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„The Influence of US Foreign Policy in East Asia after World War II on Relations between Japan and South Korea. The Example of Dokdo/Takeshima“

verfasst von / submitted by

Julia Peindl-Böhm, BA

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ao.Univ.-Prof. Dr. Margarete Maria Grandner

Abstract

After the Second World War the United States felt to some extent responsible for the world's problems. One of those responsibilities was to prevent Communism from spreading too far in Western Europe as well as East Asia. Japan was seen as an important part of the Non-Communist world and there was discussion about boosting the Japanese economy and drafting a Peace Treaty to end United States occupation. After the Korean War broke out it was even more important to have Japan as an ally in the area.

The drafting and signing of the San Francisco Peace Treaty with Japan occurred partially during the Korean War – and it was very important for the United States to draft the final version of the Treaty in a way that would grant them a continuing amicable relationship with both Japan and South Korea.

Into this backdrop comes the dispute about an island group, called “Dokdo” in Korean and “Takeshima” in Japanese, over which Korean and Japanese fishermen had a few skirmishes before Japan colonialized Korea in 1910. The United States' failure to mention the ownership of the island group in the Peace Treaty of San Francisco – presumably because both countries were claiming them and the United States did not want to choose a side – caused the conflict to erupt again, this time on a national level. The case of Dokdo/Takeshima is still unresolved until today and plays a big part in the continuing discord between South Korea and Japan.

Zusammenfassung

Die Vereinigten Staaten von Amerika waren nach dem Ende des Zweiten Weltkriegs in einer besseren Verfassung als die meisten anderen Länder, die aktiv an dem Krieg beteiligt waren. Aus diesem Grund fühlte sich die amerikanische Außenpolitik teilweise verantwortlich Probleme in anderen Teilen der Welt zu lösen. Ein besonderes Anliegen der Amerikaner war es den kommunistischen Vormarsch in Europa und Ostasien zu verhindern. Japan wurde nach dem Zweiten Weltkrieg von den USA besetzt und wandelte sich in wenigen Jahren vom Gegner zum Verbündeten gegen den Kommunismus in Ostasien. Während die japanische Wirtschaft angekurbelt wurde und Entwürfe für einen Friedensvertrag mit Japan verfasst wurden, brach 1950 der Koreakrieg aus. In dieser Zeit war es sehr wichtig für die Amerikaner ein gutes Verhältnis zu Japan und Südkorea zu haben und deswegen wurde der Friedensvertrag mit Japan auf eine Art und Weise verfasst, die – zumindest kurzfristig – keines der beiden Länder vor den Kopf stoßen würde. Die Kompromisslösung, die für den Friedensvertrag gefunden wurde, – besonders die Entscheidung das zukünftige japanische Territorium nicht genau festzulegen – hat einen alten Inselkonflikt zwischen japanischen und südkoreanischen Fischern wieder aufleben lassen und zu einem nationalen Problem gemacht, das bis heute besteht. Die betroffene Inselgruppe, die in Südkorea „Dokdo“ und in Japan „Takeshima“ genannt wird, wurde in den Entwürfen für den Friedensvertrag von San Francisco teilweise Südkorea und teilweise Japan zugeordnet aber in der endgültigen Version nicht erwähnt. Dieses Versäumnis hat einen Streit zwischen Südkorea und Japan ausgelöst, der nun schon über 60 Jahre anhält. Der geringe materielle Wert der Inselgruppe lässt vermuten, dass bei dem Streit das gegenseitige tiefsitzende Misstrauen ausgelebt wird, welches seit der Kolonialherrschaft Japans in Korea zwischen 1910 und 1945 besteht. Die schlechte Stimmung zwischen Südkorea und Japan macht auch den USA zu schaffen, da die Amerikaner mit beiden Staaten eng verbündet sind. Wie bei dem Entwurf des Friedensvertrags von San Francisco ziehen es die Amerikaner jedoch vor neutral zu bleiben, um keinen der beiden Verbündeten vor den Kopf zu stoßen.

Table of Contents

1.	Introduction	6
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Part One – The Big Picture

2.	US Foreign Relations after WWII	8
2.1.	Origins and Beginning of the Cold War	8
2.2.	The Division of Korea and the Korean War	12
2.3.	US Interest in Japan as an ally	19
3.	Korea – Japan Relations since 1900	23
3.1.	Colonization of Korea	23
3.2.	Korean Resentment towards Japan	25

Part Two – The Island Conflict

4.	The case as it is presented by South Korea and Japan	29
4.1.	“Dokdo” – Korean Island Group since Ancient Times	31
4.2.	Japanese Annexation of “Takeshima” in 1905	33
5.	US / Allied Powers Involvement	38
5.1.	Wartime Declarations	38
5.2.	The Supreme Commander for the Allied Powers Instructions	39
5.3.	The San Francisco Peace Treaty with Japan and its Connection to the Island Case	41
6.	The Influence of “Dokdo/Takeshima” on South Korean – Japanese Relations	59
6.1.	The Development of the Dispute after 1951	59

6.2.	The Depiction of the Dokdo/Takeshima Case by the South Korean and Japanese Ministries of Foreign Affairs	61
7.	Conclusions	68
8.	Literature	69

Appendix

I.	Report by the National Security Council on the Position of the United States with Respect to Soviet-Directed World Communism	78
II.	Intelligence Estimate Prepared by the Estimates Group, Office of Intelligence Research, Department of State	81
III.	United States Courses of Action With Respect to Korea	85
IV.	U.S. Initial Post-Surrender Policy for Japan	87
V.	Final Text of the Communiqué [Cairo Conference] November 26, 1943	88
VI.	Comment on Draft Treaty of Peace with Japan dated November 19, 1949 by W. J. Sebald	89
VII.	Japan's Consistent Position on the Territorial Sovereignty over Takeshima	93
VIII.	The Korean Government's Basic Position on Dokdo	94
IX.	Q & A on Dokdo	94
X.	MOFA Spokesperson's Statement on the Account of ROK-Japan Relations in Japan's Diplomatic Bluebook 2015 (April 7, 2015)	96

1. Introduction

This work shows how relatively small decisions by a third party can have a huge impact on the foreign relations between two neighbors. I'm sure there are many cases that would fit the statement above. This paper is dedicated to an island conflict between South Korea and Japan. This conflict was elevated from a fight between fishermen into problematic foreign relations between South Korea and Japan. Both countries base their claims on the island group called Dokdo in Korean, and Takeshima in Japanese, on historical sources. However, the modern conflict started in 1952, after the Peace Treaty of San Francisco with Japan had been signed. The Peace Treaty had been drafted by the Allied Powers of World War II – mostly by the United States – and it caused at least three island conflicts by neglecting to clearly define Japanese territory.

The island group Dokdo/Takeshima is currently occupied by South Korea and in the opinion of large parts of the South Korean population there is no dispute over it. However, there are a lot of articles, books, blogs etc. published about Dokdo/Takeshima in South Korea – more than in Japan. There is a Dokdo-museum on the South Korean island of Ulleungdo, and South Korean children are taught about the archipelago in school. The importance of the island group in South Korea is reflected in the literature about it. Thus, even though they don't want to admit that the ownership of Dokdo/Takeshima is disputed, they desperately want to prove that it is South Korean. Many books and articles, even some written by Japanese natives, are biased towards Dokdo/Takeshima belonging to South Korea.

This paper is divided into two parts. Part One is about the historical events and relations between the United States, the Soviet Union, Korea and Japan from the early to the mid-20th century. The reason for the Dokdo/Takeshima case's continuing presence can be found in Korea's and Japan's colonial past. Since the material worth of the island group is quite negligible, the continuing dispute is most likely a matter of principle. United States Foreign Relations, especially the Cold War, the Korean War and US occupation policy in Japan, have had great influence on the case of Dokdo/Takeshima. Even though the island dispute is not very present in Part One of this paper, the events described in it explain the actions and decisions that led to the dispute.

Part Two describes Dokdo/Takeshima's geography and material value, as well as South Korea's and Japan's historical claims of the island group. The United States'

part in the dispute is examined closely in the subchapters about the Wartime Declarations, the Supreme Commander for the Allied Powers Instructions and the San Francisco Peace Treaty. Finally, the island dispute's strain on the relationship between South Korea and Japan is analyzed, and as proof of how important the case is for both parties, the paper gives an account of how Dokdo/Takeshima is presented on the websites of the respective Ministries of Foreign Affairs.

Part One – The Big Picture

2. US Foreign Relations after WWII

2.1. Origins and Beginning of the Cold War

When the Second World War was over, most of the Allied Powers had years of recovery and reconstruction ahead of them. In the United States conditions were far better than in most countries that had been closely involved in the fighting. Relatively few US citizens had died, industry was intact and agriculture booming.

Even though the United States were better off than most other countries, they were facing severe problems in the structure of their economy and society. The most important goal for the United States at that time was creating a well-functioning peacetime economy. External affairs were marginalized and the problems of the rest of the world were to be left to the newly founded United Nations. In addition to American consumers wanting to spend their savings after the war, overseas markets were eager for American goods because industries in Europe and Asia still needed to be rebuilt after the war.¹

[...] few if any people thought at the time of the structure of peace that would follow the war except perhaps in the most general terms of friendship, mutual trust, and the other noble sentiments mentioned in wartime programmatic speeches about the United Nations and related topics. [...] (Americans) were determined that we were going to base the postwar period on good faith and getting along with everybody.²

In the months after the end of World War Two, however, there were already a few problems detectable in United States-Soviet Union relations by those still concerned with foreign affairs. There was for example disagreement on the United States monopolizing the administration of Allied Powers-Occupied-Japan, as well as on the amount of German reparations. Soviet and US diplomats at United Nations negotiations – especially those concerning military peace keeping and international

¹ Cohen Warren I., The New Cambridge History of American Foreign Relations, Volume 4. Challenges to American Primacy, 1945 to the Present. (New York 2013). 22f.

