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Takeshima

Seeking a Solution based on Law and Dialogue



March, 2014

Ministry of Foreign Affairs of Japan

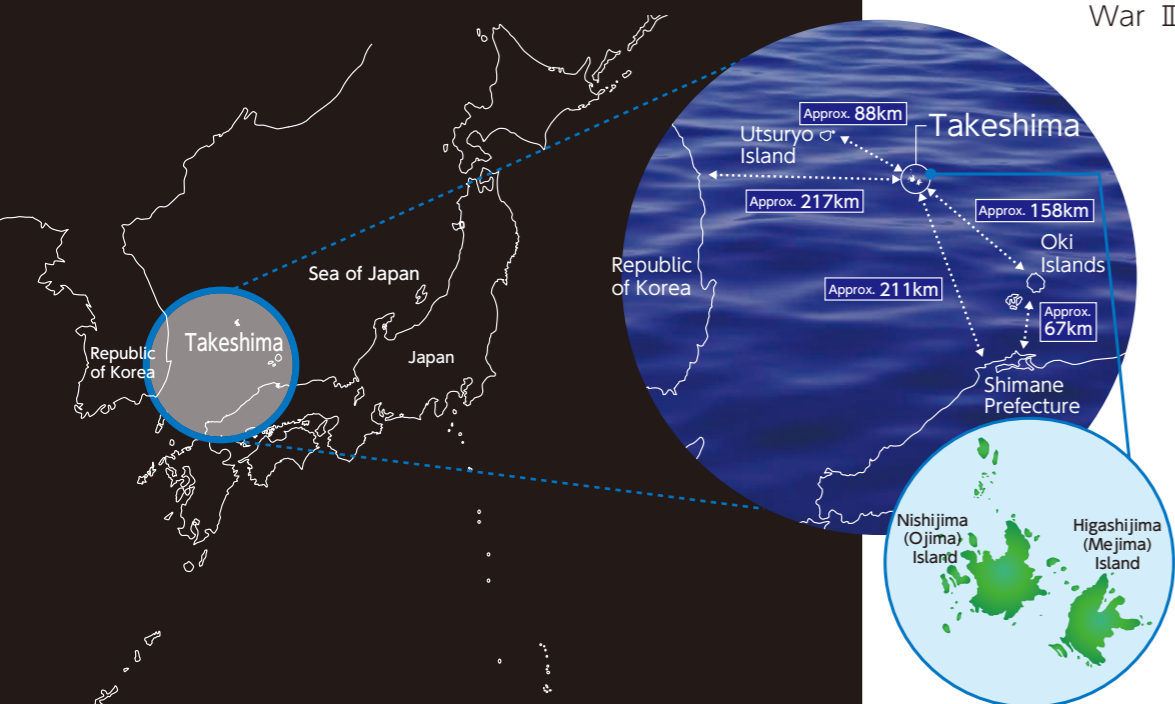


Japan's Consistent Position on the Territorial Sovereignty over Takeshima

- Takeshima is indisputably an inherent part of the territory of Japan, in light of historical facts and based upon international law.
- The Republic of Korea has been occupying Takeshima with no basis in international law. Any measures the Republic of Korea takes regarding Takeshima based on such an illegal occupation have no legal justification.
- Japan will continue to seek the settlement of the dispute of the territorial sovereignty over Takeshima on the basis of international law in a calm and peaceful manner.

● Background to Takeshima

Takeshima is located in the Sea of Japan and is part of Okinoshima Town of Shimane Prefecture. Its total land mass is 0.21 km² and it is primarily comprised of two islands, Higashijima (Mejima) Island and Nishijima (Ojima) Island. They are rugged islands made of volcanic rock with little vegetation or drinking water.



Cover photo: ©Shisei Kuwabara

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Part 1 Origins of the Takeshima Issue

Treatment of Takeshima in the San Francisco Peace Treaty

● The San Francisco Peace Treaty, signed in September 1951, stipulates that "Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet."

Upon learning of the contents of this part of the Treaty, which was drafted by the United States and the United Kingdom in July 1951, the Republic of Korea had its Ambassador to the United States, You Chan Yang, send a letter to Dean G. Acheson, the Secretary of State of the United States. In the letter, the Ambassador wrote, "My Government requests that the word 'renounces' in Paragraph (a), Article Number 2, should be replaced by '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, Dagelet, Dokdo and Parangdo'." In other words, the Republic of Korea requested that Takeshima be added to the list of areas for which Japan renounced control.

