

Excellency:

I have the honor to acknowledge the receipt of your notes of July 19 and August 2, 1951 presenting certain requests for the consideration of the Government of the United States with regard to the draft treaty of peace with Japan.

With respect to the request of the Korean Government that Article 2(a) of the draft be revised to provide that Japan "confirms that it renounced on August 9, 1945, all right, title and claim to Korea and the islands which were part of Korea prior to its annexation by Japan, including the islands Quelpart, Port Hamilton, Dogalet, Dokdo and Parangdo," the United States Government regrets that it is unable to accede in this proposed amendment. The United States Government does not feel that the Treaty should adopt the theory that Japan's acceptance of the Potsdam Declaration on August 9, 1945 constituted a formal

Hia Excellency

Dr. You Chan Yang,

Ambassador of Korea.

or final renunciation of sovereignty by Japan over the areas dealt with in the Declaration: As regards the island of Bokdo, otherwise known as Takeshima or Liancourt Rocks, this normally uninhabited rock formation was according to our information never treated as part of Korea and, since about 1905, has been under the jurisdiction of the Oki Islands Branch Office of Shimane Prefecture of Japan. The island does not appear ever before to have been claimed by Korea. It is understood that the Korean Government's request that "Parangdo" be included among the islands named in the treaty as having been renounced by Japan has been withdrawn.

The United States Government agrees that the terms of paragraph (a) of Article 4 of the draft treaty are subject to misunderstanding and accordingly proposes, in order to meet the view of the Korean Government, to insert at the beginning of paragraph (a) the phrase, "Subject to the provisions of paragraph (b) of this Article", and then to add a new paragraph (b) reading as follows:

- (b) "Japan recognizes the validity of dispositions of property of Japan and Japanese nationals made by or pursuant to directives of United States Military Government in any of

the areas referred to in Articles 2 and 3".

The present paragraph (b) of Article 4 becomes paragraph (c).

The Government of the United States regrets that it is unable to accept the Korean Government's amendment to Article 9 of the draft treaty. In view of the many national interests involved, any attempt to include in the treaty provisions governing fishing in high seas areas would indefinitely delay the treaty's conclusion. It is desired to point out, however, that the so-called MacArthur line will stand until the treaty comes into force, and that Korea, which obtains the benefits of Article 9, will have the opportunity of negotiating a fishing agreement with Japan prior to that date.

With respect to the Korean Government's desire to obtain the benefits of Article 15(a) of the treaty, there would seem to be no necessity to obligate Japan to return the property of persons in Japan of Korean origin since such property was not sequestered or otherwise interfered with by the Japanese Government during the war. In view of the fact that such persons had the status of

Japanese nationals it would not seem appropriate that they

obtain compensation for damage to their property as a result of

the war.

Accept, Excellency, the renewed assurances of my highest con-
sideration.

For the Secretary of State:

Dean Rusk