF THE POLLOWING GOVERNMENT POSITIONS COLON

ITEM ONE GOVERNMENT POSITION CONCERNING THOSE KOREANS DESIROUS OF GOING TO NORTH KOREA REMAINS ESSENTIALLY UNCHANGED PD ME MUST CONTINUE TO PRESS THE JAPANESE SIDE FOR THEIR BARLIEST REPATRIATION TO THE REPUBLIC OF KOREA SEMICOLON

ITEM TWO FROM STRICTLY HUMANITARIAN VIEWPOINT AND NOT FROM POINT OF VIEW OF POLITICAL CONSIDERATION CHA HOWEVER CHA OUR GOVERNMENT WILL HAVE NO OBJECTION TO RELEASE IN JAPAN OF THE SICK DETAINERS IN QUESTION CMA ON CONDITIONS COLON A THAT THEIR HEALTH IS RECOGNIZED AS CRITICAL BY U.S. **RUET** AG ME DESIGNATE CHA B THAT THEY ARE RELEASED IN SECRET WAY AND HOSPITALIZED BY SEVERAL ORCUPS CHA C THAT THE JAPANESE GOVERNMENT TAKES

IN SEVERAL GLODPS DRAFTED BY TELEGRAPHIC TRANSMISSION AND OFF: CLASSIFICATION APPROVED BY CLEARANCE: REPRODUCTION FROM THIS COPY, IF CLASSIFIED, IS PROHIBITED CENSOR 42 COMMUNICATION SECTION 0274

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MINISTRY OF FOREIGN AFFAIRS

NO.

TELEGRAM

R. O. K.

DATE

PAGE TWO

CLASSIFICATION

SENT TO

RESPONSIBILITY FOR GIVING CONSTANT VIGILANCE TO THEIR MHEREABOUTS WHILE THEY ARE OUT OF THE DETENTION CAMP CHA AND D THAT WHEN RECOVERED THEY SHOULD BE INTERNED AGAIN IN THE CAMP SEMICOLON

Origin:

THEM THREE AS TO WOMEN AND CHILDREN OUT OF THOSE DETAINERS IN

/ TEMPORARY

QUESTION CMA CUR GOVERNMENT WILL HAVE NO OBJECTION TO THE RELEASE OF

THEM SIMULTANBOUSLY WITH RELEASE OF THOSE REFERRED TO IN ITEM TWO AS

FAR AS THOSE WOMEN AND CHILDREN BELONG TO THE FAMILIES OF THE RELEASED

PATIENTS SOLELY FOR THE PURPOSE OF TAKE CARE OF THEIR SICK FAMILY MEMBERS

SENICOLON

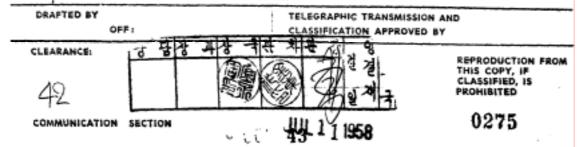
into :

ITEM FOUR THE JAPANESE SIDE SHOULD ASSURE US THAT THE REMAINING
DETAINERS WILL BE REPATRIATED TO THE REPUBLIC OF KOREA AS SOON AS POSSIBLE
PUTTING ASIDE PROM THE QUESTION OF TIME OF THEIR ACTUAL REPATRIATION PD

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YOU ARE ADVISED THAT THIS IS OUR STODESTION FOR PROVISIONAL COMMON SECURITION FOR PROVISIONAL COMMON SECURITION FOR PROVISIONAL COMMON SECURITION FOR PROVISIONAL COMMON SECURITION FOR AND THAT SUCH SETTLEMENT SHOULD BE HADE IF ALL THE ABOVE FOUR CONDITIONS ARE STRESS?

MEY PD PLEASE DESCRIPTION HAY NOT AFFECT VITALLY THE PROCEEDING OF THE OVERALL TALKS PD FOREIGN MINISTER



OUTGOING

MINISTRY OF FOREIGN AFFAIRS

NO.

TELEGRAM

R. O. K.

DATE

C O D B

JULY 11, 1958 (Friday)

SENT TO AMBASSADOR YU TAIK KIM KORDIESION

COPY TO AMBASSADOR LIMB PD

YOU ARE INSTRUCTING THE MISSION AND THE DELEGATION

DO NOT MOVE FURTHER AND MAKEN ISSUE NO STATEMENT REGARDING THOSE

KOREANS DESIROUS OF GOING TO NORTH KOREA UNTIL YOU ARE INSTRUCTED

EXEMPERA OTHERWISE PD GOVERNMENT IS EXAMINE CAREFULLY STUDYING THE

MATTER FOR INSTRUCTING THE MISSION AND DELEGATION IN A FEW DAYS PD

FOREIGN MINISTER

Origin:

info.:

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COMMUNICATION SECTION

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P44. 東京から入った電報

外務部長官 貴下

7月14日福岡事務所長からの報告によると、日本政府当局は大村収容所内にいる、いわゆる北韓に帰ることを希望する者の内、26名を日本国内で釈放するために、これに対する手続きを取っているとし、このような情報を収容所当局者たちから入手したというので、ここに報告するものである。

駐日大使

Commercial Commercial



Tokyo, July 16, 1958

No. 84

Excellency:

l. Despite this office's continued protests to the Japanese Government and strong objections from local Mindan leaders in the Kyushu area and also the hunger strike staged by the detainees loyal to the Republic, there seems to be little improvement in the situation surrounding the Japanese decision to release some detainees on parole.

As I reported previously, hunger strikers consisting of the detainers loyal to our side discontinued the strike due to various difficulties, and there are now only some 130 women still on strike. President indications are that it is a matter of time for the Japanese Government to carry out the decision by releasing about 26 persons who had been held more than "three years".

This office is still awaiting instructions from the Government as to future course of action in connection with the Japanese release decision, especially if and when the scheduled release was carried out.

2. Meanwhile, the eighth session of the Vessels Subcommittee was held last Friday (July 11), likewise without
reaching any conclusion on the matter concerning the
addition of the words: "as of Nov. 6, 1951," to agenda
item (d). It appears to me that the Japanese side would
withhold its decision in this regard until the arrival of
Mr. Kyung Keun Chang.

With sentiments of loyalty and esteem, I remain,

Most respectfully,

Mark.

46

0278

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His Excellency President Syngman Rhee

Translation

Asahi news, July 27, 1958

KOREA TO APPLY PRESSURE ON FISHERY NEGOTIATIONS? RELEASE DECISION MAKES HER RELUCTANT TO SEND HER FISHERY DELEGATE

On the basis of the decision to parale some Korean illegal entrants among those who desire to go to north Korea, the Japanese Government appears prepared to carry out the parale, if possible, even this week. The Korean side still remains strongly opposed to such a decision and it is feared that the Korean side might withhold the dispatch of its representative to the Fishery Committee (for discussion of the "Rhee Line"), unless there is some compromise solution worked out between the two countries. Under such circumstances the release issue, inter-related with the Korea-Japan overall talks, is likely to develop in a delicate direction.

The Government set forth several conditions for the parole, such as the existence of reliable guarantors, restrictions in to residence and deposit of bond, amounting/from \$1,000 to 300,000, and is contemplating to parole them, as they meet these conditions.

The Korean side, on a number of occasions, conveyed its objection to such measures, through Minister Tiu, who asked that some solution which might be acceptable to his home Government, be worked out.

At present, among the workable solutions to the issue is an idea that Japan promise Korea never to repatriate the parolees to north Korea and persuade them to return to the Republic of Korea. It is doubtful if the Japanese Government would make such a commitment to the Korean Government. Further exchange of views is now underway between the Foreign and Justice Ministries.

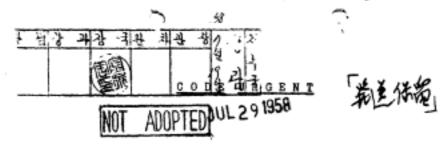
On the other hand, the Fishery Committee of the overall talks which is regarded as most crucial, has not met even once due to /the delay

the delay in arrival of the Korean delegate. As for the other Committees there has been no substantial discussion of respective matters, in proportion to the progress of the Fishery Committee. As a result of repeated requests by the Foreign Office, the Korean side has recently indicated its readiness to shortly send the fishery representative. Korean Chief Delegate Limb told Prime Minister Kishi at their meeting last Friday, July 25, that he would try to have him come over.