In August of the same year, the United States responded to Ambassador Yang with a letter from Dean Rusk, US Assistant Secretary of State for Far Eastern Affairs.

The response stated, "...the United States Government does not feel that the Treaty (San Francisco Peace Treaty) should adopt the theory that Japan's acceptance of the Potsdam Declaration on August 9, 1945 constituted a formal or final renunciation of sovereignty by Japan over the areas

dealt with in the Declaration. As regards the island of Dokdo, 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."

This indicates that while the San Francisco Peace Treaty designated "Korea, including the islands of Quelpart, Port Hamilton and Dagelet" as the areas which Japan should renounce all right, title and claim, Takeshima was intentionally not included on this list. It is therefore clear that the San Francisco Peace Treaty, which was enacted to restore international order, confirms Takeshima as part of the territory of Japan.

Keyword

The San Francisco Peace Treaty

The San Francisco Peace Treaty is a peace treaty signed between Japan and the Allied Powers after the conclusion of World War II. On September 8, 1951, a peace conference was held in San Francisco in the United States, and the treaty was signed by Japan and 48 other nations. On April 28, 1952, the enactment of this treaty enabled Japan to restore sovereignty.

or final renunciation of sovereignty by Japan over the areas dealt with in the Declaration. As regards the island of Dokdo, otherwise known as Takeshima or Liancourt Rocks, this normally uninhabited rock formation Takeshima 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

Rejection of the Republic of Korea's claims: The August 1951 letter from the then-US Assistant Secretary of State for Far Eastern Affairs, Dean Rusk. (copy)

Establishment of the "Syngman Rhee Line" and illegal occupation of Takeshima by the Republic of Korea

● In January 1952, the President of the Republic of Korea, Syngman Rhee, issued a declaration concerning maritime sovereignty, with which he established the so-called "Syngman Rhee Line." The establishment of this line, encompassing Takeshima and a large area of water with fisheries jurisdiction, was a unilateral act in contravention of international law. Since then, numerous Japanese fishing boats crossing the line were captured by the Korean authorities, resulting in several Japanese civilian casualties. In July of the same year, the Japan-U.S. Joint Committee (a consultative body joining the Japanese and U.S. governments) agreed to designate Takeshima as a bombing range for the U.S. forces. This clearly indicates that the United States officially treated Takeshima as part of the territory of Japan, even after the return of sovereignty to Japan with the enactment of the San Francisco Peace Treaty.

● In July 1953, a Japanese patrol vessel of the Maritime Safety Agency (now the Japan Coast Guard) that demanded Koreans engaged in illegal fishing to leave Takeshima was fired upon by the Korean authorities.

In June 1954, the Ministry of Home Affairs of the

Republic of Korea announced that the country's coast guard had dispatched a permanent battalion to Takeshima. In August of the same year, a vessel of Japan's Maritime Safety Agency, on patrol in the vicinity of Takeshima, was fired upon from the islands. This incident confirmed that security personnel from the Republic of Korea had been stationed on Takeshima.

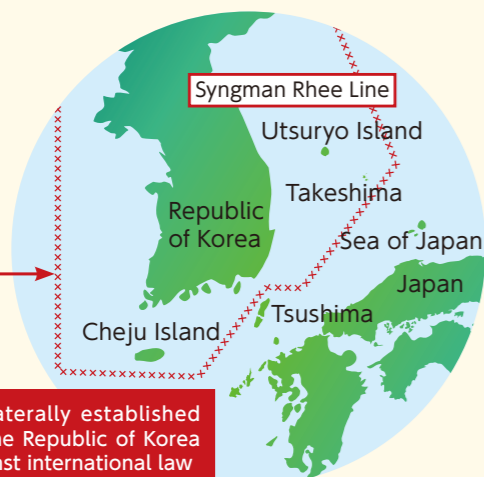
The Republic of Korea's illegal occupation of Takeshima continues even today, with the stationing of security personnel as well as the construction of lodgings, a monitoring facility, a lighthouse, port and docking facilities, and other structures on the islands.

