

# JAPANESE TREATMENT OF THE ALIEN ENEMY PROPERTY DURING WORLD WAR II

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It is reported in the Official Gazette of February 28th, 1966 that the Bank of Japan was released by Ministry of Finance, as of February 22nd, from the administrator for Allied Properties under "special property administration account". We may learn from this that Japanese treatment of the Allied properties, spending enormous sum of 21,900 million yen, has finally come to an end.

World War II has been considered as a past nightmare. However we can not live on in negligence of the past and it would again and again emerge upon us as a grim reality.

Twenty years have passed since the end of the War and people often say "It is not post-war days any more." However some of the postwar treatments have been dragging on. They lead us to think how much our ransom is and how many people have toiled for it.

"Restitution and Compensation of the Allied Nations Property" as well as "Reparation" are among the most important post-war tasks upon us.

A memorable work in 3 vols, over 1,600 pages, entitled "Japanese treatment of the Allied property during World War II," was published recently for our Ministry of Finance. It seems to be quite significant that those international records have been thus compiled and printed. The writers of these volumes, supervised by myself, are all young but capable jurists of international law such as Professor Takeshi Minakawa (St. Sophia University), Professor Sakutaro Kyozuka (Chuo University), Professor Shigeki Miyazaki (Meiji University), and Mr. Arata Yokokawa (Hitotsubashi University). We all conducted a field research into the materials prepared by Ministry of Finance and the statistics concerned were elaborated by Mr. Hisayuki Inaba, Ministry of Finance. Thus our elaborate work which may deserve worldwide concern has come into existence. This book is for sale at the Government Publication Service Center in Tokyo at 2,800 yen.

As for the treatment of alien enemy property during World War I, we have "International Law and American Treatment of Alien Enemy Property" (1940) by James A. Gathings and Japanese translation of this book served as orientation for our work of restitution.

As to the treatment during World War II, Martin Domke wrote "The Control of Alien Property" (1947). But this one seems to be a mere collection of materials and not to show any systematic evaluation on them.

Japanese treatment of alien enemy property may deserve attention for two reasons even from worldwide viewpoint. Firstly, it has been performed under unusual circumstances such as a defeated war of unconditional surrender. Secondly, the records concerned are not only collected but also commented by international jurists.

The treatment of alien enemy property itself is rather a simple business. That is: To control the private property of the Allied nationals as enemy property and after the War to return them to the owners or, when impossible to return, to make monetary compensation to the

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owners. However, Japanese treatment of alien enemy property during World War II may have greater significance than this. In other words, the Allied property in Asian countries is incorporated into the colonial regime of the western countries, so when it fell into our hands, the real status of their capital investment abroad was clearly exposed to us.

The alien enemy property in China Mainland and other Asian countries, thus controlled by Japanese forces, may have been managed mostly to reinforce our war resources but, on the other hand, this fact may prove the abilities of Asians to manage western-owned property. And in that sense we might consider that the economic construction by Asians themselves was thus started at that time. Consequently, the development of Asian countries might be considered an unexpected result of those Japanese treatment. Likewise "nationalization" of foreign assets by those developing Asian countries might have the same root.

The Allied property in Japan, controlled as alien enemy property, were estimated at 450 million yen in currency at that time. The main items were petroleum, automobile industry and shares of Japanese corporations. It was not an enormous sum and, when requisitioned en bloc, it gave us a full picture of those foreign assets. In other words, the accurate data on foreign assets in Japan were then obtained for the first time. And then Japanese treatment of alien enemy property has been proceeded systematically and faithfully: the papers concerned have been kept in order and the restitution and the compensation have been made without any great delay. This faithful performance of international duty should be committed to our memory as the ransom of the Japanese race.

Concerning the Japanese treatment of alien enemy property abroad, Hessel Tiltman reports in one of his articles written for Japanese weekly magazine the *Shukan Shincho* that all the Japanese concerned had not controlled the enemy property so roughly and that, for example, houses and domestic property in Shanghai had been kept quite well.

A vast residence of Mr. R. Magill Andrews, a Canadian machinery dealer, located at Shôtô-cho, Shibuya, Tokyo, was kept in custody, and after Japan's surrender turned into the official residence of Major-General Marcatt during the occupation periods. Japanese Government paid in compensation for it 21,170,000 yen, to Mr. R. M. Andrews, including the price of ten albums of curio stamps which were burnt away. Herein included an interesting example pertaining to the evaluation of the property. They had difficulties in agreeing upon the reasonable price of those albums. After going through so many twists and turns, they made a final compromise at 9,855,000 yen as against 11,140,000 yen claimed by Mr. Andrews.

Included in the compensation are damages caused by the fightings of the Allied forces during the War. In other words, they hold us liable even to the damages caused by Vis Majour. This attitude may be too severe. However, we are very happy to show such a heart-warming episode in this paper. On October, 1953, several religious organizations, mostly American, led "by divine Providence," proposed to renounce their claims because they did not think it right to claim the damages caused by the bombings of their own air-force. They are: the Association of the Evangelical and Reformed Church in Japan, the Association of the United Church of Canada in Japan, the Association of the Presbyterian Church in Japan and the Association of Congregational Missionaries in Japan.

The international law of the twentieth century, endeavoring to establish the legal status of individuals under international law, may be characterized by the protection of private rights. If so, we may conclude that Japanese treatment of alien enemy property in Japan, giving us a severe international experience, has attained the purpose on our honour,