The Foreign Office, however, seems to predict that in view of the public opinion in Korea, the Korean fishery representative may not arrive here so easily, unless some sort of solution to the current parole issue was found. The Foreign Office, therefore, is very anxious to find some solution to the parole issue so as not to further delay the discussion at the Fishery Committee.

- end -

0280



SENT TO: Ambassador Ben C. Limb Ambassador Yu Taik Kim

In connection with the problem of Koreans at Omura who allegedly desire to go to north Korea, you are jointly instructed to meet immediately Japanese Foreign Minister and make representation as follows:

- 1. Japanese attention is hereby invited to Article 2 of Agreed Minutes of December 31, 1957, according to which the problem of deportation of illegal entrants will be a subject of discussion at the Legal Status Committee. This problem has been also a subject for discussion at the Working Commuttee since January, this year, because it is related to the implementation of the terms agreed upon on Devember 31, 1957. But it is interpreted that both Government mutually understood at that time that the basic points of the issue would be dealt with better at the Committee of the overall talks.
- 2. Now the Korean side considers the time has come for both Governments to deliberate on the problem from fundamental aspect of the issue in the light of present circumstances, believing firmly that the transfer of the issue from the Working Committee to the Legal Status Committee of the overally

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talks would help both sides find a solution.

- 3. The Legal Status Committee is presently discussing the problem of Koreans of pre-war category. But if Japanese side is prepared to agree with Korean side to conduct the Legal Status Committee along the line of items 1 and 2 as above, the Korean side is ready to start discussion on deportation of Koreans of post-war category in accordance with Article 2 of the Agreed Minutes of 1957, in parallel with the discussion of the former issue at the same committee.
- 4. Under these circumstances, the Korean side requests that pending the settlement of the issue on deportation of Koreans of post-war category, the Japanese Government defer the execution of any unilateral decision on those Koreans, if there is any.
- 5. As it repeatedly told the Japanese side, the Korean side still has strong objection to the release in Japan of Koreans in question in any form. It will have no objection if the Japanese side intends to hospitalize some of those Koreans in question under its own responsibility for strictly humanitarian reasons if their health conditions are mutually recognized as critical, and if such hospitalization does not affect in any manner the legal status of those Koreans.
- 6. It should be understood that the Korean side makes this in order to remove the present impasse, if there is any \$\int_{\text{Max}} \text{\$\text{\$\graph}\$}\$

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which might lie in the way of the successful proceeding of the overall talks in progress. But this representation contains nothing conclusive for the position of the Korean Government for final settlement of the issue.

7. To meet present circumstances of relations between the two sides, the Korean side has no alternative but the above-mentioned suggestion and awaits quick reaction thereto.

The above-mentioned points should be orally conveyed to the Japanese Foreign Minister without delay.

Foreign Minister

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0283

OUTGOING

MINISTRY OF FOREIGN AFFAIRS

NO.

July 19, 1958

AUBAS, ADO MAN C LIMB SENT TO ALBAS! AFOR YU TAIK KIM

IN CONNECTION WITH THE PROBLEM OF ROBERNS AT OMURA WHO ALLEGEDLY DESIRE TO GO TO BONTH KOREA CHA YOU ARE JOINTLY INSTRUCTED TO FORT ILLEDIATELY JAPANESE FOREIGN HIMTER AND HAKE REFERENTATION AS FOLLOWS COLON

Origin:

Info.:

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Dist. Desired (Offices Only) ARTICLE TWO OF AGREED MINUTAS OF DECEMBER TEIRTY PIRST CAA
CHE NINE FIVE SEVEN CHA ACCUADING TO WHICH THE PROBLEM OF
DEPORTATION OF ILLEGAL ENTHANTS WILL BE A SUBJECT OF
DISCUSSION AT THE LEGAL STATUS CONDITTEE PD THIS PROBLEM
HAS BEEN ALSO A SUBJECT FOR DISCUSSION AT THE APPRICA
CONDITTEE SINCE JANUARY CHA THIS YEAR CHA BECAUSE IT IS
RELATED TO THE IMPLEMENTATION OF THE TERMS AGREED U. ON ON
DECEMBER THIRTY FIRST CMA ONE NIME FIVE SEVEN PD BUT IT
IS INTERPRETED THAT BOTH GOVERNEED TO THE ISSUE WOULD BE
DEALT WITH BETHER AT THE LEGAL STATUS CONNITTEE OF THE
OVERALL TALKS PD /ITEM TWO

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OUTGOING TELEGRAM

MINISTRY OF FOREIGN AFFAIRS

NO.

R. O. K.

PAGE TWO

CLASSIFICATION

SENT TO

ITEM TWO NOW THE KOREAN LIDE COLSIDERS THE TIME
HAS COME FOR BOTH GOVERNMENTS TO DELIBERATE ON THE PROBLEM
FROM FUNDALENTAL ASPECT OF THE ISSUE IN THE LIGHT OF
PRESENT CARCUNSTALICES CHA BELIEVING FIRMLY THAT THE TRANSFER
OF THE ISSUE FROM THE LORKING COMMITTEE TO THE LEGAL LITATUS
CO. MITTEE OF THE OVERALL TALKS LOULD HELP BOTH SIDES FIND
A SOLUTION PD

info.:

Origin:

ITEM THREE THE LEGAL STATUS CO-MITTEE IS PRESENTLY
DISCUSSING THE PROBLEM OF KOREANS OF PREWAR CATEGORY PD
BUT IF JAPANESE SEDE IS PREPARED TO AGREE WITH KOREAN SIDE
TO CONDUCT THE LEGAL STATUS CO-MITTEE ALONG THE LINE OF ITEM
CNE AND TWO AS ABOVE CHA THE KOREAN SIDE IS READY TO START
DISCUSSION ON DEPORTATION OF KOREANS OF POSTWAR CATEGORY
IN ACCORDANCE WITH ARTICLE TWO OF THE AGREED MINUTES OF
ONE WINE FIVE SEVEN CMA IN PARALLEL WITH THE DISCUSSION OF
THE PORTER ISSUE AT THE SAME COMMITTEE PD

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IT N FOUR UNDER THESE CIRCUMSTANCES CMA THE KOREAN

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0285

P55. 日本国内韓国人抑留者 早見表

檀紀 4291 年(1958年)7月23日現在

	送還、釈放及びその他の事項	数	(名)
	昨年末現在 総数		1,259
相互釈放協定該当者	本国に送還された者	第一次 送還 第二次 送還 第三次 送還 第四次 送還 計	249 252 251 251 1,003
	日本国内で逃亡した者		13
	収容中に刑確定で刑務所に移管 服役中の者		11
	病気で仮釈放になった者		9
	北韓送還希望者	男 82 名、女 10 名	92
	現在収容されている者		222
その他	今年1月1日以後に収容された者 570 注 本数字は第14次実務者会議議事録に根拠をおいたものだが、 駐日大使からの韓日代第1227号報告によると、7月5日現在 543名になっている。		
総計		3-W 0 W 11 00 F 15	792

備考 本表に表示された数字の内、北韓送還希望者の数は 93 名だったが、1 名が前回の 韓国人第四次本国送還の時に帰国したので 92 名になった。一第 14 次実務者会議 議事録による。

OUTGOING

MINISTRY OF FOREIGN AFFAIRS

NO.

DATE

TELEGRAM

PAGE THREE

CLASSIFICATION

R. O. K.

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CIDE MAUSSTS TRAT PARDING THE CATTLE LAT UP THE ISSUE ON DEFORTATION OF HORDARS OF LOCALAR CATEGORY CLA THE JAPANESE CONSEGNATIONER THE SULCETION OF AUT COLLECTERAL LECISION O' THUSE KURKANS GLA IF THERE IS ANY PD

Origin:

Info. :

Dist. Desired (Offices Only)

ITEM FIVE AS IT MEMORY-DLY TOLD THE JAPANESS LIDE C.A. THE KOREAN SIDE STILL HAS STRONG ONLYCTIC TO THE MALEASE IN JAPAN OF KOLEARS IN CULTION IN ANY FORM PD IT WILL HAVE NO OBJECTION IF THE JAPANESE SILE INTURDS TO HUSEITALIZE SURE OF THUSE ACRESHS IN AUGUSTICAS UNDER ITS OWN REPORSEDINTY FOR STRICTLY BULANITHRIAN SEASONS IF THEIR MEALTH COMDITIONS ARE OFFWALLY ESCUCIFIED AS CRITICAL COA MAD IF SUCH HOSPITALICATION COES NOT AFFECT IN ANY COACHER THE DETAINER. STATUS OF THOSE KORBANS PD