● The Republic of Korea's occupation of Takeshima is illegal and has absolutely no basis in international law. No measure taken by the Republic of Korea with regard to Takeshima during its illegal occupation has any legal justification. This illegal occupation is not acceptable, given Japan's sovereignty over Takeshima. Japan has repeatedly made strong protests, demanding the withdrawal of the occupation.

Keyword Explanation

Syngman Rhee Line

On January 18, 1952, the ROK President Syngman Rhee declared marine sovereignty over the area, and the ROK Government unilaterally and in contravention of international law installed a line in the Sea of Japan and the East China Sea, which became known as the "Syngman Rhee Line."



Unilaterally established by the Republic of Korea against international law



Japanese fishermen released after being captured by a Korean navy vessel at the Syngman Rhee Line, and held prisoner for over two months (November 1953) (Photo: The Yomiuri Shimbun)

Proposal of referral to the International Court of Justice (ICJ)

● Since the establishment of the "Syngman Rhee Line" by the Republic of Korea, Japan has made strong protests against each of the actions taken by the Republic of Korea, which include claiming of sovereignty over Takeshima, fishing around the islands, firing shots against patrol vessels and building structures on the islands. In order to resolve the dispute in a peaceful manner, Japan proposed to the Republic of Korea that the issue be referred to the International Court of Justice in September 1954. However, the Republic of Korea rejected this proposal the following month. On the occasion of the Foreign Ministerial talks in March 1962, Japan proposed again that the issue be referred to the Court, but the proposal was rejected by the Republic of Korea. In August 2012, the Republic of Korea rejected the third proposal to refer the issue to the Court.

● The International Court of Justice has a system to start its proceedings only when the both parties to the dispute have agreed to bring the case to the court. Accordingly, even if Japan refers the issue to the court unilaterally, the Republic of Korea has no obligation to respond to it, and the court will not start its proceedings unless the Republic of Korea voluntarily agrees.

● It should be noted that, according to the report of Ambassador Van Fleet who visited the Republic of Korea in 1954, the United States concluded that Takeshima is Japanese territory, but the dispute might properly be referred to the International Court of Justice. Ambassador Fleet reported that the United States conveyed this suggestion to the Republic of Korea.

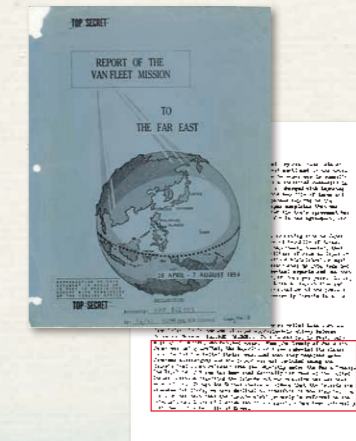
Keyword

The International Court of Justice (ICJ)

The International Court of Justice is the principal judicial organ of the United Nations. It aims to settle disputes between States and to provide advisory opinions at the request of the General Assembly, the Security Council as well as other organs of the UN and specialized agencies so authorized by the General Assembly. Only States may be parties in cases before the Court. Individuals or international and other organizations cannot bring cases before the Court.



The Peace Palace in Hague, the Netherlands, which houses the International Court of Justice (ICJ) (Photo: ANP/Jiji Press Photo, Ltd.)



The United States considers that the islands are Japanese territory

Our position has been that the dispute might properly be referred to the International Court of Justice and this suggestion has been informally conveyed to the Republic of Korea.

a group of barren, uninhabited rocks. When the Treaty of Peace with Japan was being drafted, the Republic of Korea asserted its claims to Dokto but the United States concluded that they remained under Japanese sovereignty and the Island was not included among the Islands that Japan released from its ownership under the Peace Treaty. The Republic of Korea has been confidentially informed of the United States position regarding the islands but our position has not been made public. Though the United States considers that the islands are Japanese territory, we have declined to interfere in the dispute. Our position has been that the dispute might properly be referred to the International Court of Justice and this suggestion has been informally conveyed to the Republic of Korea.