² Kissinger Henry, For the Record: Selected Statements, 1977-1980. (Boston 1981). 123f.

control of atomic energy – found each other difficult. American arrogance in combination with Soviet suspicions, as well as cultural differences, did not help the situation. Both sides started to remember the differences they had had before becoming allies against a common enemy during World War II. Anti-communism was embedded deeply in United States mentality and the Soviet Union felt uneasy about the continuing US monopoly of nuclear weapons.³

The United States and the Soviet Union saw themselves – and might also have been seen by others – as the world’s most powerful states that had emerged after World War II. They were both working to create some order to obtain security for themselves and their allies in the world. Men in the United States and the Soviet Union tried to make decisions for people all over the world with very little knowledge of the other countries’ histories and cultures. Cooperation between the two powers remained difficult, not only because of their aforementioned differences but also because of US dislike of Stalin’s totalitarian dictatorship which extended into Eastern Europe and started to influence East Asia as well. Even though it was difficult, both the Soviet Union and the United States were trying to overcome the mistrust of the other and work together for a lasting period of peace.

In 1946 Soviet actions caused American leaders to rethink the possibility of cooperation. A so-called “security dilemma” resulted from US perceptions of Soviet actions as well as Soviet perceptions of the United States’ position and actions. Stalin and other Soviet leaders were confronted by the United States’ superior military power and nuclear weapons and decided to take steps to enhance their national security. However, each of these steps was seen by the United States as reducing their own national security and they eventually started to enhance their security as well. Each of the two nations saw the other’s actions as threatening and their own as defensive.⁴

The new linkage between military capability and foreign policy was strengthened by the growing Soviet-US tension.⁵ The US assessment of a Soviet threat to the geopolitical balance in Eurasia was more due to the turmoil and upheaval in a postwar world, causing American strategic and economic interests to be vulnerable, than to the Soviet Union expanding their military capabilities. During 1947-1948 new

³ Cohen, *The New Cambridge History of American Foreign Relations*, Volume 4. 25f.

⁴ Cohen, *The New Cambridge History of American Foreign Relations*, Volume 4. 27-29.

⁵ Etzold Thomas H., Gaddis John Lewis (ed.), *Containment: Documents on American Policy and Strategy, 1945-1950*. (New York 1978). 1.

concepts of national security were put into effect by the US government, to deal with the postwar challenges, which created some of the most lasting characteristics of the Cold War.⁶

Henry Kissinger talked about this difficult situation in a conversation with Walter Laqueur in 1978:

In the abstract, it might appear that it is better to gear policy to the capabilities of the other side rather than to its intentions. Yet if it is carried to the extreme, [this strategy] leads to a policy that seeks empire or hegemony for oneself. The only way to be sure the other side is not capable of harming you is to reduce it to impotence. Absolute security for one side must mean absolute insecurity for all other sides. For example, the debate that often goes on, over whether the purposes, say, of the Soviet Union are defensive or offensive, could be beside the point. The key question may not be merely whether a country feels threatened, but what it takes to reassure it. If a country is reassured only by the impotence of all its neighbors, then the trend of its policies will be toward hegemony, whatever its motives may be. Defensive motives can therefore lead to aggressive foreign policies.⁷

In 1947 president Truman addressed a Congress that was hostile to his administration, requesting 400 million Dollars of financial aid for Turkey and Greece so they could withstand the Soviet threat. Part of the statement he made became known as the Truman Doctrine:

We shall not achieve our objectives [of freedom and independence for all members of the United Nations] unless we are willing to help free peoples to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes.... I believe that it must be the policy of the United States to

⁶ Leffler Melvyn P., The American Conception of National Security and the Beginnings of the Cold War, 1945-48. In: The American Historical Review, Vol. 89, No.2 (1984). 349.

⁷ Kissinger Henry, For the record: Selected Statements, 1977-1980. (Boston 1981). 115.

*support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.*⁸

In the months before the Truman Doctrine, the actions of the Soviet Union did not justify the inflammatory rhetoric used to secure the support by Congress. It became common for intelligence reports to state that a communist world dominated by the Soviet Union was the ultimate goal of Soviet foreign policy – without proper analysis. There was, to be sure, some evidence to support these statements, for example a spreading sphere of Soviet influence in Eastern Europe, or handing Japanese weapons to Chinese communists. Signs of Soviet weakness, however, outweighed their apparent ambitions to create a communist world by far. There was demobilization within the Soviet Union as well as a reduction of Soviet troops in Eastern Europe. Military actions were also restricted by extensive economic problems. US military planners did not take Soviet weakness into account but spent their time analyzing Soviet military capabilities and basically ignored their intentions.⁹ In 1947 US military planners and Joint Chiefs of Staff slowly realized that initiatives like the Truman Doctrine and the Marshall Plan had intensified tensions and caused the Soviet Union to be more aggressive towards the United States. There was also a growing conviction that the United States needed to enhance their military capabilities because the initiatives to safeguard Eurasia from the spread of communism might be seen as endangering the interests of the Soviet Union and the possibility of war grew. The newly formed US National Security Council did fear Soviet countermeasures but still felt the need to move forward with the planned foreign policy initiatives.¹⁰ In 1948 the study NSC 7, called “Note by the Executive Secretary to the National Security Council on the Position of the United States with Respect to Soviet-Dominated World Communism” was produced.¹¹ According to NSC 7, this was the United States’ mindset concerning communism and the Soviet Union at that time:

- The Soviet Union wants to dominate the world.
- Therefore it is a threat to all “free nations”.

⁸ Cohen, *The New Cambridge History of American Foreign Relations*, Volume 4. 38.

⁹ Leffler, *The American Conception of National Security and the Beginnings of the Cold War*. 366-368.

¹⁰ Leffler, *The American Conception of National Security and the Beginnings of the Cold War*. 373f.

¹¹ See Appendix I p. 77.

- The United States is the only nation with the power to stop the ultimate communist goal of world domination.
- The national security of the United States cannot be protected by a defensive policy but a world-wide counter-offensive led by the US could undermine communist forces.¹²

Although NSC 7 was never formally approved, the United States national security bureaucracy worked towards the studies' suggestions of strengthening US military potential and arming the non-communist world in 1948. The resuscitation of the Japanese economy and the creation of a viable regional economy that was strong against communist subversion, in Japan and Southeast Asia was also an important goal. There was a plan to withdraw US occupation forces from South Korea; however to preserve South Korean integrity, US commitment increased.¹³

2.2. The Division of Korea and the Korean War

Even though the primary focus of the United States and Soviet Union foreign policies after World War Two was on Europe, both also had important interests in Asia. The great colonial powers in Europe as well as Japan were weakened by the war which gave the colonies in Asia the opportunity to fight for independence. Some had Soviet support and some the help of the US, which would also determine who would rule whom and who would be whose ally after independence.¹⁴

Towards the end of the Second World War the United States and the Soviet Union had agreed to liberate Korea from the Japanese together and divide their areas of responsibility at the 38th parallel, the same line where Korea had been divided before, by tsarist Russia and Japan. When Soviet forces arrived in Korea in 1945, they moved south, past their designated area, but when the forces of the United States came a few weeks later, they moved north of the 38th parallel again without hesitation. Due to sharing a border with Korea and a historic interest in controlling it, the Soviets knew a little bit more about the country than the Americans but both did not know much. Both the Soviet Union and the United States were uncertain what to do with Korea beyond establishing a trusteeship and temporarily administering their sectors

¹² United States Department of State / Foreign Relations of the United States, 1948. General; the United Nations (in two parts) (1948). Online: <http://images.library.wisc.edu/FRUS/EFacs/1948v01p2/reference/frus.frus1948v01p2.i0007.pdf>. (Accessed on 28.04.2015). 546-548.

¹³ Leffler, The American Conception of National Security and the Beginnings of the Cold War. 374f.

¹⁴ Cohen, The New Cambridge History of American Foreign Relations, Volume 4. 58f.

until independence could be achieved. The Koreans both in the North and the South wanted to gain independence right away, however.¹⁵

There were two movements in Korea that had fought against the Japanese since the 1920s; the Christian-capitalist modernizers and the Marxist-Leninists. After the liberation from the Japanese in 1945, their parallel struggle turned into a confrontation with the respective other movement, fueled by Korea's division into US and Soviet occupation zones.¹⁶

On both sides administrations were established; in the north by the Soviets with the help of the communist movement and in the south by the United States with those more open to liberal democracy. As US-Soviet tensions grew after 1945, the two occupation forces began to see the line at the 38th parallel as something similar to an international border. Many Koreans, however, did not see it that way.¹⁷ When the two Korean movements mentioned above allied themselves with the Soviets in the North and the Americans in the South in 1945 respectively, they became forces that solidified the division of Korea. Koreans who wanted a peaceful reunification of their country were mainly politically moderate or centrist and refused to ally with either side. The bipolar system of the Cold War was not made for political moderation, however. There was only Left and Right – or pro-Soviet and pro-American – so the moderates were either marginalized or forced to choose a side.¹⁸

In 1948 the UN oversaw an election in the South of Korea but the Soviet Union opposed UN involvement in the North. Many Koreans opposed the separate solutions in the North and the South because it made the division stronger than ever. Separate governments were established, in the South under Syngman Rhee who had lived and been educated in the United States during the time of Japanese occupation and in the North under the communist Kim Il-sung. In December 1948 the Republic of Korea was declared to be the “only lawful government in Korea” by the United Nations General Assembly.¹⁹ Those who still did not accept the division fought skirmishes at the 38th parallel and tried to infiltrate the respective other territory. In 1949 the US National Security Council was in favor of withdrawing American troops from Korea. The Department of State was against it however, because of reports

¹⁵ Cohen, *The New Cambridge History of American Foreign Relations*, Volume 4. 63.

¹⁶ Millet Allan R., Introduction to the Korean War. In: *The Journal of Military History*, Vol. 65, No. 4 (2001). 927.

¹⁷ Cohen, *The New Cambridge History of American Foreign Relations*, Volume 4. 63f.

¹⁸ Lee Jongsoo, *The Partition of Korea after World War II. A Global History*. (New York 2006). xviii f.