ITEM FIX IT SHOULD BE GREENSTOOD THAT THE ROREAR CIDE CAKES THIS IN ORDER TO DELOVE THE PARKET IMPASSE CHA IF THEME IS ANY WHICH LIGHT LIE IN THE MAY OF THE SUCCESSFUL FROCEMDING OF THE CHARALL TALKS IN PROGRESS FD

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COMMUNICATION SECTION

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MINISTRY OF FOREIGN AFFAIRS

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BUT THIS REPRESENTATION CONTAINS NOTHING CONCLUSIVE FOR THE POSITION OF THE KOREAN GOVERNMENT FOR FINAL SETTLEMENT OF THE ISSUE PD

Origin :

Info.:

ITER SEVEN TO MEET PRESENT CHROLISTANCES OF RELATIONS BETWEEN THE TWO SIDES CHAITHE KOREAN SIDE HAS NO ALTERNATIVE BUT THE ABOVE -ENTITIED SUGCESTION AND AWAITS QUICK REACTION THERETO PD

THE ABOVE LESTICLED POINTS SHOULD BE GRALLY CONVEYED TO THE JAPANESE PUREIGN MINISTER WITHOUT DELAY PD

FOREIGN MINISTER

Dist. Desired (Offices Only)

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COMMUNICATION SECTION

檀紀 4291 年(1958年)7 月 23 日現在

	送還、釈放及びその他事項	数	(名)
相互釈放	昨年末 現在 総数		1,259
	本国に送還された者	第 1 次送還 第 2 次送還 第 3 次送還 第 4 次送還	249 252 251 251 1,003
	日本国内に逃亡した者		13
協	収容中に刑確定で刑務所に移管 服役中の者		11
定該当者	病気で仮釈放された者		9
	収容中日本人と判明 釈放された者		1
	北韓送還希望者	男 82 名 女 10 名	92
	現在収容されている者		222
その他	今年1月1日以後に収容された者 註 本数字は第14次実務者会議議事録に根拠を の韓日代第1227号報告によると7月5日現		
総計			792

備考. - 本表に表示された者の内、北韓送還希望者の数は 93 名だったが、1 名が前回の 韓国人第 4 次本国送還時で帰国したので 92 名になった。-第 14 次実務者会議 議事録に依る。

P56. 韓日代第 1403 号

檀紀 4291 年(1958 年)7 月 23 日

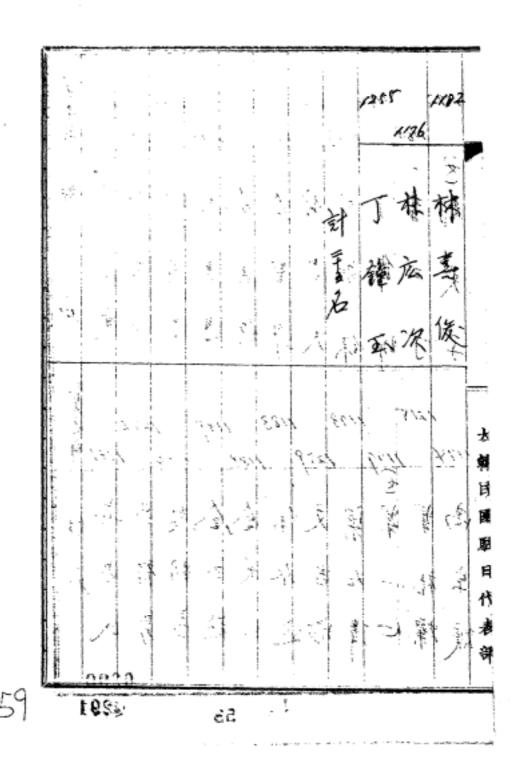
駐日大使 印

外務部長官 貴下

いわゆる北韓送還希望者の内、日本国内に仮放免予定者の名簿入手報告の件 首題の件、いわゆる北韓送還希望者の内、今回日本政府当局により日本国内に釈放する ことに決定したという **25** 名の姓名を秘密裏に入手したので別添のように報告するもので ある。

追記 本来三年以上の被収容者 26 名を決定したものが

P57. 金昌博当 22 歳は収容年限が三年未満になり除外されたという。



P60. 韓日代第 1409 号

檀紀 4291 年(1958年)7 月 25 日

駐日大使 印

外務部長官 閣下

北韓行きを希望するという「不法入国」韓人の日本国内釈放決定に 関する日本政府外務省口上書送致の件

首題の件、北韓行きを希望するという問題の抑留中の「不法入国」韓人に関して、彼らの内若干名を日本国内で仮釈放することに決定したという報道により、7月7日付けで日本政府外務省に対して質疑的な抗議口上書を発したことがあり、これに関しては7月7日付け韓日

P61. 代第 1192 号の公式文書として既に報告したことがあるが、この 7 月 25 日午後日本外務省の 7 月 21 日付け回答口上書に接したのでここに同封送致します。

この日本外務省の回答口上書を検討された後、代表部が取るべき措置に関して指示していただけるように願います。

別添 日本外務省 口上書 写本一通

Pranclation

GOPY

No. 116/ASM

NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, referring to the latter's No:e Verbale PKM-20 dated July 7, 1958, has the honour to state as follows:

1. It is true that on the 6th inst. the Japanese Government decided to parole 26 Korean illegal entrants now detained at Omura Immigration Center out of the humanitarian spirit of averting an imminent danger to human life. The decision was duly notified, along with the reasons therefor, by Mr. Itagaki, Director of the Asian Affairs Bureau, to Mr. Yiu Tai Ha, Deputy Chief of the Mission, who visited the Ministry on July 6 at the former's instance. On the occasion of the Japan-Korea Working Committee of July 8, the matter was fully explained by the Japanese side for the second time.

In accordance with the said decision, the Immigration Bureau of the Ministry of Justice is now in the process of (a) deposition of the bond paid by the prospective parolees, and (b) investigation into the reliability of

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the guarantors which are required for the taplementation of the same decision; upon completion of such preliminaries the individual detainess will be paroled successively subject to certain restrictive conditions in respect to their residence and the scope of movement, and with the obligation of reporting to the competent authorities periodically.

2. While the Mission's note under reference asserts that the present decision would constitute an infringement of what was agreed on between the two countries at the conclusion of their Preliminary Talks of December 31, 19:7, it is the conviction of the Japanese Government, whose views are explicated hereunder, that it will entail no violation of the agreement reached between them.

Upder the "Memorandum of Understanding between the Government of Japan and the Government of the Republic of Korea regarding Measures on Koreans detained in Japan and on Japanese Fishermen detained in Korea" signed on December 31 last year, it is obligatory on the Korean Government to "accept the deportation of Korean illegal entrants." This clause was incorporated in the same Hemorandum with the view to affirming in a positive provision the Korean Government's obligation of taking over such illegal entrants, in

Sonsideration

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consideration of the fact that the deportation to the Republic of Korea of Korean illegal entrants had been at a stanistill on account of the persistent refusal by the same Government to take over such illegal entrants since May 1955. Therefore, this clause should not be construed as stipulating the obligation on the part of the Japanese Government for transferring all of the illegal entrants to the Korean Government. Examination of the relevant records of the Preliminary Talks as per attached sheets will bear witness to the pertinency of the Japanese interpretation of the Mamorandum.

demand upon the Japanese side, at the Japan-Korea Working Committee which has held thirteen sessions since January 7 this year, for deportation of the 93 Korean nationals who were detained at Omura Immigration Center at the time of signing of the agreement between the Japanese and Korean Governments on December 31, 1957 and who have expressed a desire to return to North Korea, such a demand should properly be regarded as a demand made from the political standpoint, but not as one based on the light which may be exercised in virtue of the agreement.

The Japanese side, having due regard to the political stand of the Republic of Korea, afforded those detainess sufficient

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sufficient time to reconsider calmly their determination of returning to North Korea, on the assumption that they might possibly alter their minds with a subsequent change in the situation. At the same time, the Japanese side entertained an ardent hope to solve this question, along the lines desired by the Korean side if possible, upon their changing of their original determination.

However, the subsequent development of the matter has proved the reverse of what the Japanese side had anticipated. After the lapse of about half a year, all of the detainees, with one exception, have not even shown any sign of desisting from their original intention, but, confirmed further in their resolve, and persist in returning to North Korea.