Report of the Van Fleet mission (copy)

Part 2 Takeshima, an Inherent Part of the Territory of Japan

Recognition of Takeshima

●The group of islands now called Takeshima were once known in Japan as "Matsushima," and the island that is now known as Utsuryo (pronounced "Ulleung" in Korean) used to be known as "Takeshima" or "Isotakeshima." It is clear from a variety of written documents that Japan has long recognized the existence of both "Takeshima" and "Matsushima." For example, on many maps, including "Kaisei Nippon Yochi Rotei Zenzu (Revised Complete Map of Japanese Lands and Roads: first published in 1779)" by Sekisui Nagakubo, which is the most prominent published cartographic projection of Japan, the locations of Utsuryo Island and Takeshima are accurately recorded at their current positions between the Korean Peninsula and the Oki Islands.

traveling to Utsuryo Island once every year, and engaged in activities such as catching abalone and sea lions, and felling trees. Both families built ships with sails bearing the hollyhock crest of the ruling Shogunate family, and engaged in fishing around Utsuryo Island. They offered abalone in tribute to the Shogunate and others. The families were thus engaged in a kind of Shogunate-approved monopoly on the island.

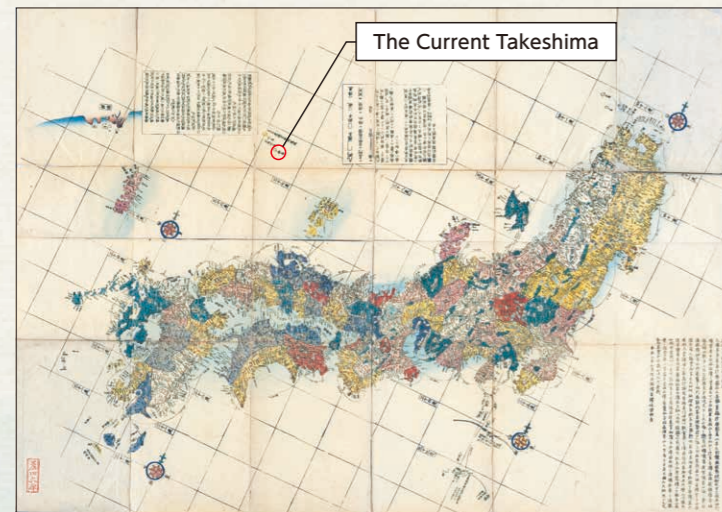
During this period, Takeshima, which was on the route from Oki Islands to Utsuryo Island, was served as a navigational port and docking point (anchorage) for ships. It provided rich fishing grounds for sea lions and abalone. This evidence shows that Japan had established sovereignty over Takeshima by mid-17th century at the very latest.

Sovereignty over Takeshima

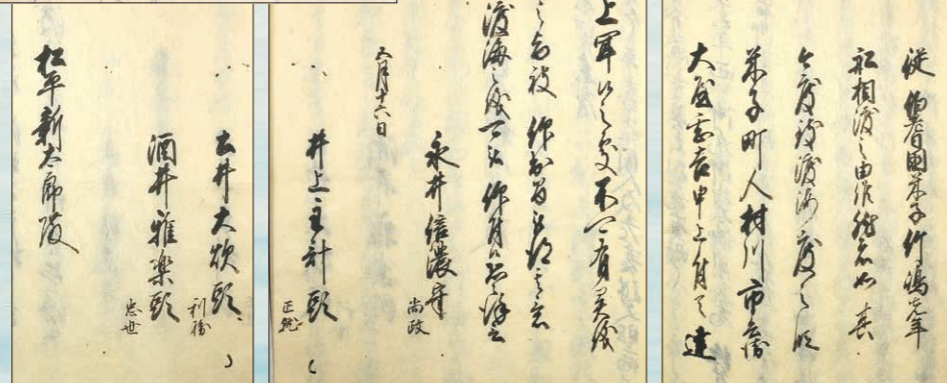
●In 1618 (See note), Jinkichi Ohya and Ichibei Murakawa, two merchants from Yonago in the Houki-no-kuni region which was ruled by the Tottori clan, received permission for passage to Utsuryo Island (then called "Takeshima" in Japan) from the Shogunate. Subsequently, the two families took turns

●If the Shogunate had recognized Utsuryo Island and Takeshima as foreign territories, it would therefore have banned passage to these islands in 1635 when it issued its directive of "sakoku", closing Japan to the outside world and prohibiting Japanese from traveling abroad. However, no such measure was actually taken.

(Note) Some believe that it was in 1625.