¹⁹ Buzo Adrian, *The making of modern Korea*. (London 2002). 67.

about superior Communist forces north of the 38th parallel and about a third of the citizens south of that line being sympathetic to the Communists. They were afraid that southern Korea would be overrun by Communist forces and join a united Communist Korea without the presence of United States troops.²⁰

A draft memorandum submitted to the director of the Office of Far Eastern Affairs on December 17th in 1948 said the following:

[...] United States troop withdrawal from Korea should be carried out as promptly as possible if it were certain that such withdrawal would in no way contribute to the expansion of a hostile communist politico-military power system in northeast Asia. Until such a certainty exists, however, it is inescapable that the question of withdrawal from Korea must be linked to the larger question of the probable repercussions of such withdrawal throughout northeast Asia on the national objectives and the security position of the United States in the Pacific area.²¹

Korea was not high on Washington's list of priorities in 1949 and early 1950, however. The US Secretary of Defense as well as the President wanted to limit the defense budget. If it were to come to war with the Soviet Union, troops were needed in other places than Korea. The strategic importance of Korea in a possible confrontation with the Soviet Union was estimated to be very low; therefore the support for Syngman Rhee's regime was limited to military advice, supplies and economic assistance.²² On December 30th 1949 the US Secretary of State Acheson made the following observations about US aid for southern Korea:

1. The military and political situation can not be viewed as more important than the economic situation or as not being directly affected by the latter. On the contrary, it must be recognized that expenditures for military and security purposes, which are intended to maintain political stability, are an

²⁰ Cohen, The New Cambridge History of American Foreign Relations, Volume 4. 64.

²¹ United States Department of State / Foreign Relations of the United States, 1948. The Far East and Australasia (1948). Online: <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=goto&id=FRUS.FRUS1948v06&isize=M&submit=Go+to+page&page=646>. (Accessed on 14.05.2015). 1338.

²² Cohen, The New Cambridge History of American Foreign Relations, Volume 4. 64.

integral part of the total economy, and a balance of all three factors must be maintained.

*2. The irresponsible financial policies of the Korean Government, if continued, will not only nullify the economic assistance and recovery program but may even bring about the ultimate collapse of the Government. Consequently, the Government must realize that unless it can bring about the conditions technically necessary for the success of the recovery program, the entire Korean Aid Program will have to be reviewed in term of its feasibility. [...]*²³

If one looks at Soviet actions in 1949 and 1950, they did not want to go to war with the United States – mainly because of US nuclear weapons and strategic superiority. Stalin was in favor of capitalists and communists coexisting peacefully, at least until Soviet nuclear weapons and military power could match or surpass those of the United States. The communists in the north of Korea however wanted to fight for a united communist Korea, just like the Koreans under Syngman Rhee wanted to fight for a united capitalist Korea.

When part of the United States troops left southern Korea, Soviet leaders assumed that the US did not care about a Korean civil war and its outcome. Therefore Stalin thought it safe to equip the Korean communists with what they needed to start an offensive toward the south.²⁴

Kim Il Sung wanted to unify Korea and had begged for a chance to do so in April 1950. Stalin was only willing to help if the Chinese communists would assist the North Korean troops in their attack. Mao needed economic and military aid from the Soviet Union so he quickly agreed to support Kim Il Sung. On June 25th 1950 the Korean People's Army of North Korea started the Korean Civil War by crossing the 38th parallel and attacking South Korea with the goal of uniting the Korean peninsula.²⁵

When Stalin decided to help the North Koreans, he had not anticipated the American response to the invasion of the South. The attack fueled Soviet-US tensions and

²³ United States Department of State / Foreign Relations of the United States, 1949. The Far East and Australasia (in two parts). Volume VII, Part 2. Online: <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=header&id=FRUS.FRUS1949v07p2>. (Accessed on 14.05.2015). 1113.

²⁴ Cohen, The New Cambridge History of American Foreign Relations, Volume 4. 65.

²⁵ O'Neill Mark, Soviet Involvement in the Korean War: A New View from the Soviet-Era Archives. In: OAH Magazine of History, Vol. 14, No. 3, The Korean War (2000). 21.

intensified the Cold War at a major cost of military and social capital to all involved parties. In the United States anti-communist sentiments increased, causing major setbacks for social justice and labor organizations. During the years after 1950, the majority of the US economy's productive power was concentrated on creating an enormous military-industrial complex that in turn fueled conflict in many parts of the world.

American leaders were relieved that the war had not been started by South Korea, because given the opportunity Syngman Rhee would have attacked the North. The Communists had attacked first and it was seen by the United States as an act of aggression which they had to respond to. The credibility of the United Nations as well as the United States as "guardians of the non-Communist world" was at stake.²⁶

An Intelligence Estimate by the Estimates Group of the Department of State's Office of Intelligence Research on June 25th 1950²⁷, shows how the motivations of the Soviet Union were seen. US intelligence was convinced that the move on South Korea had been initiated by the Soviet Union. The motivations behind the attack, which had risked general war against the United States, had been estimated to be some of the following. United States prestige, earned by its support of anti-Communist forces throughout Asia, would have suffered a severe blow. The loss of Korea would have meant losing access to an area from where land forces could attack Soviet Far Eastern or Chinese territories. Dominating all of Korea would have given the Soviet Union better access to and influence over Japan.²⁸

As seen above, the Americans found an overwhelming amount of reasons – stopping Soviet aggression, containing Communist expansion, demonstrating US resolve to the Soviet Union and the United States' European and Asian allies, keeping the United Nations' credibility – for their intervention in the Korean civil war.²⁹

President Truman ordered General MacArthur to determine the size of the military effort required to fend off North Korean aggression, by sending a survey party to Korea. MacArthur found out that South Korean troops were unable to fend off the attack and that the resistance was on the verge of collapsing. Truman ordered US air and naval units to support the South Koreans but limited the operation to stay below

²⁶ Cohen, *The New Cambridge History of American Foreign Relations*, Volume 4. 65f.

²⁷ See Appendix II p.80.

²⁸ United States Department of State / *Foreign Relations of the United States*, 1950. Korea (1950). Online: <http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1950v07>. (Accessed on 01.06.2015).149-151.

²⁹ Cohen, *The New Cambridge History of American Foreign Relations*, Volume 4. (2013). 67.

the 38th parallel. The situation in Korea was evaluated again on June 29th 1950, with the result that US ground troops were committed to fight alongside the South Koreans.³⁰ The Americans mobilized the United Nations and troops from other countries in the UN, for example units from Great Britain, Turkey and Ethiopia, were sent to Korea as well. In the beginning, UN forces under the command of MacArthur were not very successful but after three months they had defeated the North Korean troops and were about to liberate the South. In the momentum of success and demonstrating US resolve against Communism, the Truman administration could not resist expanding the war aims, however. The liberation of South Korea was not enough for the US government anymore and the new goal was to send UN troops to the north, across the 38th parallel, to defeat the North Korean communists and unite Korea again. From the experiences in the months before, they concluded that Stalin would not come to save the North Koreans.³¹

In a National Security Council Report to the President (NSC 81/1) on September 9th 1950³², the matter of a unified Korea was discussed. The main question of the report was what course of action in Korea would serve US national interests best. Then the text emphasizes the unity and independence of Korea as the political objective of the UN. The gist of the report was that the United States were strongly in favor of uniting Korea under a democratic, Western-oriented leadership but did not want to risk general war with the Soviet Union or China.³³ Having all of Korea as a strong ally in East Asia would have given the United States an advantage in their rivalry with the Soviet Union which made them draft the following instructions for MacArthur on September 26th 1950:

1. This directive, based on NSC 81/1, is furnished in order to provide amplifying instructions as to further military actions to be taken by you in Korea. These instructions, however, cannot be considered to be final since they may require modification in accordance with developments. In this connection, you will continue to make special efforts to determine whether there is a Chinese Communist or Soviet threat to the attainment of your

³⁰ Spanier John W., *The Truman – MacArthur Controversy and the Korean War*. (Cambridge 1959). 30f.

³¹ Cohen, *The New Cambridge History of American Foreign Relations*, Volume 4. 67f.

³² See Appendix III p.84.

³³ United States Department of State / FRUS, 1950. Korea (1950). Online: <http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1950v07>. (Accessed on 01.06.2015). 713.

objective, which will be reported to the Joint Chiefs of Staff as a matter of urgency.

2. Your military objective is the destruction of the North Korean armed forces. In attaining this objective you are authorized to conduct military operations, including amphibious and airborne landings or ground operations north of the 38° parallel in Korea, provided that at the time of such operation there has been no entry into North Korea by major Soviet or Chinese Communist forces, no announcement of intended entry, nor a threat to counter our operations militarily in North Korea. Under no circumstances, however, will your forces cross the Manchurian or USSR borders of Korea and, as a matter of policy, no non-Korean ground forces will be used in the northeast provinces bordering the Soviet Union or in the area along the Manchurian border. Furthermore, support of your operations north or south of the 38° parallel will not include air or naval action against Manchuria or against USSR territory.³⁴

MacArthur sent his troops north past the 38th parallel, with the above mentioned restraints, to first send Korean troops into areas near Chinese or Soviet borders and to stop the advance if he met substantial Chinese or Soviet forces along the way. Mao was deeply troubled by the American success in Korea. He thought that the US troops would move on to China and overthrow the Communists there, after uniting Korea. Without the support of Stalin and against the opinions of his advisers, Mao sent Chinese troops into Korea in October 1950, almost at the same time that MacArthur's forces crossed the 38th parallel. Because of this clash between the Chinese and the US/UN troops the Korean War lasted two more years at a tremendous cost of human and financial capital for both sides. By the end of the war, MacArthur had been fired, Truman had retired to private life and in the United States the hate for and fear of a communist threat had grown bigger than ever.³⁵

The Korean War had a big influence on the drafting of the San Francisco Peace Treaty with Japan. As described in a later chapter, Japan and Korea were not on good terms after World War Two. The United States wanted to maintain a friendly

³⁴ United States Department of State / FRUS, 1950. Korea (1950). Online: <http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1950v07>. (Accessed on 01.06.2015). 781.

³⁵ Cohen, The New Cambridge History of American Foreign Relations, Volume 4. 69-71.

and lucrative relationship with both Japan and South Korea because of their investment in both countries. The later and final drafts of the Peace Treaty were made during the earlier phase of the Korean War. Therefore it was essential for the United States to make the treaty pleasing to both South Korea and Japan to keep them on the side of the West and not open to communist influences.