Noreover, since June 26 this year, they went to the length of staging a mass hunger-sirike under the slogans of "Immediate Release" and "Repatriation to North Korea" which they would not call off in spite of much persuasion by the Japanese authorities concerned. Eventually on July 5, the matter came to such a serious pass that if it be left to take its own course it would probably lead to the loss of life.

As the immediate step to cope with this urgent situation, the Japanese Government decided to release on parole, under the supervision of the Ministry of Justice, 26

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detainess who had been under detention in Japan for more than three years and thereby dissuaded the detainess from carrying on the strike. As already mentioned over and over again, this action was taken from a purely humanitarian standpoint.

The Japanese Government wishes to add that since the development of the question has taken a direction contrary to its expectations and brought in a complete change in the situation, it is desirable for the two nations to act in concert and in all sincerity to approach and solve the problem from an entirely new angle.

4. It is fur her added for the Mission's information that the list of 1,259 persons who were under detention at Cmura and Hamanatsu Ismigration Centers as of the date of the coming into force of the agreement etween the Governments of Japan and the Hepublic of Korea, which was handed to the Korean Delegation at the meeting of the Japan-Korea Working Committee held on January 27, 1958, is not that of deportees to Korea, but plainly that of detained Korean illegal entrents as clearly stated on the said list.

Tokyo, July 21, 1958.

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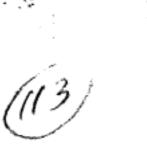
株国の地震を再放射する機会を与えることによって、その後の情報の地震を再放射する機会を与えることによって、その後の情報によって本人が機会を与えることによって、その後の情報によった。 古機定を持つて、出来れば株国側の要素に関うように本件を関したるにかかわるが、世界していた次がであるが、その後的手具は全く構定のまでしまえます。 おお方の環帯に反する状態となるに近つた。 日本政府国の実施を維持して大量のハンダーストライルの事に出て、日本政府国の実施を維持して大量のハンダーストライルの事に出て、日本政府国の実施を推荐して大量のハンダーストライルの事に出て、日本政府国の実施を放置すれば光常を基す会体を大と本が連れて月回日には事業を放置すれば光常を基す会体を大と本るどとも異点な状態となった。

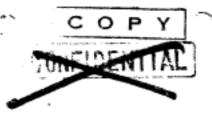
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をおいていた一二五九名の名称は特国への連盟者名称に進いなく、名称上に領に記載されていたかにはおのだとくわか方の知符が裏切らない。サマにくり返し、連べたとおりである。 は、ナマにくり返し、連べたとおりであるべく努力するととが立く事情の変更した現在においては本件を日本済田の鉄連と立いよう。全く新世界でした大村及び共長済を存取に日本済田の鉄連とし、特国県に手交した大村及び共長済を存取に日本済田の鉄連とし、特国県に手交した大村及び共長済を存取に日本済田の鉄連とはなく、名称上に領に記載されていた。





Tokyo, July 28, 1958

No. 87

Excellency:

I beg to acknowledge with appreciation the receipt of Your Excellency's letter No. 42 of July 25.

1. On July 25 this office received a reply from the Japanese Foreign Office to our note verbale protesting against the reported Japanese decision to repease on parole some Korean detainess at Omura Camp from among those who allegedly desired to go to north Korea.

This office has already reported on this Japanese reply to the Foreign Ministry by a special pouch last Saturday and I believe Your Excahlency has been informed in this regard by this time. The Japanese note verbale, among other things, stated:

- a. That it is true that the Japanese Government has reached a decision to parole 26 Korean illegal entrants out of humanitarian spirit of averting an imminent danger to human life."
- b. That the Japanese decision is not a violation of the existing agreement between the two countries. The Japanese commitment not to send them to north Korea nor release them in Japan, made at the Working committee, was so made with "due regard to the political stand of the Republic of Korea" and not department's obligation to Korea under the said agreement.
- c. A new situation developed following the hunger strike staged by some Korean detainees, and in order to save

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/these human

His Excellency President Syngman Rhee

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these human lives, the Japanese Government was obliged to parole them "from the humanitarian standpoint." As the matter developed unexpectedly, it is "desirable for the two countries to act and solve the problem from an entirely new angle."

3. Ambassador Limb paid a call on Friday (July 25) morning on Prime Minister Mishi prior to his departure for Seoul on August 1. Foreign Minister Fujiyama was also present at the meeting. At this meeting the Japanese side urged us to send our representative to the Fishery Committee prouptly and said that the recent parole decision was inevitable under the existing circumstances. The Japanese side thus sought our understanding. Our side, without making any commitment in this regard, reiterated that the Japanese decision was a violation of the existing agreement.

Following the above meeting Asian Bureau Director Itagaki asked Minister Yiu to come Friday afternoon. Mr. Itagaki told him that the Japanese Government was going to release on parole the 26 persons, as soon as certain conditions for parole were met, thus seeking our understanding.

4. It appears to me that the Japanese Government is ready to carry out the contemplated parole of the 26 persons. However, 95 it is fearful of the issue having adverse effects on smooth progress of the current overall talks in future. Under these circumstances the Japanese Government seems to be trying to find some way by which our side might understand its release decision. Attached translation of an Asahi article may be indicative of such trend of the Japanese Government.

Under such circumstances I would highly appreciate it, if Your Excellency could kindly give me a guidance as to our future policy on this matter.

With sentiments of loyalty and esteem, I remain,

Most respectfully,

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Translation

No. 116/ASM

NOTE VERBALE

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, referring to the latter's Note Verbale PKM-20 dated July 7, 1958, has the honour to state as follows:

1. It is true that on the 6th inst. the Japanese Government decided to parole 26 Korean illegal entrants now detained at Omura Immigration Center out of the humanitarian spirit of averting an imminent danger to human life. The decision was duly notified, along with the reasons therefor, by Mr. Itagaki, Director of the Asian Affairs Bureau, to Mr. Yiu Tai Ha, Deputy Chief of the Mission, who visited the Ministry on July 6 at the former's instance. On the occasion of the Japan-Korea Working Committee of July 8, the matter was fully explained by the Japanese side for the second time.

In accordance with the said decision, the Immigration
Bureau of the Ministry of Justice is now in the process of

(a) deposition of the bond paid by the prespective pareless,
and (b) investigation into the reliability of the garanters
which are required for the implementation of the same decision;
upon completion of such preliminaries the individual detainess
will be paroled successively subject to certain restrictive
conditions in respect to their residence and the scope of
movement, and with the obligation of reporting to the competent
suthorities periodically.

2. While the Mission's note under reference asserts that the present decision would constitute an ingringement of what was agreed on between the two countries at the omelusion of their Preliminary Talks of December 31, 1957,

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it is the conviction of the Japanese Government, whose views are explicated hereunder, that it will entail no violation of the agreement reached between them.

Under the "Memorandum of Understanding between the Government of Japan and the Government of the Republic of Korea regarding Measures on Koreans detained in Japan and on Japanese Pishermen detained in Korea" signed on December 51 last year, it is obligatory on the Korean Government to "accept the deportation of Korean illegal entrants." This clause was incorporated in the same Memorandum with the view to affirming in a positive provision the Korean Government's obligation of taking ever such illegal entrants, in consideration of the fact that the deportation to the Republic of Korea of Morean illegal entrants had been at a standstill on account of the persistent refusal by the same Government to take over such illegal entrants since May 1955. Therefore, this clause should not be construed as stipulating the obligation on the part of the Japanese Government for transferring all of the illegal entrants to the Korean Government. Examination of the relevant records of the Preliminary Talks as per attached sheets will bear withess to the pertinency of the Japanese interpretation of the Memorandum.

3. Therefore, whereas the Korean side has made a demand upon the Japanese side, at the Japanese Working Committee which has held thirteen sessions since January 7 this year, for deportation of the 93 Korean nationals who were detained at Omura Immigration Center at the time of signing of the agreement between the Japanese and Korean Governments on December 31, 1957 and who have expressed a desire to return to North Korea, such a demand should properly be regarded as a demand made from the political standpoint, but not as one based on the right which may be exercised in virtue of the agreement.

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/ The Japanese

The Japanese side, having due repard to the political stand of the Republic of Korea, afforded those detainess sufficient time to reconsider calmly their determination of returning to Morth Korea, on the assumption that they might possibly alter their minds with a subsequent change in the situation. At the same time, the Japanese side entertained an ardent hope to solve this question, along the lines desired by the Korean side if possible, upon their community of their original determination.

However, the subsequent development of the matter has proved the reverse of what the Japanese side had anticipated. After the lapse of about half a year, all of the detainees, with one exception, have not even shown any sign of desisting from their original intention, but, confirmed further in their resolve, and persist in returning to North Morea.