Revised Complete Map of Japanese Lands and Roads (1846) (Meiji University Library)



Permission for passage (copy) Included in "Excerpts from the Record of the Passage to Takeshima" (Photo provided by Tottori Prefectural Museum)

Incorporation of Takeshima into Shimane Prefecture

●At the beginning of the 1900s, sea lion hunting came to be undertaken in a full-fledged manner in Takeshima, and there quickly grew to be excessive competition in this activity. In 1904, Yozaburo Nakai, a resident of the Oki Islands of Shimane Prefecture, who aimed to stabilize his sea lion hunting business, submitted a request asking the Japanese Government to lease Takeshima to him. His request was granted and in 1905 the Government incorporated Takeshima into the territory of Shimane Prefecture, based on the Cabinet Decision.

●Based on this Cabinet Decision stipulating that Takeshima came under the jurisdiction of Okinoshima branch of Shimane Prefectural Government, the Governor of Shimane Prefecture registered Takeshima into the State Land Register, and established a license system for sea lion hunting. The hunting of sea lions continued from then until 1941.

●Based on the Cabinet Decision and other official instructions, the Governor of Shimane Prefecture announced in February 1905 the official naming of 'Takeshima', noting that it came under the jurisdiction of Okinoshima. He also informed Okinoshima government to this effect. These measures were carried in the newspapers of the day and were broadly publicized.



The Cabinet Decision on January 28, 1905 (Photo: Japan Center for Asian Historical Records/Collection: National Archives of Japan)



Japanese fishermen actively involved in fishing on and around Takeshima. (1930s) (Photo: Private collection, provided by the "Takeshima Archives Room" of the Shimane Prefectural Government)



Takeshima Fishery Company around 1909 (Photo: From "A Historical-Geographical Study of Takeshima" by Kenzo Kawakami; Kokon Shoin)

Part 3 Answering Questions About Takeshima

Q.1

Does Takeshima appear in old Korean maps and documents?

A.1

No. The Republic of Korea claims that "Usan Island," mentioned in old Korean maps and documents, is the current Takeshima. However, there is no support for this claim.

About the ancient maps that the Republic of Korea claims as "proof"

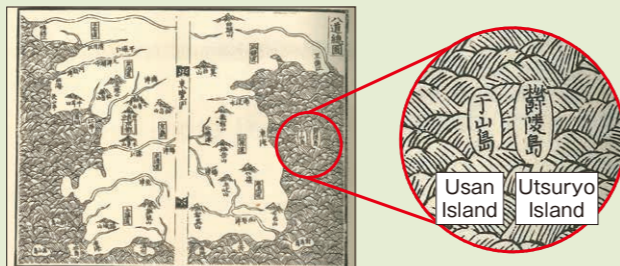
The Republic of Korea insists that Korean maps dating from the 16th century describe Takeshima as Usan Island. However, Usan Island shown on Korean maps up until now is actually not Takeshima.

About the ancient documents that the Republic of Korea claims as "proof"

According to the old Korean documents such as "Sejong Sillok Jiriji (Geographical Appendix to the Veritable Records of King Sejong: 1454)," the two islands of Usan and Utsuryo are located at the sea to the east of the prefecture of Uljin. The Republic of Korea claims that Usan Island is current Takeshima. However, "Sejong Sillok Jiriji" also notes that "The island was once called Usan Province in the Shilla period. It was also called Utsuryo Island." Another old document, "Sinjeung Dongguk Yeoji Seungnam (A Revised and Augmented Edition of the Survey of the Geography of Korea: 1531)," states that some people say that Usan and Utsuryo are originally the same island. Thus there is no specific description on Usan Island in any of these documents.

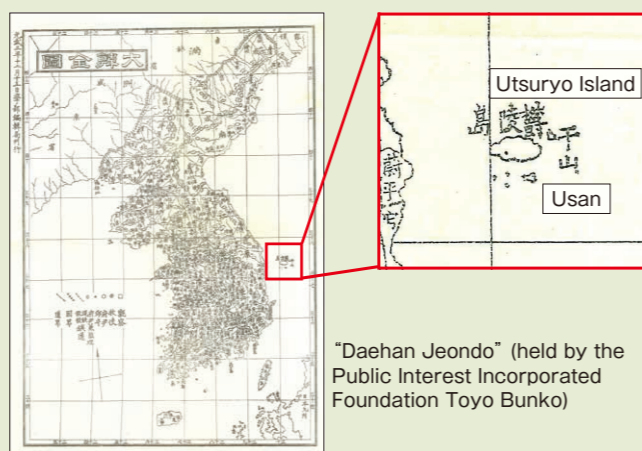
Furthermore, other Korean historical documents include descriptions of Usan Island as a place where many people lived, and where large bamboo groves were cultivated. Such descriptions do not represent the reality of Takeshima and, rather, suggest something akin to Utsuryo Island. The above facts demonstrate no proof has been found for the Korean side that Usan island in old Korean documents is current Takeshima.