2.3. US Interest in Japan as an ally

The Japanese attack on Pearl Harbor in December 1941 had been preceded by disagreement between Japan and the United States about Japanese expansions in China and Southeast Asia. The Japanese had proposed two plans on how to solve this disagreement but they were rejected by the United States as unreasonable. This led Japan to enter into war against the US by attacking Pearl Harbor on December 7th 1941. In the following four years both nations suffered for their shortsightedness and ignorance of each other.³⁶

Towards the end of the Pacific war, the Japanese navy and air force had been shattered by the Allied Powers and the Japanese islands had been cut off from essential Southeast Asian resources. On July 26th, 1945 the Potsdam Declaration was published by the United States, demanding Japan's unconditional surrender. The Japanese government had asked Russia for mediation but Stalin told Truman that he would reject the Japanese plea. When Japan did not respond to his demand for surrender, Truman issued the order to drop the atomic bombs. They were dropped, on August 6, onto Hiroshima and, on August 9, onto Nagasaki – resulting in the Japanese surrender by Emperor Hirohito on August 15 1945. The surrender was formally signed on September 2 and Japan's occupation by the Allied Powers under the new Supreme Commander for the Allied Powers General Douglas MacArthur began.³⁷

In the beginning the Allied Powers focused on the demilitarization and democratization of Japan. The "U.S. Initial Post-Surrender Policy for Japan"³⁸ was approved by President Truman on September 6, 1945 and given to MacArthur as a guideline for his work in Japan. The main goals of the Post-Surrender Policy were to

³⁶ Dudden Arthur Power, *The American Pacific. From the Old China Trade to the Present.* (New York 1992). 165-167.

³⁷ Dudden, *The American Pacific.* 185, 188-190.

³⁸ See Appendix IV p.85.

make Japan a peaceful and responsible state that would uphold the principles of the United Nations and support the objectives of the United States. These goals were to be achieved by limiting Japan's territory according to the Cairo Declaration, by disarming and demilitarizing Japan, by encouraging the Japanese people to form a democratic society and respect fundamental human rights, and by creating a sustainable peacetime economy.³⁹

In the first years of the occupation, remaking Japan into a liberal and democratic ally was the most important concern to the United States in East Asia, even before a potential Soviet threat.⁴⁰ With the newly written Japanese constitution, the Emperor did not longer have a status as divinity, armed forces were only maintained for self-defense, trade unions were established and the large traditional corporations of Japan were dissolved. However, in 1947 the US occupation policy, guided by the Joint Chiefs of Staff (JCS), already took a so-called "reverse course". The emphasis of the policies in Japan was shifted towards making the country into an economic workshop that would support the United States in their anti-communist endeavors.⁴¹ As tensions in Europe, the Middle East and Asia increased, the Soviet Union was identified as the biggest threat to US security. Europe and the Middle East were prioritized, making the military resources that could be deployed in Asia and the Pacific scarce. Japan was the best option of becoming America's ally in the anti-communist effort in East Asia. The initial occupation policy was changed and in order to recover the Japanese economy as fast as possible and to make sure Japan did not fall into hostile hands, the United States cooperated with Japan's conservative elite. Attempts to end the Occupation period early were repelled by the Joint Chiefs of Staff because they were afraid of losing the numerous US military bases throughout the Japanese islands and that Japan was still too weak to resist the growing communist power in the area without American support and guidance.⁴²

A draft memorandum in 1948 said the following:

³⁹ United States Department of State. Office of Media Services; The United States Department of States. Office of Public Communication, The Department of State Bulletin, Volume 13 (1945: Jul-Dec). Online: <https://archive.org/details/departmentofstat131945unit>. (Accessed on 21.07.2015). 423f.

⁴⁰ Schaller Michael, The American Occupation of Japan. The Origins of the Cold War in Asia. (New York 1985). 25.

⁴¹ Schonberger Howard, The Japan Lobby in American Diplomacy, 1947-1952. In: Pacific Historical Review, Vol. 46, No. 3 (1977). 327.

⁴² Gallicchio Marc, Occupation, Domination, and Alliance: Japan in American Security Policy, 1945-69. In: Iriye Akira, Wampler Robert A. (ed.), Partnership. The United States and Japan 1951-2001. (Tokyo 2001). 119f.

Should communist domination of the entire Korean peninsula become an accomplished fact, the islands of Japan would be surrounded on three sides by an unbroken arc of communist territories with the extremities of the Japanese archipelago virtually within gunshot range of Soviet positions in Sakhalin and the Kuriles in the northeast and communist positions in southern Korea in the southwest.

In such an eventuality we could anticipate an intensification of efforts to bring Japan within the sphere of communist power, with the communists making full use of the enticement value of the economic resources at their command, of the political persuasiveness of the increasing number of communist governments in Asia and Europe, and of the familiar psychological appeal to "brother Asiatic and comrade". In the face of such a situation we could further anticipate that we would be confronted with increasing difficulties in attempting to hold Japan within the United States sphere and to deny Japan to the communist power system.⁴³

After the first North Korean attack across the 38th parallel in June 1950, concern over Japan's future grew. The United States feared that not taking action in Korea and a possible defeat of the ROK would lead to a strengthening of Japan's desire for neutrality along with it feeling vulnerable to Soviet invasion. The US taking action and supporting the ROK, however, might reassure the Japanese and make them more open to protection from and cooperation with the United States.⁴⁴

The North Korean attack was interpreted as ultimately directed against Japan by many. Japanese industry had still not recovered in June 1950 and needed export markets and capital. During the Korean War not only the heavy industry but also textile and communication industries of Japan benefited from United States war orders. During the first year of the war in Korea about 40 percent of Japan's total exports value consisted of United States military procurements. By 1952 the amount had more than doubled. Military procurements continued for two more years after the Korean War. The initial orders in 1950 started a massive boost for the Japanese

⁴³ US Department of State / FRUS 1948. The Far East and Australasia (1948). Online: <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=goto&id=FRUS.FRUS1948v06&isize=M&submit=Go+to+page&page=646>. (Accessed on 14.05.2015). 1338.

⁴⁴ US Department of State / FRUS, 1950. Korea (1950). Online: <http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1950v07>. (Accessed on 01.06.2015).151. See Appendix II p. 80.

economy and the Gross National Product grew about ten percent annually for the next twenty years.⁴⁵

The relationship between the United States and Japan became very close in the early 1950s and the US military depended on the Japanese industry while waging the Korean War. The San Francisco Peace Treaty was drafted adequately lenient and sympathetic to Japan's problems and wishes which influences the island dispute between South Korea and Japan until today as can be seen in a later chapter.

⁴⁵ Schaller Michael, The Korean War. The Economic and Strategic Impact on Japan 1950-53. In: Stueck William (ed.), The Korean War in World History (Lexington, Ky. 2004). 145-148.

3. Korea – Japan Relations since 1900

Korea was under Chinese suzerainty in 1876 when the Japanese Meiji government made a first attempt to conclude a treaty of friendship and commerce with Korea. The goal of the treaty was to open Korea up to Japanese and also Western influences. Modeled after the Western treaties with China and Japan, the treaty, which was signed on the Korean island Kanghwa, imposed unequal terms on Korea, for example granting extraterritorial rights to Japanese citizens in Korea. The contacts between Japan and Korea increased and Japan established a permanent diplomatic mission in Seoul in 1880.⁴⁶

Japan's influence over Korea steadily increased, with some disruptions by China and Russia, resulting in the colonial period which lasted 35 years from 1910 to 1945.

3.1. Colonization of Korea

Japan had a powerful military presence in Korea during the war between Japan and Russia from 1904 to 1905. During this time the Korean government was coerced into concluding a number of agreements with Japan, culminating in the establishment of a Japanese protectorate in Korea by a treaty on November 17, 1905. The Protectorate Treaty established the "residency-general system" which placed Japanese advisors in the most important departments of the Korean government.⁴⁷

Korea formally became a Japanese colony in 1910.⁴⁸ Japan had colonized Taiwan in 1895 and the Japanese colonialization policy and governing principle were the same for both colonies. The justification for the annexation of Korea and Taiwan was their cultural proximity to Japan and an assimilation policy was instituted. Even though cultural proximity was emphasized, there was a strong belief in Japanese racial superiority. The colonial populations were treated differently because their "level of civilization" and "degree of culture" was said to be lower than that of the Japanese. Therefore colonial rule mixed assimilation and discrimination in accordance with Japan's interests in various contexts. There were also differences between policies in the two colonies, in Taiwan for example, assimilation was more strictly enforced than in Korea.⁴⁹

⁴⁶ Kim C.I. Eugene, Kim Han-Kyo, Korea and the Politics of Imperialism. (Berkeley 1968). 16-18.

⁴⁷ Kim, Kim, Korea and the Politics of Imperialism. 121,131,135.

⁴⁸ Lee Chong-Sik, Japan and Korea. The Political Dimension. (Stanford 1985). 3.

⁴⁹ Lee Chulwoo, Modernity, Legality, and Power in Korea Under Japanese Rule. In: Robinson Michael, Shin Gi-Wook (ed.), Colonial Modernity in Korea. (Cambridge 1999). 27-29.

According to the Japanese, their colonial rule was based on the two main principles “free society” and “firm government”. While the colonial government used systematic law enforcement to bring “order and discipline” to the Korean society, the colonial subjects were never offered the “idea of liberty” promised by the tenet of a “free society”. The language and practices of the Japanese were very similar to those of European colonialists in the sense that law was identified with civilization and the absence of law with barbarism, according to the Enlightenment philosophy. Therefore, for the Japanese, one of the missions of colonialism was to tame their colonial subjects by implementing a strong legal system within the framework of a “firm government”.⁵⁰

Under Japanese colonial rule, state power was extended to very detailed aspects of Korean social life. The police was tasked with enforcing the new rules for the Korean people’s daily lives. They were in charge of a wide range of programs and campaigns with the goal of creating “modern” and “civilized” lifestyles. Therefore the size of, and spending on, the police increased greatly throughout the period of Japanese colonial rule. The programs included for example conducting surveys, giving instructions on farming, the settlement of private disputes and the supervision of public hygiene. There were also campaigns to put an end to traditional ways of life. One campaign promoted short hair for men and colored clothing instead of the traditional Korean topknots and white clothing. Another one forced Koreans to change their traditional burial practices.⁵¹

The Japanese were convinced of their superiority over the Koreans in their 35 years of colonial rule until 1945 and treated them accordingly in a hierarchically oriented society. The different stages of Japanese rule were overseen by a number of Japanese army generals and executed by the police, as mentioned before. The first Japanese governor-general in Korea, Terauchi Masatake set the tone for the first stage of colonial rule. In addition to the attempt to eradicate Korea’s traditional culture, all political organizations were dissolved and meetings, speeches and all Korean newspapers were prohibited. All types of weapons, including swords and knives used for hunting, were confiscated from the Korean population. There was religious persecution against Korean Christians. A nationwide demonstration for independence in March 1919, from what was basically a military dictatorship, was

⁵⁰ Lee, *Modernity, Legality, and Power in Korea*. In: Robinson, Shin (ed.), *Colonial Modernity in Korea*. 31f.