Moreover, since June 26 this year, they went to the length of staging a mass hunger-strike under the slogans of "Immediate Release" and "Repatriation to North Korea" which they would not call off in spite of much persuasion by the Japanese authorities concerned. Eventually on July 5, the matter came to such a serious pass that if it be left to take its own course it would probably lead to the loss of life.

As the immediate step to cope with this urgent situation, the Japanese Government decided to release on parole, under the supervision of the Ministry of Justice, 26 detainess who had been under detention in Japan for more than three years and thereby dissuaded the detainess from carrying on the strike. As already mentioned over and over again, this action was taken from a purely humanitarian standpoint.

The Japanese Government wishes to add that since the development of the question has taken a direction contrary to its expectations and brought in a complete change in the situation, it is desirable for the two nations to act in concert and in all sincerity to approach and solve the problem from

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an entirely new angle.

4. It is further added for the Mission's information that the list of 1,259 persons who were under detention at Omura and Hamamatsu Immigration Centers as of the date of the coming into force of the agreement between the Governments of Japan and the Republic of Korea, which was handed to the Korean Delegation at the meeting of the Japan-Korea Working Committee held on January 27, 1958, is not that of deportees to Korea, but plainly that of detained Korean illegal entrants as clearly stated on the said list.

Tokyo, July 21, 1958.

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(Attachment)

Records of Preliminary Talks between the Governments of Japan and of the Republic of Korea

- The talks held between Mr. Nakagawa, then Director of the Asian Affaire Bureau, Ministry of Foreign Affairs, and Mr. Kim, then Chief of the Korean Mission, on December 15, 1956.
- (1) At this meeting Mr. Makagawa stated: "Taking this opportunity I would like to make it clear that should an agreement be reached on the question of nationality and treatment (of the Korean residents in Japan) the Japanese Government would not be in a position to exert its influence over pro-North Koreans to follow the orders of the Republic of Korea, even if it is requested to do so - for instance, it cannot cooperate with the Republic of Korea in forcing reluctant Koreans to return to the Republic of Korea aganist their will." Mr. Kim replied: "We have no such intention."
- (2) Also at the same meeting, in response to Mr. Kim's question on the problem of the deportation of Korean residents in Japan "Then do you intend to send pro-North Koreans to North Korea when deportation is carried out?", Mr. Nekagawa stated: "I thing under normal circumstances they should be sent back to the Republic of Korea. However, if a particular persons would never want to return to the Republic of Korea but wishes to go, for instance, to Formosa, and if the Formosan authorities have no objection to it, it is possible, under the Japanese Laws and regulations, to let him go to Formosa."
- The talks held between Mr. Nakagawa and Mr. Kim on February
 1957.
 - (1) During the subsequent negotiations continued between Mr. Nakagawa and Mr. Kim the drafts for the arrangements to be made between Japan and the Republic of Korea were /discussed. As

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discussed. As a result of this discussion the memorandum regarding the mutual release was drafted in Japanese in the middle of January 1957. This draft memorandum, as the Korean Mission is also well acquainted with, reads as follows:

Regarding Keasures on Japanese Fishermen detained in Morea and on Morean Residents in Japan Detained under Deportation Order

For the purpose of implementing the talks held between Minister for Foreign Affairs Shigamitsu and Minister Kim on April 2, 1956 both Governments agree as follows:

MISMORANTIUM

- 1. The Government of the Republic of Korea
- (a) will repatriate to Japan the Japanese fishermen who are being detained at the Aliens Detention Camp of Korea at an early date after the coming into force of this memorandum; and
- (b) will accept the deportation by the Government of Japan of the Korean illegal entrants as soon as possible.
- 2. The Government of Japan
- will release those Koreans who have been residing in Japan since before the end of war and who are being detained at the Aliens Detention Camps of Japan under deportation order.
- The present memorandum shall come into force on Pebruary 1957.
 - (2) During the discussion of this draft memorandum held between Mr. Makgawa and Mr. Kim on February 21, 1957 Mr. Kim said: "As it is, there is a question of the form of this draft memorandum, because (according to the draft) the measures to be taken by the Korean Government are two,

 (a) and (b), while the measure to be taken by the Japanese Government is just one. Therefore, I would like to propose that of the measures to be taken by the Korean Government (b) be separated and be made an independent paragraph under heading 5. which is to provide, for

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the deportation of Korean illegal entrants, that the Japanese Government will deport Korean illegal entrants and the Korean Government will accept them as soon as possible." Mr. Nakagawa made a counter-proposal saying: "Your proposal is not acceptable because it implies that the Japanese Government is under obligation to deport all Korean illegal entrants. So, how about writing the measures to be taken by the Korean Government (a) and (b) together in a single paragraph?", to which Mr. Kim replied: "Well, I inst think that is all right." This is how both sides came to an agreement as to the wording to express the measures to be taken by the Korean Government in a single paragraph as was actually adopted in the Memorandum of Understanding signed on December 31, 1957.

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P72-80 P81. 写本:景武台

柳泰夏 公使

外政第 **2897** 号 檀紀 **4291** 年(**1958** 年)**7** 月 **29** 日

外務部長官

第4次韓日会談 首席代表 林**炳稷** 大使 貴下 (写本 柳泰夏 公使)

件名、第4次韓日会談進行に関する件

頭の件に関して別添のように運営するので、即時 施行なさりその結果を報告されることを望むものである。

July 29, 1958

Instructions - Part I

To : Ambassador Limb and Minister Yiu

Regarding the future conduct of the fourth Korea-Japan Conference particularly in connection with the problem of Korean detainees at Omura who allegedly desire to go to north Korea, you are instructed to implement without delay the following:

- 1. The Government withholds for the time being sending a formal note in order to counter the Japanese note of July 21, 1958, No. 116/ASN. But Ambassador Limb and Minister Yiu are jointly instructed to meet the Japanese Foreign Minister to make representation to deliver government position virtually in response to the said Japanese note. The points to be delivered to the Japanese side in the form of Oral Statement are dispatched simultaneously with this Instructions (Please refer to Instructions Part II).
- 2. Separately from our efforts to break the present impasse regarding those detainees allegedly desirous of goint to north Korea, Government will continue to make efforts to expedite the proceeding of the overall talks. Standing on the above position, our delegation is instructed:
- A. To press further the Japanese side to present in writing their position on "arrangement for acceptance of deportees", and if possible, their draft agreement on the whole points at issue on status and treatment of Korean residents in Japan;
 - B. To press the Japanese side to present to

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us without delay the list of Korean art objects which Japan intends to turn over to us; and

- C. To avoid unnecessary recess of conference so that the talks may make progress as soon as possible.
- 3. You are authorized to inform the Japanese side that our side has no objection to convening the Fisheries and Peace Line Committee on August 20, 1958 if the Japanese so desires, in the expectation that the two committees presently in session make some progress by that time. You are also authorized to inform them that Mr. Chang Kyung Keun, one of the delegates, has been appointed as chief member of our side at the Fisheries and Peace Line Committee, explaining that his trip to the conference site was delayed due to his duty as a member of National Assembly as the Assembly is deliberating on the revised draft budget.

(Enclosure of Woijung No. 2897)

July 29, 1958

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Instructions - Part II

To : Ambassador Limb and Minister Yiu

The Oral Statement as referred to in Item one of the Ministry's Instructions - Part-I is to be delivered by Ambassador Limb and Minister Yiu to the Japanese Foreign Minister. The points to be delivered are as follows:

- 1. As the Korean side repeatedly told the Japanese side, the Japanese unilateral decision to release on parole 26 out of 92 Korean detainees, who are allegedly desirous of going to north Korea, is a violation of the terms agreed upon on December 31, 1957. It is to be also recalled that at the Korea-Japan Working Committee, the Japanese Delegate clearly stated that "all those Koreans in question will be repatriated to the Republic of Korea in principle and that none of them will be sent to north Korea or be released in Japan."
- 2. In discussing on the problem of deportation of illegal Korean entrants, the Japanese side is quoting its own version of summary record of the so-called Kim-Nakagawa informal talks, which were held on an off-record basis. The Korean side doubts with surprise whether, in the light of rules practised in diplomatic meeting, an informal off-the-record remarks can supersede the Agreed Minutes duly signed or remarks formally made by responsible delegate at formal session of the conference. The Japanese side is also quoting the terms of the so-called Kim-Shigemitsu understanding of April 2, 1956 for its own

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convenience. But it is well-known fact that the above understanding proved abortive whereas the Japanese Government refused to honor the terms for a reason or reasons which are unknown to the Korean side.

