

to fish. Another set of later events may, however, give this action a different significance.

39. The Japanese wished to have a treaty of only five years duration, the Americans wished fifteen and a compromise was made at ten. During private discussions with one of the Japanese industrialists, he mentioned that for the next five years Japan would not wish to fish our side of the Pacific, since she had to build up her long-distance fishing fleet and since these would, in the interim, likely be going only as far as the Behring Sea anyway. The nature of the remarks, and the manner of their making, left a hint that we might, at the expiration of the treaty, have to face the whole issue anew.

40. Still other factors add to this impression. Japan agreed to abstain from fishing salmon, halibut and herring in the Eastern Pacific. Under the same principles she could have asked Canada and the United States to abstain from fishing some species around her coasts. She refused however to ask for such abstention on our part. In private we quietly pressed for some explanation of her attitude but none was forthcoming. Thus Japan has subscribed to the principles but has refused to apply them in her own interest. She thereby makes it patent that the treaty is for the sole advantage of Canada and the United States of America. Is she thereby following a course that will permit her to say later she subscribed only under duress of the Occupation and the unratified Peace Treaty, and that since she did not apply the treaty in her own interest, she will be free, in the eyes of the world, to abrogate it at the end of the treaty period?

41. Two other later events might be mentioned. The Honourable Mr. Nemoto who signed the treaty was dismissed from the Cabinet within a week of its signing. We believed this was due to his rice policy which had been under criticism in the Diet. Since returning to Canada, Mr. Narita, the Japanese representative in Ottawa, informed me within forty-eight hours of its happening, that Mr. Fujita had been dismissed from the service. He was the Director of Fisheries, one of the most senior of all civil servants in Japan, in our view the ablest man at the conference, with a keen legal mind and a deep insight into all the international fisheries relations of his country. His dismissal seems to fit into the above pattern of incidents.

42. Their self-interest prompted the Japanese to be vague in the declaration of principles, to be flexible in the model of the Commission, to be loose in treaty language, to hide and not reveal true intent. These things they were unable to achieve. But the above pattern of incidents, the action and reaction within Japan, may hint what broods in the deep recesses of the official Japanese imagination. Perhaps the treaty may prove to be, in A.N. Whitehead's phrase "nothing but an average stability of certain events in a set of agitations".

The Issues Before the Conference

43. The main questions are covered in a separate memorandum† attached hereto and prepared by S.V. Ozere, the Legal Adviser to the delegation. That part of this report gives article by article a summary of the issues, and the reasons for the articles taking the particular form they have.

44. One part of the treaty — the Annex and the Protocol — is not referred to in the attached notes and some comment here is necessary.