⁵¹ Lee, *Modernity, Legality, and Power in Korea*. In: Robinson, Shin (ed.), *Colonial Modernity in Korea*. 36-40.

suppressed with brutal force by the Japanese military. In the uprisings that lasted about a year, 7,645 Koreans were killed and 45,562 were injured. Following international pressure and changes in Japanese domestic politics, the Japanese rule in Korea became more moderate in the 1920s. Some bureaucratic positions in the colonial government were given to Korean citizens. Sociopolitical activities and Korean-language newspapers were allowed again to some extent. During the worldwide depression in the beginning of the 1930s, the Japanese government adopted an expansionist policy, starting with the invasion of Manchuria in 1931, which changed their policies in Korea again as well.⁵²

In 1937, the final stage of colonial rule in Korea started, when Japan decided to conquer China, which also led to war against the United States and the Allied Powers. The Japanese colonies in Korea and Manchuria were used as logistical and industrial depots for the military effort. Japan did not have sufficient manpower; therefore the Korean population was required to supplement that of Japan. Steps were taken to assimilate Koreans as Japanese, by eradicating factors that distinguished the two. The campaign to end Korean cultural traditions started again, more fierce than ever. The Japanese government tried to eradicate the Korean language, change Korean surnames to Japanese ones and impose the Japanese religion, Shintoism, onto the Korean population. The majority of Koreans had the Christian faith which had been introduced into the country in the late 18th century.⁵³

Starting in 1938, Koreans were cautiously recruited for the Japanese army. By the end of World War II in 1945, the Japanese armed forces included 186,680 and the navy 22,299 Koreans. Not only the Japanese military, but also the labor market relied heavily on Korean manpower.⁵⁴

3.2. Korean Resentment towards Japan

The most common political denominator in postwar and postliberation Korea, other than the unification of North and South Korea, was hatred of Japan.⁵⁵

There are a number of issues that started to be addressed after 1945 and still cast a shadow on the diplomatic relations of South Korea and Japan until today.

⁵² Lee, Japan and Korea. 4f.

⁵³ Lee, Japan and Korea. 7-10.

⁵⁴ Lee, Japan and Korea. 13.

⁵⁵ Cheong Sung-Hwa, *The Politics of Anti-Japanese Sentiment in Korea. Japanese-South Korean Relations Under American Occupation, 1945-1952.* (Westport 1991). xi.

One of these issues is about the Yasukuni Shrine which is a memorial shrine for fallen soldiers in Japan. There has been a lot of controversy about Japanese prime ministers and other politicians visiting the shrine, especially since 1978, when the names of 14 convicted Class A war criminals were added to the soldiers worshipped there. The souls of 50,000 Taiwanese and Korean soldiers, who were forced into the Japanese imperial army, are also worshipped at Yasukuni Shrine, alongside the war criminals, which is seen as an affront by many descendants.

The shrine is seen as a symbol of the Japanese expansionist nature and militarism by many Asian countries that suffered from it. Visits to the shrine by Japanese prime ministers – sometimes as private persons and sometimes in their official capacity – often took place on August 15th, the anniversary of the Japanese capitulation to the Allied Powers in 1945. These visits were almost always accompanied by demonstrations and protests in many Asian countries, especially China and South Korea. It is no surprise that they also always put a strain on Japan's foreign relations in Asia.⁵⁶

Another issue evolved in the 1980s, when there was a rumor that the Japanese Ministry of Education, Culture, Sports, Science and Technology (MEXT) had approved new history textbooks that euphemized Japan's colonial past. Even though the rumor turned out to be false, there were severe protests, mainly in China and South Korea. In order to calm foreign relations a bit again, the Japanese Ministry of Foreign Affairs convinced the Japanese government to issue a declaration to take Chinese and South Korean objections more serious and be more considerate of the neighboring countries' feelings when sanctioning new textbooks. In the 1980s and 1990s there were more attempts, by nationalistic and right-wing groups, to edit history textbooks and glorify Japan's past. In 2001 the "Tsukuru-kai", a group that opposed "masochistic historiography", published a history textbook that emphasized the uniqueness of Japanese art, language and history and advocated the thesis that Japan had not waged a war of aggression but attempted to free Asia from European and American domination. This textbook was eventually approved by MEXT, which led to severe protests in Beijing and Seoul again.⁵⁷

A third issue revolves around the so-called "comfort women" – women who were forced into prostitution to provide sex for Japanese soldiers during the Second World

⁵⁶ Beck Andreas, *Japans Territorialkonflikte – Eine Frage der Wahrnehmung?* (Baden-Baden 2013). 164f.

⁵⁷ Beck, *Japans Territorialkonflikte*. 178f.

War. Of the 100,000 to 200,000 affected women, about 80 percent were Korean. Even if the abductions were not always carried out by the Japanese military, it was always indirectly involved.

The issue came to the attention of international audiences only in 1991, when a group of Korean women sued the Japanese government for compensation. Even though many other women followed their example, the Japanese government denied any involvement of the Japanese military or other public offices in forced prostitution until 1993.

In 1994, a United Nations Investigation Commission concluded that the “comfort women”-system had been a crime against humanity. Since then, a number of Japanese prime ministers have apologized for the system of forced prostitution; however there has been no direct compensation from the government for the surviving victims. The “Asian Women Fund” which was founded in 1995 and is financed by donations, was supposed to give financial aid to victims. Many of the women refused this compensation however and insisted on compensation directly from the Japanese government.⁵⁸ The “comfort women” issue appears to have finally been resolved in December 2015. An agreement has been found with the Japanese issuing another sincere apology and paying the surviving victims 8.3 million U.S. dollars. South Korea promised to remove the comfort women statue in front of the Japanese Embassy in Seoul and to formally end the dispute. Although the deal has been applauded internationally, some South Korean activists and some comfort women themselves still oppose it for being too lenient with Japan.⁵⁹

These issues and the resentment between South Korea and Japan in the aftermath of colonialism are some of the main reasons why the dispute about the tiny island group Dokdo/Takeshima could not be resolved until today. Every time the topic of the territorial dispute comes up, South Korean citizens are reminded of all the issues they still have to deal with after their liberation from Japan. While the Koreans are unable to move on from the past, the Japanese seem eager to forget it. The Japanese have apologized many times for the crimes committed during the colonial time and World War Two. Therefore there is some merit to them asking why their relations with South Korea still suffer from it. However, some Japanese citizens keep

⁵⁸ Beck, *Japans Territorialkonflikte*. 180f.

⁵⁹ Easton Yukari, *The Comfort Women Agreement: A Win for Traditional Diplomacy*. (December 31, 2015). Online: <http://thediplomat.com/2015/12/the-comfort-women-agreement-a-win-for-traditional-diplomacy/>. (Accessed on: 07.04.2016).

the resentment alive by claiming that no crimes had been committed during the war or that they had not been as bad as South Korea says. Both South Korea and Japan are vital allies for the US in East Asia and the political distance between the two does not make US endeavors in the region easier.⁶⁰ The US made some attempts to mediate between the two. In a 2013 visit to South Korea and Japan, US Vice President Joe Biden publicly urged the governments in Seoul and Tokyo to hold a summit and reconcile. Japan's Prime Minister Shinzo Abe did not follow US advice, however, and visited the Yasukuni Shrine shortly after it, making reconciliation with South Korea much harder again. The United States of course want their two biggest allies in East Asia to cooperate but taking the role of a mediator risks siding more with one ally and angering the other, which would have strong consequences for the US strategy in the region.

The US faced a similar situation during the drafting process of the San Francisco Peace Treaty with Japan between 1945 and 1951, when it did not want to risk putting one ally's wishes above the other's. The result was a vague territorial clause in the treaty which caused the island dispute between South Korea and Japan that in turn helped create their political distance today.⁶¹ This dispute is described in detail below.

⁶⁰ Cossa Ralph A., Japan-South Korea Relations: Time to Open Both Eyes. (2012). Online: <http://www.cfr.org/south-korea/japan-south-korea-relations-time-open-both-eyes/p28736>. (Accessed on: 09.04.2016). Schoff James L., Kim Duyeon, Getting Japan-South Korea Relations Back on Track. (2015). Online: <http://carnegieendowment.org/2015/11/09/getting-japan-south-korea-relations-back-on-track/ilbx>. (Accessed on: 09.04.2016).

⁶¹ Sneider Daniel, Japan-Korea Relations: Time for U.S. Intervention? (2014). Online: http://www.nbr.org/publications/analysis/pdf/Brief/010614_Sneider_Japan-KoreaRelations.pdf. (Accessed on: 17.04.2016). Hornung Jeffrey W., Mending Japan-S. Korea ties. (2014). Online: <http://www.japantimes.co.jp/opinion/2014/03/07/commentary/japan-commentary/mending-japan-s-korea-ties/#.VxsfLnrSmFB>. (Accessed on: 17.04.2016).

Part Two – The Island Conflict

4. The case as it is presented by South Korea and Japan

The object of the island conflict between South Korea and Japan is a small island group called “Dokdo” in Korean and “Takeshima” in Japan.⁶² A French whaling ship discovered the island group in 1849 and named it “Liancourt Rocks”. This name is often used in western documents.⁶³ Dokdo/Takeshima is located in the sea between South Korea and Japan which is called “East Sea” in Korean and “Sea of Japan” in Japanese. The name of that sea is also a disputed issue between the two countries. Dokdo/Takeshima is situated at latitude 37° 14’ 26.8” and longitude 131° 52’ 10,4”. The distance from the island group to the closest Korean land, the island Ulleungdo⁶⁴, is about 88 km. To the Korean mainland the distance is about 217 km and to the Japanese Oki islands about 158 km.