- 3. If, as the Japanese Government insists, the Kim-Nakagawa conferees confirmed there was no obligation on the Japanese part to repatriate Korean illegal entrants to the Republic of Korea, the Korean side is at a loss to understand what the Japanese Government had in mind when signing Article 2 of the Agreed Minutes of December 31, 1957, which stipulated, ".... at the overall talks...., the problem of the deportation of illegal entrants will also be a subject of discussion."
- 4. In the early part of July, 1958, the Japanese side first told the Korean side that those 26 Korean detainees in question were exposed to imminent danger of life after a hunger strike, and were to be released in Japan. But recently the Japanese side told the Korean side that those 26 Korean detainees at Omura "who had been under detention for more than three years" would be released. Now, the Korean Government cannot but wonder whether the Japanese side is taking up the issue really from humanitarian standpoint or from political standpoint. The Japanese Government seems to have realized, at least, consequences which might arise from such release of detainees. It may be so in view of the fact that

/go to

go to the Republic of Korea were already released without knowledge of the Korean Government, while the case of the 26 persons was notified to Korean side.

- 5. For its own argument, the Japanese Government stated that the list of 1,259 Korean detainees, which was handed to the Korean side on January 27, 1958, was "not that of deportees" but "plainly that of detained Korean illegal entrants". Granting such argument to be grounded, the Korean Government seriously wonders why the Japanese Government had to hand to the Korean Government the list including those who have nothing to do with deportation.
- 6. The question is not number of detainees which might be released, but real motives of the Japanese Government in reaching such decision. The Korean Government cannot but be seriously conserned over this Japanese decision. For consequences which might ensue from the release of the 26 detainees in question, the Japanese Government should be solely responsible.
- 7. The Korean Government, however, has no intention of coming to a hasty conclusion to cope with the present circumstances, still believing that this question can be reasonably settled without impeding the smooth proceeding of the Korea-Japan Conference, only if the Japanese side is ready to show its sincerity to consult with the Korean side on this issue. If the Korean detainess in question are found really to be in imminent danger of life, the Korean Government is

/ready to

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

(End)

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P88. 外政第 2928 号

檀紀 4291 年(1958年)7月29日

外務部長官

内務部長官 貴下

北韓送還希望者の内、日本国内に仮釈放予定者に関する件

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

別添、北韓送還希望者の内、日本国内釈放予定者名簿一通 以上



Tokyo, July 31, 1958



No. 89

Excellency:

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

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

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

/In view

His Excellency President Syngman Rhee

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- 2 -

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

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

Enclosure: Copy of note

89

P91. 類目 拿捕日本漁船問題

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

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

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

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

MINISTRY OF FOREIGN AFFAIRS

INCOMING

CLASS CON KYUNG I WAI FOREIGN MINISTER

NO. MT-004 DATE. 07311830

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TOKYO

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

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

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COMMUNICATIONS SECTION

P95. 韓日代第 1293 号

檀紀 4291 年(1958年)7 月 14 日

第4次韓日会談首席代表 印

外務部長官 貴下

第4次韓日会談在日韓僑法的地位委員会、日本側討議資料送付請訓の件

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

P96. 限り、安定した生活を営為できるようにしなければならないので、日本側により 一方的に強制退去してはならないというわれわれの立場を明かしたところ、これ に対して日本側はそのような韓人の特殊背景は日本の出入国関係国内法の範囲内 で考慮されなければならないと主張することで、両側が相互強制退去問題に関する方針の草案を提出することを相手方側に要求したことがあり、結局日本側は今 回別添のように、日本の現行法令である『出入国管理令』第 24 条の該当規定を 再整理したに過ぎない案をわが側に提出、討議の資料にしようと提議して来たので、これを別添報告し、これに関して併せて請訓いたします(別添一 同案翻訳文

一通)

P97.

P98.

討議資料

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

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

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NOTE VERBALE

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

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

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

Tokyo, August 18, 1958

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(CABLE) C O D E (CONFIDENTIAL) URGENT

58.3.19

OFFICE OF THE PRESIDENT POREIGN MINISTER

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

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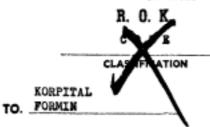
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MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM

TOKYO



NO. MT-018 DATE. 08281730

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

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MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM R. O. K.

NO. MT-023 DATE 09051700

58.9.5

TOKYO

TO. KYUNG MU DAI, FOREIGN MINISTER

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

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MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM R. O. K.

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TO. PAGE 2

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

MINISTER YIU



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Annex I

- /D R A F T /

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

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

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

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

Article 1

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

Article 2

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

/(2) The

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

Article 3

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

Article &

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

/the time

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

Article 5

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

Article 6

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

Article 7

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

/The present

PISHERIES CONMITTEE MEETING WILL NOT BE HELD ON AUGUST TWENTY

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

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

OUR SIDE PD

AMBASSADOR LIMB

AUGUST 19, 1958

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CODE (CONFIDENTIAL) URGENT

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OFFICE OF THE PRESIDENT POREION MINISTER

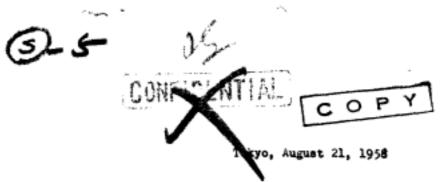
TOGETHER WITH MINISTER YIU AND MR CHAB CMAL MET VICE FOREIGN
MINISTER YANADA PRON FIVE PN TO FIVE FIFTY PN ON AUGUST
TWENTY AT THE JAPANESE POREIGN MINISTRY PD AT THIS MEETING
CMA WE MADE ANOTHER STRONG REPRESENTATION AS WE DED YESTERDAY
TO AMBASSADOR SAWADA PARTICULARLY REGARDING THE MATTER ON
SOME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

AMBASSADOR LIMB

AUGUST 20, 1958

0331

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No. 21

Dear Mr. President:

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

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

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

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

/I told

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

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

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

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

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

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

Encls.

101

0333



Tokyo, August 21, 1958

No. 22

Dear Mr. President:

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

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

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

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

/that he

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

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

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

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

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

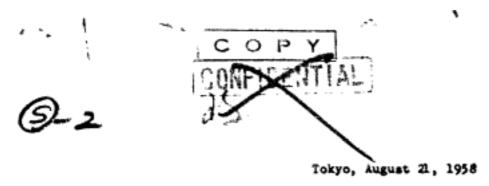
Finally, amb. Facarthur told us that he would shortly meet Japanese officials concerned and do what he personally could, in connection with the present situation. Any further development in this regard would be reported promptly.

with sentiments of loyalty and esteem, I remain,

Most respectfully,

103

0335



No. 95

Excellency:

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

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

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

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

/conciliatory

His Excellency President Syngman Rhee

104

0336

2.

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

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

A.T.K.

Encls.

105 . 0337

MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM

R. O. K.

NO. MT-015 DATE.08231800

TOKYO

COMMUNICATIONS ROOM

TO. FOREIGN MINISTER

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

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

KORDIPSION

1958 AUG 24 11:00 AM

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MINISTRY OF FOREIGN AFFAIRS

TELEGRAM

DATE OF 157 03 0

August 24, 1958

D MINISTER VIU

COPY TO AMBASSADOR LIMB PD

ACKNOWLEDED MT ZERO ONE PIVE AUGUST TWENTY FOURTH ONE NINE FIVE SIGHT REGARDING THE DETAINER ISSUE PRESENTLEMS PENDING PD YOU ARE INSTRUCTED TO UNDERSTAND OUR POSITIONS AS ARE CLARIFIED IN FOLIOW ! + Cq TAKE ACTION SY ITEMS ONE AND THO CHA AND TO INTERMEDIA ITEM THREE OF THREE CARES PD

info::

Otigin:

THE ONE IN THE VIEW OF THE OUVERNMENT C'A THE PRESENT SITUATION IS NOT THE SAME AS WHAT IT WAS AROUND AUGUST EIGHTEENTH MIEN THE MISSION SENT ITS NOTE PEM TWENTY FOUR PD THE NOTE PEM TWENTY FOUR WAS ISSUED BECAUSE OUR SIDE DELIEVED THAT BY DOING SO THE IMMEDIATE IMPASSE WARLD DE CVERCO LE IN THE EXPECTATION THAT THE JAPANESE SIDE MOULD FAVORABLY RESPOND TO OUR REPRESENTATION OF AUGUST TWELFTH WHICH SET FORTH OUR POSITION CHARACTER TWO OF WOLJUNG TWO ZERO TWO FOUR CAN IN THE LIGHT OF OUR CONCILIATORY ATTITUDE SHOWN THEREBY PD FROM (JIERBAPTER) THIS POINT OF VIEW COM OUR SIDE WILL NOT REFER AGAIN TO SPECIFIC

Dist. Desired (Offices Only)

> CASES OF PATIENT DETAINERS WITCH THE JAPANESE GOVERNMENT IS CONTEMPLATE TO RELEASE TEMPORARILY PROMA BUT WILL SEEK A SOLUTION OF THE PROBLEM FROM ITS RASIC ASPECT P.D.
>
> ITEM TWO THE MISSION IS ADVISED THAT THE GOVERNMENT HAS NO

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, R. O. K.