In the map attached to "Sinjeung Dongguk Yeoji Seungnam (Revised and Augmented Edition of the Survey of the Geography of Korea)" entitled "The Map of Eight Provinces of Korea," Usan Island is portrayed on the map as being roughly the same size as Utsuryo Island, and situated between the Korean Peninsula and Utsuryo Island (to the west of Utsuryo Island). This means either that Utsuryo Island was drawn as a pair of two islands, or that the island which was thought to be Usan Island does not exist, and could not possibly be Takeshima, which is located to the east of Utsuryo Island.



"The Map of Eight Provinces of Korea," included in "Revised and Augmented Edition of the Survey of the Geography of Korea" (copy)

In maps of Korea dating from the 18th century, Usan island appears to the east of Utsuryo Island. In 1899, a map called "Daehan Jeondo" was published. It had modern features such as latitude and longitude lines, and displayed the word Usan in a location close to Utsuryo Island. It is believed that this Usan refers to the island currently known as Jukdo, not current Takeshima.



"Daehan Jeondo" (held by the Public Interest Incorporated Foundation Toyo Bunko)

Q.2

Is there any proof that Korea owned the islands prior to the Japanese government's incorporation of Takeshima in 1905?

A.2

No, the Korean side has not shown any proof that they owned the islands of Takeshima.

Details

As explained previously, the Republic of Korea claims that Usan or Usan Island described in ancient Korean documents is in fact current Takeshima, and so it has always been its territory. However, Usan in ancient Korean maps and documents is likely to be either another name for Utsuryo Island, or a small island next to Utsuryo Island (Jukdo), therefore not Takeshima.

The Republic of Korea insists that it placed a country in Utsuryo Island with Korean Imperial Ordinance No. 41(1900), and established the area under the jurisdiction of Utsu Island Country as "the entire island of Utsuryo Island and the islands of Jukdo and Sokdo (石島 Ishi-jima)," and that this Sokdo is Dokdo (the Korean name for Takeshima).

The Republic of Korea suggests that Sokdo (石島 Ishi-jima) turned to Dokdo, because "Ishi" (Dol) is also pronounced as "Dok" in Korean dialect and that "Ishi-jima" can be written as "Dokdo" in Chinese characters based on the pronunciation. However, if "Sokdo" is current Takeshima ("Dokdo"), there would be doubts as to why the Imperial Ordinance of 1900 did not use "Dokdo" in the text, why the name "Sokdo" was used, and why the name "Usan Island," which the Republic of Korea claims to be the former name of Takeshima, was not used.

Further, even if the "Sokdo" referred to in the Imperial Ordinance is Takeshima, there is still no evidence that Korea had ever exercised effective control over Takeshima around the time of the promulgation of the Imperial Ordinance. Therefore, it is considered that Korea had never established territorial sovereignty over Takeshima.

Q.3

Was Takeshima excluded from the Japanese territory by SCAP (Supreme Commander for the Allied Powers) after World War II?

A.3

No, it was not. SCAP had no authority to make decisions about Japan's territory.

Details

The Republic of Korea claims that SCAPIN (Supreme Commander for the Allied Powers Instruction Note) No. 677 and No. 1033 place Takeshima outside Japanese territory. However, both of the directives explicitly stipulate that "Nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration". This is not mentioned by the Korean side.

Paragraph 3 of SCAPIN 677 provides that "For the purpose of this directive, Japan is defined to include the four main islands of Japan (Hokkaido, Honshu, Kyushu and Shikoku) and the approximately 1,000 smaller adjacent islands," and then also gives a list of the excluded islands which includes Utsuryo Island, Cheju Island, the Izu Islands, the Ogasawara Islands and Takeshima.

However, in Paragraph 6 of the same note, it is clearly stipulated that "Nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration." (Potsdam Declaration, Article 8: "Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.") Therefore the Korean position is untenable.