Figure 1⁶⁵

Dokdo/Takeshima consists of two bigger islands called Dongdo/Onnajima and Seodo/Otokojima and approximately 89 tiny islands and rocks that amount to a total size of 187,554 m². The southeastern island Dongdo/Onnajima is 73,297 m² in size and 98,6 m above sea level at its highest point. A manned lighthouse and most of the maritime facilities of the island group are situated on Dongdo/Onnajima.

⁶² To not appear biased to any side, the island group will be referred to in both names.

⁶³ Gong Ro-myung, For Comprehensive Management of Relations with Japan: The Dokdo Issue, a Stumbling Block to Smooth Bilateral Relations. In: Hyun Dae-song (ed.), The Historical Perceptions of Korea and Japan. Its Origins and Points of the Issues concerning Dokdo · Takeshima, Yasukuni Shrine, Comfort Women, and Textbooks (Paju Book City 2008). 382.

⁶⁴ The island Ulleungdo has different spelling in some sources, for example “Ullungdo”. The Japanese name of this island is “Utsuryo” and the western name is “Dagelet”.

⁶⁵ Map of surrounding area of “Takeshima”. Online: <http://www.mofa.go.jp/region/asia-paci/takeshima/index.html>. (Accessed on: 17.04.2016).

Seodo/Otokojima, the northwestern island is a little bigger with 168,5 m above sea level and 88,740 m² in size. It is however difficult to reach the island's peak because it has a very steep slope.

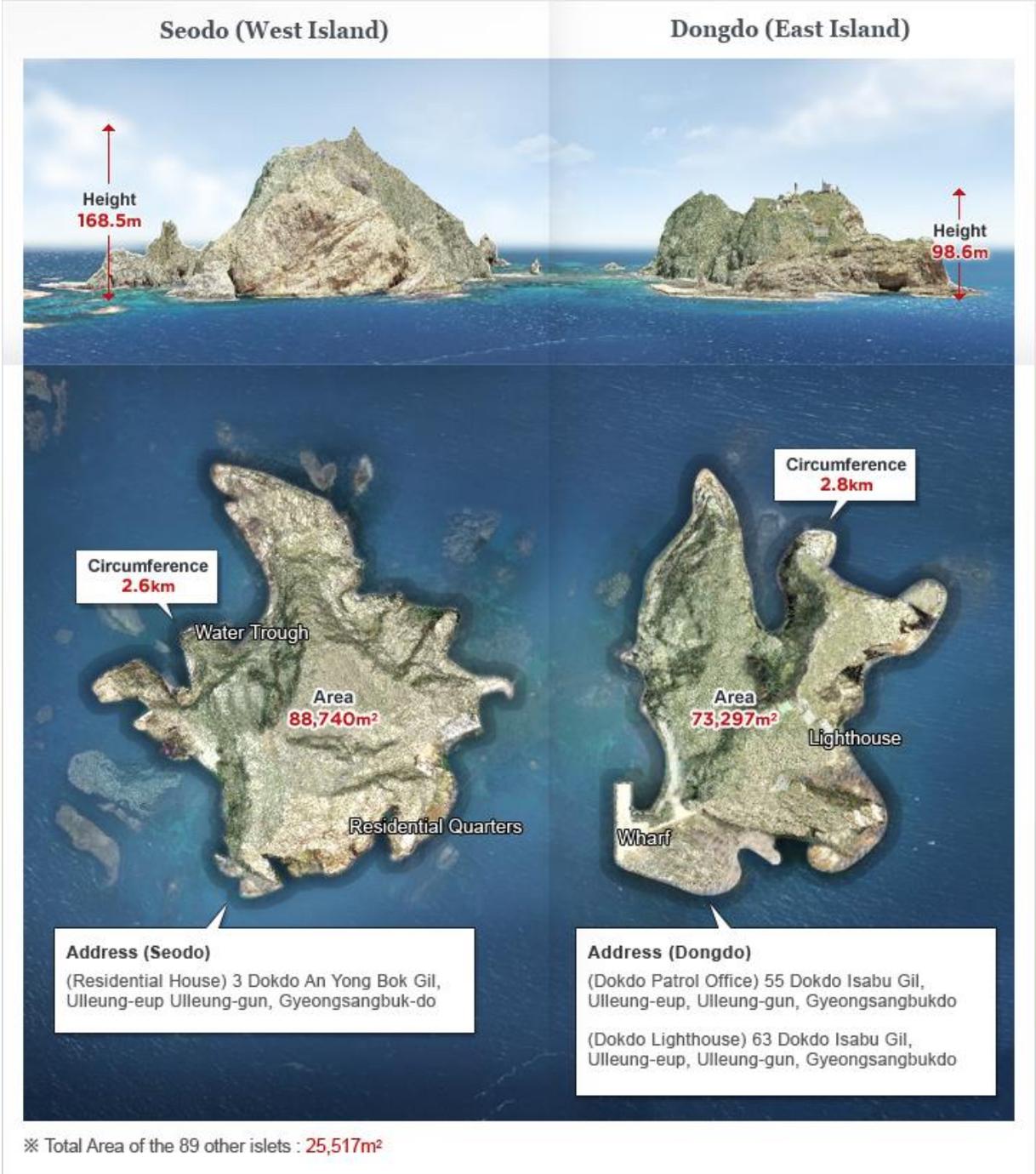


Figure 2⁶⁶

⁶⁶ Geographical features of “Dokdo”. Online: <http://dokdo.mofa.go.kr/eng/introduce/location.jsp>. (Accessed on : 17.04.2016).

The climate in the area around the island group is oceanic and influenced by warm currents. The average year-round temperature is 12 degrees Celsius, with the lowest temperature of about 1° Celsius and the highest in August with about 23° Celsius. There is a strong wind throughout the whole year, coming from the southwest in summer and the northeast in winter. It is cloudy or foggy on Dokdo/Takeshima more than 160 days and it rains about 150 days a year.⁶⁷

A recent study revealed that below sea level, the body of Dokdo/Takeshima actually is a huge round volcano with only a fraction of its peak above sea level and its base reaching over 2,000 meters deep.

There have been reports in the media that large amounts of gas hydrates exist around the island group. However, Dokdo/Takeshima was created by volcanic eruptions and gas hydrate can only be formed in a state of high pressure with low temperature. Therefore the closest existence of gas hydrate is about a hundred kilometers southwest of the island group and the chance of finding methane hydrate near Dokdo/Takeshima is very small. The most important natural resource around Dokdo/Takeshima is the abundant fish population. There is also a chance of heavy mineral resources that have not been found yet.⁶⁸

Even though the conflict about Dokdo/Takeshima in the format and scale it has had until today only started in the 1950s, both South Korea and Japan base their claims on the island group on events and historical materials that are much older.

4.1. “Dokdo” – Korean Island Group since Ancient Times

The official position of South Korea is that Dokdo/Takeshima was part of the ancient Kingdom of Korea. This claim is based on numerous historical records. One of the records, written in the eight century, states that Dokdo/Takeshima became part of Korea in 512 A.D.⁶⁹

Another source from 1432 says that the Korean islands Ulleungdo and Dokdo/Takeshima lie so close together that one island can be seen from the other with the naked eye and that they form the independent kingdom of Usanguk together. There are historical records about the Korean king ruling over Usanguk in the Koryo-

⁶⁷ Park Byoung-sup, Seichû Naitô (ed.), *The Dokdo/Takeshima controversy: study based on historical materials* (Seoul 2009). 277f.

⁶⁸ Im Joobin (ed.), *The Geography of Dokdo*. (Suwon 2013). 60, 81.

⁶⁹ Lee Seokwoo, *The 1951 San Francisco Peace Treaty with Japan and the Territorial Disputes in East Asia*. In: *Pacific Rim Law & Policy Journal*, Vol. 11, No.1, 2002b. 95.

Dynasty (918-1392). In 1416, during the Choson-Dynasty (1392-1897), settlement on Ulleungdo and Dokdo/Takeshima was prohibited by the Korean government. There were a number of reasons for this prohibition: An increasing amount of Japanese pirates appeared in the sea between Korea and Japan and the government could not protect the inhabitants of Ulleungdo (Dokdo/Takeshima was never permanently settled). Another reason was the government's attempt to stop criminals, like deserters or tax evaders, from seeking refuge on Ulleungdo. Officers were sent to the islands regularly, to arrest people who still lived there and bring them back to the main land.

South Korean scholars emphasize that the prohibition of settlement did not mean that Korea abandoned the territory but that it chose a different way of administering the islands. In the late 15th century, Japanese fisherman began to fish in the area around Dokdo/Takeshima and despite the prohibition, Korean fishermen went there as well. In 1693 a fight occurred between Korean and Japanese fishermen about whose territory Ulleungdo was. The Korean fisherman Ahn Yong-Bok chased the Japanese away and followed them to the Oki prefecture. He told the local ruler that Ulleungdo and Dokdo/Takeshima were territory of Korea. Ahn Yong-Bok's visit led to diplomatic negotiations between Korea and Japan about the sovereignty over the islands that lasted for several years. In 1696, Japan acknowledged that the islands were Korean territory. In 1699, when Ahn Yong-Bok went to Ulleungdo again, he once more found Japanese fishermen there and traveled to Japan again to get the confirmation that the island was Korean territory. Consequently, all Japanese citizens were banned from visiting Ulleungdo and Dokdo/Takeshima.⁷⁰

Ahn Yong-Bok's travels appear in almost every discussion about the territorial dispute over the island group and are a very important factor in South Korea's historical claim. While Ahn Yong-Bok is celebrated as a hero in South Korea, the Japanese are skeptical about the veracity of his story. The existing historical material from that time cannot prove that the statements he made are true, because they were recorded at an interrogation at the Korean Border Defense Council after Ahn Yong-Bok returned from Japan. In 2005, records of Ahn Yong-Bok's visit were also found in Japan, at a house of the Murakami family, who was in charge of keeping official documents in the Oki prefecture in the 17th century. These records prove that

⁷⁰ Beck, Japans Territorialkonflikte. 85-87.