Page 2

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ALTERNATIVE TO REPLACE OUR POSITION AS WAS SET FORTH IN THE MISSIONS AIDS MEMOIRS OF AUGUST THEEPTH CHA IN MITCH THE GOVERNMENT HAS GEEN \$4497HT SEBRING AN UNDERSTANDING WITH THE JAPANESE SIDE CUNCERNING SUCH A POINT AS IS RELATED TO FUNDAMENTAL PRINCIPLE WHICH CONCERNSOUR VITAL INTERESTS AND ON WHICH WE WILL NEVER BARGAIN WITH THE JAPANESE UNDER ANY CIRCUMSTANCE PD

ITEM THREE UNDER THE PRESENT CIRCUMSTANCES CHA THE MESSION IS INSTRUCTED TO SEND A NOTE VERBALE WITHOUT DELAY TO THE JAPANESE GOVERNMENT TO THE FOLLOWING EPFECT COLON

QUOTE AS THE JAPANESE SIDE IS WELL AWARE CHA THE KOREAN SIDE HAS NO COJECTION TO THE TEMPORARY RELEASE AS SUCH OF THOSE DETAINEES AT OMURA DETUNTION CAMP CMA PARTICULARLY TWOSE MIND ARE IN INMINENT DANGER OF LIFE CMA IF IT IS CLEARLY UNDERSTOOD THAT THEY CMA AFTER BEING RELEASED CMA WILL NOT BE ALLOWED TO GO TO THE AREA OTHER THAN SUCH PLACES AS TO BE DESIGNATED BY THE REPUBLIC OF KOREA PD IN THIS CONNECTION CHAITHE ECREAN SIDE MISHES TO INVITE THE ATTENTION OF THE JAPANESE COMPRIMENT TO THE FORMERS REPRESENTATION CHA ON AUGUST TWELFTH CHA ONE NINE FIVE EIGHT

Dist. Desired (Offices Only)

CMA IN MEICH MINISTER YOU OF THE ROMAN MISSION IN JAPAN TO MR TRAMMITE

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COMMUNICATION SECTION

0340

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MINISTRY OF FOREIGN AFFAIRS

NO.

R. O. K.

TELEGRAM

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DELIVERED THE POLLOWING FORMES OF NOW PROCESS TO DIRECTOR ITAGES.

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THE MIGLE CONTENTS OF AIDE MENDINE OF AUGUST INVESTED QUOTED PARENTHESIS

THE ROREAN SIDE REITHRATES AGAIN THAT THE ABOVE MENTIONED POINTS

REMAIN THE FIRM POSITION OF THE KOREAN GOVERNMENT TO MICH NO ALTERNATIVE.

IS CONCEIVABLE FOR FOR CLASEQUENCES WHICH MIGHT ARISE FROM JAPANESE

FAILURE TO RESPOND PAVORABLY TO THE CONCILLATORY PROPOSAL OF THE KOREAN

SIDE AND JAPANESE UNILATERAL ACTION COM THE JAPANESE GOVERNMENT SHOULD

BE SCIETLY RESPONSIBLE FOR WHICH THE CIRCOMSTANCES CAN THE KOREAN SIDE

UNGES AGAIN THE JAPANESE SIDE TO REPLY TO THE FORMERS PROPOSAL OF

AUGUST TWELFTH CAN AS IT IS INDISPENSABLE AT PRESENT FOR THE KOREAN

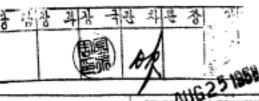
SIDE TO KNOW CLIARLY WENT THE LATTERS REAL INTENTIONS ARE ON THE

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POREIGN MINISTER



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COMMUNICATION SECTION

109



Excellency:

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

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

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

/would

His Excellency President Syngman Rhee

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/ · 2.

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

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

With sentiments of loyalty and esteem, I remain,

Most respectfully,

4.T.K.

114

111

TO : His Excellency the President

FROM : Vice Foreign Minister

SUBJECT : Conversation with Ambassador Dowling

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

Dowling:

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

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

/would think

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

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

Kim

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

113

97:60

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

Dowlings

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

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

/feel that

347

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

Kimt

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

/Dowlings

Dowlings

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

Kimt

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

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

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

Most respectfully,

0348

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INCOMING

ATION

NO. -KT-016 DATE-08261000

TELEGRAM

TOKYO

TO. KYUNG MU DAI & FORESON MINISTER

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

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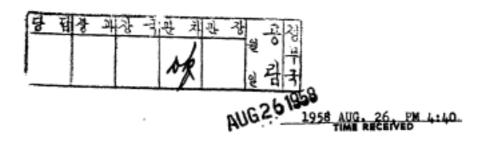
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SIDE, THE OTHER AGAINST COMPROMISE. UNDER THE CIRCUMSTANCES, IF WE MAKE REPRESENTATION IN A WRITTEN FORM AT THIS STAGE, SUCH AS NOTE VERBALE AS WAS INSTRUCTED, I AM AFRAID THAT SUCH A WRITTEN DOCUMENT MIGHT BE UTILIZED BY THE -NO-COMPROMISE FACTION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

豆喜習

AMBASSADOR LIMB



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NO. MT-017 DATE, 08261200

TOKYO

KYUNG MU DAI FOREIGN MINISTER

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

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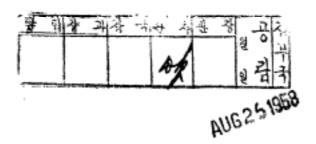
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MAKE EVERY EFFORT TO GIVE A REPLY TO THE AIDE MOMOIRE

BY THE END OF THIS WEEK ANY FURTHER DEVELOPMENT WILL

BE REPORTED TO THE GOVERNMENT PROMPTLY.

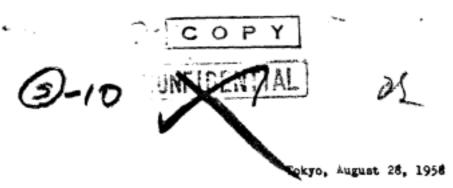
MINISTER YIU



1958 AUG 26 0500 PM

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



No. 97

Excellency:

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

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

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

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

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

/delay

His Excellency President Syngman Rhee

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0354

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

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

with sentiments of loyalty and esteen, I remain,

Most respectfully,

4.7.K.

126

INCOMING

TELEGRAM

TOKYO

KORPITAL TO. FORMIN

NO. MT-018

DATE. 08281730

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

KORDIPSION



KIM IL HO.

1958 AUG 29

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INCOMING TELEGRAM R. O. K.

NO. MT-023

DATE.09051700

TOKYO

TO. KYUNG MU DAI, FOREIGN MINISTER

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

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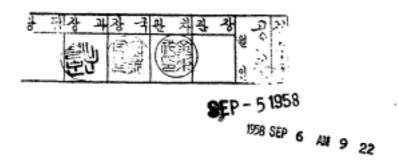
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IMMEDIATELY REPORT ON MY REPRESENTATION TO PREMIER KISHI FOR INSTRUCTIONS. HE ALSO SAID THAT HE WOULD GIVE A REPLY AS SOON AS HE RECEIVED ANY INSTRUCTIONS FROM THE HIGHER LEVEL OF HIS GOVERNMENT. FOR DETAILS LETTER WILL FOLLOW.

MINISTER YIU



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Innex I

- /D R A F T /

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

A 035

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

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

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

Article 1

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

Article 2

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

/(2) The

130

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

Article 3

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

Article &

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

/the time

0362

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

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

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

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

For the Government of the Republic of Korea

For the Governmentof Japan

133



September 24, 1958

TO : His Excellency the President

FROM : Vice-Minister of Foreign Affairs

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

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

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

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

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

Enclosure: as stated.

Most repectfully,

LAIN POINTS OF LLAFT AGE . TEST

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

P136. 韓日代第 2010 号

檀紀 4291 年(1958年)10 月 2 日

駐日公使 印

外務部長官 閣下

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

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

Copy

P8.N-38

NOTE VARBALE

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

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

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

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

"Confidential

*

138

(Oral Statement)

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

134

/ Though taking

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

Tokyo, September 27, 1958

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INCOMING TELEGRAM

MINISTRY OF FOREIGN AFFAIRS R. O. K.

NO	
DATE.	

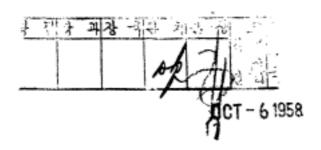
CLASSIFICATION

MTB-009 -Fage 2

TO. _____

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

AMBASSADOR LIMB



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INCOMING TELEGRAM TOKYO R. O. K.

NO. MTA-044 DATE 10061900

TO. KYUNG MU DAI, & FOREIGN MINISTER

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

INFO. TO:

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COMMUNICATIONS ROOM

AMBASSADOR LIMB

1958 OCT 7 AM 8:30 - 8 1950

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COMMUNICATIONS ROOM

137

0369

P142. 外務部政務局 起案用紙

次のように韓日会談首席代表に訓令したらどうだろうか 長官 ⑩ 次官 ⑩ 政務官 ⑩ 課長 担当者 (発送する訓令の内容) 外政第 号

檀紀 4291 年(1958年)10 月 13 日

外務部長官

第4次韓日会談首席代表 貴下

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

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

別添: 在日韓人の法的地位及び待遇に関するわが側協定案 通。

以上

Cctober 10, 1958

371

R L S M M E S D A T T POPULIS

: His Excellency the President

FRUM : Foreign Minister

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

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

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

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

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

Most respectfully,

Enclosure: as stated.

Anux 1

/DXNF9/

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

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

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

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

Article 1

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

Article 2

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

140

/ respect to

.

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

Article 3

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

Article 4

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

Article 5

A Korean resident in Japan shall be entitled

/ to engage

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

Article 6

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

Article 7

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

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

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

/IN WITHESS

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

DCME at Tokyo, this _____ day of ____ nine hundred fifty eight, in duplicate in Korean, Japanese and English languages, each text being equally authentic.

For the Government of the Republic of Korea

For the Government of Japan

0375

의 무 부

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ષ્ત્ર

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

성무국상

UCI 231958

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P150. 韓日代第 2106 号

檀紀 4291 年(1958年)10 月 20 日

駐日公使 印

外務部長官 閣下

韓日連絡会議開催を提議した日本外務省口上書送致の件

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

P151.ことを添信します。

別添 同口上書 写本 一通



No. 171/ASN

MILESAN STOR

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

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

chini 6,1558

147 Takyo, Cataber 2, 1956.



作等者は? 在本年大年美術代表系化教法を表するとともに? 株上作等者は? 在本年大年美術代表系化教法を表するととに、相談を指する自称法格委員会が不決入国者を受け入れるととに、相談を指する目标法格委員会が不決入国者を受け入れるととに、相談を指する目标法格委員会が正とので外等者は、大権長術政府が、日本開政府によって推定される権人でお客位は、大権長術政府が、日本開政府によって推定される権人の指定立つで外等をは立即であるととに、相談を指さるのと丁様する。 「日本年子二年末日をもつて作成長氏した不決入国者名称 中、現に、大村収容所に収容中の者で、その法法につき問題は 中、現に、大村収容所に収容中の者で、その法法につき問題は

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MINISTRY OF COMMUNICATIONS

REPUBLIC OF KOREA

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REMARKS:

NK98 SL K177 SA27 TOKYO 77/76 4 1110

KOREACROSS PHYONGYAUG

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

0383

155

P156. 逓秘第 556 号

檀紀 4291 年(1958年)11 月 4 日

逓信部長 印

外務部長官 貴下

不穏外国電報内容通報に関する件

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

OUTGOING TELEGRAM

MINISTRY OF FOREIGN AFFAIRS

ST-9/11/0 NO. 1478-015 DATE//05/800



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

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

QUOTE REFERRING YOUR TELEGRAM NOVEMBER PIRST STOP JAPANCROSS

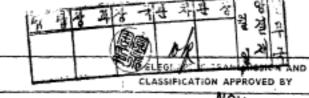
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Oragin:

info.:

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

VICE FOREIGN MINISTER



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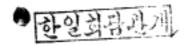
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MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM



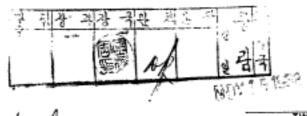
NO. MTB-050 A

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

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

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

Minister Yiu



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MINISTRY OF FOREIGN AFFAIRS

INCOMING TELEGRAM



NO. MT8-052 DATE-11141700

TO. Poreign Minister & Office of the President

It was decided that a meeting of Korea-Japan Working

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

instructions in connection with the Japanese Note Verbale No.

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

Minister Yiu



NOV 1 5 1958

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160 .

P161. 外務部

檀紀 4291 年(1958年)11 月 17 日

(長官閣下の指示と見解)

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

OUTGOING TELEGRAM

MINISTRY OF FOREIGN AFFAIRS

NO.

DAYE NOV 1 7 1958

R. O. K.

CODE

CLASSIFICATION

SENT TO MINISTER YOU COPY TO AMB LIMB

RECABLE MTB SERO FIVE TWO PD

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

info. :

Origin:

ITEM TWO COLON AS THE MISSION MAS INSTRUCTED IN PTB ZERO ZERO SEVEN CMA GOVERNMENT 15 READY IN PRINCIPLE TO RECEIVE THOSE KOREANS OF POSTWAR CATEGORY PD DUT OUR FEAR IS THAT IN TAKING UP THIS ISSUE AT THE PRESENT MORENT CMA WE CANNOT BUT RESUME HOT DEBATE ON COMMUNIST DETAINERS OR PAROLEES PD THAT IS WHY WE PROPOSED CMA IN PRIM NOTE NUMBER THREE TWO

SOMETIME AT THE OVERALL TALKS SO THAT THE DETAINEE ISSUE MAY NOT FURTHER

DETER THE PROCEEDINGS OF THE FOURTH KOREA JAPAN OVERALL TALKS SEMICOLON

DATED SEPTEMBER TWENTY SEVEN CHA TO TAKE UP THE ISSUE OF THIS KIND

Dist. Desired (Offices Only)

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

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TELEGRAPHIC TRANSMISSION AND CLASSIFICATION APPROVED BY

/OR COMMITTEES

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Origin:

info.:

Dist.

Only)

Desired (Offices

MINISTRY OF FOREIGN AFFAIRS R. O. K.

NO. DATE

CLASSIFICATION

SENT TO

OR COMMITTEES OF THE COMPERENCE SEMICOLON

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

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

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

FOREIGN MINISTER

DRAFTED BY

OFF:

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COMMUNICATION SECTION

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DRAFTI

MINISTRY OF FOREIGN AFFAIRS

OUR POSITION

Date: November

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

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

/and now

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

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

/We believe

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

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

/ 4) Those

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

/including those

including those who might be born in distant future.

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

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MINISTRY OF FOREIGN AFFAIRS

OUR POSITIO,N

Docume	M No.			Dates	18:58
Re:	The Prob	lem of Kor tention at	eans of Cmura I	Postwar Detention	Categor (Camp
	(Refert	MTB-052,	HID No.	2166)	

1. As the Mission was instructed in FTB-007, our Government is ready to receive, in principle, those Koreans of postwar category. But our fear is that in taking up this issue at the present moment, we cannot but resume hot debate on Communist detainees or parolees. That is why we proposed, in PKM Note number 32 dated September 27, to take up the issue of this kind sometime at the overall talks so that the detainee issue may not be further deter the proceedings of the 4th Korea-Japan overall talks.

- For the present moment, we do not consider it advisable to pull out an eruptive issue at the Working Committee in connection with the detainee issue.
- 3. Before taking up this issue sooner or later, we consider it highly necessary that the Legal Status Committee should expedite its proceeding particularly concerning the problem of "Nationality" in accordance with government instructions.
- 4. The Mission is informed that our side will withhold for the time being reply to the Japanese Note Verbale No. 171/ASN dated October 2, 1958.

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