Ahn Yong-Bok went to Japan in order to claim Ulleungdo and Dokdo/Takeshima as Korean territory. However, the records don't confirm that he actually met the local governor to do so.⁷¹

In 1868, when Japan ended its Sakoku policy (the seclusion of the country and its citizens) in the course of the Meiji Restoration, Japanese citizens were allowed to travel to other countries again. Japanese fishermen traveled to Ulleungdo and Dokdo/Takeshima again, even though numerous sources from that time confirm that Japan knew that the islands belonged to Korea. There was a countrywide mapping in 1877 and the Japanese Foreign Ministry was asked whether Ulleungdo and Dodko/Takeshima should be included in it. The Dajokan (the Japanese Prime Minister) negated this, saying that the islands had nothing to do with Japan. Many official maps from that time, for example a map of the Japanese navy department from 1876, depict Dokdo/Takeshima as part of the Korean national territory.

In 1881 Korean inspectors noticed that Japanese fishermen were still using the island, so they filed an official complaint with the Foreign Minister of Japan. As another consequence to the Japanese intrusions, Korean citizens were allowed to go to Ulleungdo and Dokdo/Takeshima again and were even encouraged to settle on Ulleungdo. The Japanese government apologized for its citizens and banned them from going to the islands again. In 1900 the Korean king Kojong issued the Imperial Ordinance No. 41, placing Ulleungdo, Dokdo/Takeshima and another island under the same jurisdiction. This is seen by many Koreans as proof of Korea exerting sovereignty over Dokdo/Takeshima.⁷²

4.2. Japanese Annexation of "Takeshima" in 1905

One of the main historical arguments of the Japanese claim to Dokdo/Takeshima goes back to the early 17th century. In 1618 two Japanese merchant families were given permission by the Shogunate, the Japanese government at that time, to travel to Ulleungdo to fish. On their way there, they used Dokdo/Takeshima as a navigational port, and in 1661 the permission by the Shogunate was officially

⁷¹ Seichû Naitô, Ahn Yong-bok in Oki. In: Park Byoung-sup, Seichû Naitô (ed.), *The Dokdo/Takeshima controversy: study based on historical materials* (Seoul 2009). 67-69.

⁷² Beck, *Japans Territorialkonflikte*. 88f.

extended to encompass the small island group. This is seen as the establishment of sovereignty over Dokdo/Takeshima by the Japanese government.⁷³

In the beginning of the 20th century, Japanese fishermen still went to Dokdo/Takeshima for fishing, even though they were not allowed to. Nakai Yozaburo from the Oki prefecture was one of these fishermen. He noticed the large sea lion population on and around Dokdo/Takeshima and when the prices for leather and oil rose in 1903, before the Russo-Japanese war, he thought he could make a profit out of hunting sea lions at the island group. Within a year, a lot of competitors hunted sea lions there as well and the animal population declined sharply. Therefore Nakai thought about monopolizing the fishing ground around Dokdo/Takeshima and went to Tokyo to negotiate his idea.⁷⁴

He brought a petition to incorporate Dokdo/Takeshima into Japanese territory to the Ministers of Agricultural and Commercial Affairs, of Home Affairs and of Foreign Affairs in September 1904, with the goal of leasing the island group himself.⁷⁵ The petition had the following wording:

There are some uninhabited islands named Liancourt Rocks in the sea about 85-ri northwest of the Oki Islands and 55-ri southeast of Ulleungdo, Korea. They stand on the route from the Oki Islands to the Ulleungdo, Gangwon-do and Hamgyeong-do Provinces of Korea. If our country ultimately obtains the right to control them, it will bring a lot of benefits to us. I saw sea lions on the islandshe island (sic!). The skin of a sea lion serves as a good substitute for that of a cow. Its oil is as good as whale oil. Its bones and meat are used as fertilizers. I intend to develop resources on and near the island, but am concerned about the possibility that I may be faced with a threat from a foreign country, as it belongs to no country. The participation of a large number of people in the development plan may lead to the danger of extinction of sea lions from the area. It is my request

⁷³ Ministry of Foreign Affairs, Japan (ed.), Leaflet: Japan's Position on Takeshima. Online: <http://www.mofa.go.jp/files/000018520.pdf>. (Accessed on 09.09.2015).

⁷⁴ Hori Kazuo, Japan's Incorporation of Takeshima into Its Territory in 1905. In: Hyun Dae-song (ed.), The Historical Perceptions of Korea and Japan. Its Origins and Points of the Issues concerning Dokdo · Takeshima, Yasukuni Shrine, Comfort Women, and Textbooks (Paju Book City 2008). 118, 124.

⁷⁵ Hyun Dae-song, The Dokdo · Takeshima Issue. Its Origins and the Current Situation. In: Hyun Dae-song (ed.), The Historical Perceptions of Korea and Japan. Its Origins and Points of the Issues concerning Dokdo · Takeshima, Yasukuni Shrine, Comfort Women, and Textbooks (Paju Book City 2008). 72.

*that the government take steps to incorporate the island into our country's territory and lease them to me for the next ten years.*⁷⁶

To find out more about the status of the island group, the Japanese central government asked the Shimane Prefectural Office about it, in response to the petition. In Shimane no one had objections to Dokdo/Takeshima becoming part of their prefecture, so it became Japanese territory on January 28th, 1905 – a few years before Japan colonized Korea in 1910.⁷⁷

This version of how it came to the incorporation of Dokdo/Takeshima into Japanese territory has a number of problems. For one, the Japanese apparently assumed that the island group did not belong to a country, that it was “terra nullius”. However, if other records are to be believed, Japan knew that Dokdo/Takeshima belonged to Korea in 1877 and 1881, as mentioned above, the latter being little more than twenty years prior to the petition. Another problem is that Japanese citizens were banned from going to fish near Ulleungdo and Dokdo/Takeshima in 1881. How was it possible that Nakai Yozaburo wanted to start his official business there?⁷⁸

Nakai's petition can also be seen in a different light, which supports the Korean claim to the island group. According to this version, Nakai thought that Dokdo/Takeshima belonged to Korea and therefore asked the Ministry of Agricultural and Commercial Affairs whether they could obtain the exclusive right to catch sea lions on and near the island group from the Korean government. The Hydrographic Office of the Japanese Navy asked Nakai however to change his petition saying the island group was terra nullius and submit it to the Japanese government.⁷⁹

The following record of Nakai's personal notes seems to support the Korean version:

As I thought that the island was Korean territory attached to Ulleungdo, I went to the capital trying to submit a request to the Residency-General. But, as suggested by Fishery Bureau Director Maki Bokushin, I came to question Korea's ownership of Takeshima. And at the end of my

⁷⁶ Kawakami Kenzo, Takeshima no Rekishi Chirigakuteki Kenkyu (A Historical and Geographical Study of Takeshima), p. 209. Cited by: Hyun Dae-song, The Dokdo · Takeshima Issue. Its Origins and the Current Situation. In: Hyun Dae-song (ed.), The Historical Perceptions of Korea and Japan. Its Origins and Points of the Issues concerning Dokdo · Takeshima, Yasukuni Shrine, Comfort Women, and Textbooks (Paju Book City 2008). 72.

⁷⁷ Hyun, The Dokdo · Takeshima Issue. In: Hyun (ed.), The Historical Perceptions of Korea and Japan. 72f.

⁷⁸ Beck, Japans Territorialkonflikte. 88f.

⁷⁹ Hyun, The Dokdo · Takeshima Issue. In: Hyun (ed.), The Historical Perceptions of Korea and Japan. 73.

*investigation with the matter, I convinced myself that this island was absolutely ownerless through the conclusion by the then Hydrographic Director Admiral Kimotsuki. Accordingly, I submitted an application through the Home Ministry to the three Ministers of Home Ministry, Foreign Ministry and Agriculture-Commerce Ministry for incorporation of this island into Japanese territory and for its lease tome (sic!).*⁸⁰

The Korean version of these events supports the theory that Nakai's petition was not the only, or even the most important reason for the incorporation of Dokdo/Takeshima in 1905.

The island group had great strategic value for the Japanese government in the war between Japan and Russia. The incorporation of Dokdo/Takeshima was also closely related to the military occupation of other parts of Korea at that time.⁸¹

Nakai's personal notes also support that his petition was not the only reason for the incorporation of the island group:

The Home Ministry authorities had an opinion that the gains would be extremely small while the situation would become grave if the acquisition of a barren island suspected of being Korean territory at this point of time [during the Russo-Japanese War] would amplify the suspicions of various foreign countries that Japan has an ambition to annex Korea. Thus, my petition was rejected. Undaunted, I rushed to the Foreign Ministry to discuss the matter in detail with the then Political Affairs Bureau Director Yamaza Enjiro. He said the incorporation was urgent particularly under the present situation, and it is absolutely necessary and advisable to construct watchtowers and install wireless or submarine cable and keep watch on the hostile warships. Particularly in terms of diplomacy, he told me not to worry about the Home Ministry view. He asked me in high spirits to urge

⁸⁰ *Shimaneken Koho Bunshoka* (Public Information & Document Div., Shimane Prefecture), ed., *Takeshima Kankei Shiryō* (Materials on Takeshima), 1953, Vol. 1. From the end of Nakai's personal history, it is referred to have been made in 1910. Cited by: Hori Kazuo, Japan's Incorporation of Takeshima into Its Territory in 1905. In: Hyun Dae-song (ed.), *The Historical Perceptions of Korea and Japan. Its Origins and Points of the Issues concerning Dokdo · Takeshima, Yasukuni Shrine, Comfort Women, and Textbooks* (Paju Book City 2008). 129f.

⁸¹ Hori, Japan's Incorporation of Takeshima into Its Territory in 1905. In: Hyun (ed.), *The Historical Perceptions of Korea and Japan*. 124, 127.

*the Home Ministry to refer his application speedily to the Foreign Ministry;
in this way Takeshima came under our country's dominion.*⁸²

Korea was only informed in 1906 that Japan had unilaterally incorporated Dokdo/Takeshima, when an officer of the Shimane prefecture told the country master at Ulleungdo about it. When the news eventually reached the Korean Minister of Home Affairs, he found the Japanese actions unacceptable.⁸³

Many Koreans see the Japanese annexation of Dokdo/Takeshima in 1905 as a step towards the colonialization of Korea. As shown above, a Japanese protectorate was established in Korea in the same year.

⁸² *Shimaneken Koho Bunshoka* ed., *Takeshima Kankei* .1953, 130.

⁸³ Hyun, The Dokdo · Takeshima Issue. In: Hyun (ed.), *The Historical Perceptions of Korea and Japan*. 75-77.

5. US / Allied Powers Involvement

5.1. Wartime Declarations

United States, that is to say, Allied Power involvement in Japan's territorial conflicts started with declarations which the Allied Powers made before the Second World War was over. The Cairo Declaration, which was formulated at the conferences of Cairo and Tehran, was finalized on December 1st, 1943.⁸⁴ The most important section of the Cairo Declaration for Japan's territorial disputes is the following:

*[...] Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.*⁸⁵

The Japanese argue that the Cairo Declaration is not legally binding for them; however, the Potsdam Proclamation is binding because it was signed in the course of Japan's unconditional surrender, on September 2nd, 1945. One passage of the Potsdam Proclamation is of particular interest to the determination of Japanese territory:

[...]
*(8) The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.*⁸⁶

The passage in the Cairo Declaration about Japan having to give up all territories that were taken by "violence and greed" is of course a matter of interpretation. South Korea emphasizes that Dokdo/Takeshima was taken by "violence and greed" because Japan knew that the island group was Korean in 1905. The Japanese side

⁸⁴ See Appendix V p.87.

⁸⁵ United States Department of State / Foreign Relations of the United States diplomatic papers, The Conferences at Cairo and Teheran, 1943. Online: <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=header&id=FRUS.FRUS1943CairoTehran>. (Accessed on 13.10.2015). 448f.

⁸⁶ United States Department of State / Foreign Relations of the United States diplomatic papers : the Conference of Berlin (the Potsdam Conference), 1945. Volume II. Online: <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=header&id=FRUS.FRUS1945Berlinv02>. (Accessed on 13.10.2015). 1281.

insists however that they thought Dokdo/Takeshima was terra nullius at the time of the annexation.

The Potsdam Proclamation is of course important because it was signed by Japan and therefore validates the Cairo Declaration. It also emphasizes the Allied Powers' responsibility to determine which minor islands should remain Japanese territory and which islands should be returned to their possible previous owners after the Japanese surrender. However, the Allied Powers failed to do so in a number of cases, causing problems in the foreign relations between Japan and some of its neighbors until today.

5.2. The Supreme Commander for the Allied Powers Instructions

After the Japanese capitulation had been signed, General MacArthur, the Supreme Commander for the Allies Powers was charged with carrying out the points made in the Cairo Declaration and the Potsdam Proclamation. The written instructions he gave were called "Supreme Commander for the Allied Powers Instructions" (SCAPIN). Some of the SCAPINs were related to the Dokdo/Takeshima case, for example SCAPIN no. 677, which was sent to the Japanese government on January 29, 1946.⁸⁷

1. The Imperial Japanese Government is directed to cease exercising, or attempting to exercise, governmental or administrative authority over any area outside of Japan, or over any government officials and employees or any other persons within such areas. [...]

3. 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, including the Tsushima Islands and the Ryukyu (Nansei) Islands north of 30° North Latitude (excluding Kuchinoshima Island); and excluding (a) Utsuryo (Ullung) Island, Liancourt Rocks (Take Island) [...]

⁸⁷ Beck, Japans Territorialkonflikte. 93.

*6. 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.*⁸⁸

It was determined in this document that Dokdo/Takeshima (Liancourt Rocks) should no longer be under Japanese control. For the South Korean side of the conflict, this is proof that the island group is not Japanese territory anymore. However, the Japanese side counters that they only had to cease their administrative control over the island and not their sovereignty. In any case, as written in part six, SCAPIN no. 677 does not ultimately determine what the Japanese territory will eventually look like. This passage, or one very similar to it, is written in every SCAPIN because the United States knew that the Supreme Commander did not have the necessary authorization to determine international territory lines.⁸⁹

SCAPIN no. 1033, with the subject “Area Authorized for Japanese Fishing and Whaling”, also indicates that the Allied Powers at some point did not intend for Dokdo/Takeshima to remain part of the Japanese territory. The authorized fishing area was defined very accurately in SCAPIN no. 1033 and it was also specified that Japanese ships and citizens would not approach Dokdo/Takeshima any closer than twelve miles.

The line that declared which areas Japanese fishermen were allowed to use was called the “MacArthur Line”. Of course, SCAPIN no. 1033 also has a passage about the preliminary nature of its statements.

4. The present authorization does not establish a precedent for any further extension of authorized (sic!) fishing areas.

*5. The present authorization is not an expression of allied policy relative to ultimate determination of national jurisdiction, international boundaries or fishing rights in the area concerned or in any other area.*⁹⁰

SCAPIN no. 1778 has a slightly different subject (“Liancourt Rocks Bombing Range”), it is however also important to the Dokdo/Takeshima Case:

⁸⁸ Supreme Commander for the Allied Powers (SCAPIN -677). Online: <http://www.dokdo-takeshima.com/post-world-war-ii-dokdo.html>. (Accessed on: 15.10.2015).

⁸⁹ Seokwoo, The 1951 San Francisco Peace Treaty with Japan. In: Pacific Rim Law & Policy Journal, 2002b. 105.

⁹⁰ Supreme Commander for the Allied Powers (SCAPIN-1033). Online: <http://www.dokdo-takeshima.com/post-world-war-ii-dokdo.html>. (Accessed on: 15.10.2015).

1. *The islands of Liancourt Rocks (or Take Shima), located 37° 15' north, 131° 50' east, are designated as a bombing range.*

2. *The inhabitants of Oki-Retto (Oki-Gunto) and the inhabitants of all the ports on the west coast of Honshu north to the 38th parallel, north latitude, will be notified prior to each actual use of this range. This information will be disseminated through Military Government units to local Japanese civil authorities.*⁹¹

The Supreme Commander did not think about notifying South Korea prior to using Dokdo/Takeshima as a bombing range, which indicates that the Allied Powers did not know, or perhaps chose to ignore, that South Korea was claiming the island group as well at that time. Because of this oversight 16 South Korean citizens who were fishing in the area, were killed the first time the United States Air Force used Dokdo/Takeshima as a bombing range in 1948. The Air Force apologized to the newly instated government of the Republic of Korea and during the Korean War the US Air Force officially stopped dropping bombs on Dokdo/Takeshima for practice.⁹²

5.3. The San Francisco Peace Treaty with Japan and its Connection to the Island Case

There will be no complicated frontiers to define in the Japanese Peace Treaty since Japanese territories are all insular. [...] It will be for the Peace Conference to decide which of the minor islands shall remain under Japanese sovereignty and when this decision has been reached the main territorial article could be something quite simple. [...] In determining which of the minor islands shall remain under Japanese sovereignty the decisive considerations must be strategic. [There is a] large number of islands in waters immediately adjacent to Japan which should clearly remain under Japanese sovereignty [and a] number of islands between Hokkaido and Sakhalin, between Hokkaido and the Kuriles, and between Japan proper and Korea in regard to the disposal of which some difference of opinion

⁹¹ Supreme Commander for the Allied Powers (SCAPIN -1033). Online: https://en.wikisource.org/wiki/Index:SCAPIN_1778. (Accessed on: 15.10.2015).

⁹² Beck, *Japans Territorialkonflikte*. (2013). 94.

*may be expected. [...] Very careful drafting of this section will be necessary in order to ensure that no islands are left in disputed sovereignty.*⁹³

The Peace Treaty of San Francisco with Japan was eventually signed in September 1951 by 48 nations that had declared war against Japan during World War II. A number of nations made drafts for the treaty but the United States was leading the drafting and was hosting the Peace Conference in San Francisco.

Japan is currently involved in three ongoing territorial disputes that possibly could have been prevented over 70 years ago by more thorough research for and better phrasing of the San Francisco Peace Treaty between Japan and the Allied Powers. In addition to the case of Dokdo/Takeshima, the territorial disputes involve the Kurile Islands, also claimed by Russia and the Senkaku Islands, also claimed by China.⁹⁴

The following quote shows what state of mind the San Francisco Peace Treaty was drafted in:

In the course of private talks on other matters, [U.S. Secretary of State Dean Rusk] referred to the Korea-Japan negotiations, and said that [the United States] hoped for an early conclusion. [...] [President Chung-Hee Park of Korea] stated that one of the irritating problems, although it was a small one, in the negotiations was Tokto Island (Takeshima). These are uninhabited rocks in the Sea of Japan that are claimed by both Korea and Japan. Korean security forces actually guard them, and the Koreans believe that they historically belong to Korea. The Japanese believe they have a like claim. President Park said he would like to bomb the island out of existence to resolve the problem. Secretary Rusk [...] suggested that perhaps a joint Korean-Japanese commanded light house be set up and the problem of to whom it belonged left unanswered, letting it die a natural

⁹³ Memorandum of Conversation, Canberra Conference on Japanese Peace Treaty, State Dep't Decimal File No. 740.0011 PW (Peace)/10-647, State Dep't Records, Record Group 59 (Oct. 6, 1947) (on file with the U.S. National Archives and Records Administration in College Park, MD). Cited by: Seokwoo Lee, The 1951 San Francisco Peace Treaty with Japan and the Territorial Disputes in East Asia. In: Pacific Rim Law & Policy Journal, Vol. 11, No.1, 2002b. 67.

⁹⁴ Seokwoo, The 1951 San Francisco Peace Treaty with Japan. In: Pacific Rim Law & Policy Journal, 2002b. 67f.

*death. President Park commented that a joint lighthouse with Korea and Japan just would not work.*⁹⁵

There was general agreement that the Peace Treaty of San Francisco could only be an endorsement of the territorial agreements that were made in the Cairo Declaration and the Potsdam Proclamation. As mentioned before, the passage about Japan having to give up all territories that were taken by “violence and greed” in the Cairo Declaration was one of the most important points concerning Dokdo/Takeshima.⁹⁶ After planning for and debating the Peace Treaty for two years, the US National Security Council decided in October 1948 to put the treaty on hold for a while. The main reasons for this postponement were the growing political differences between the United States and the Soviet Union. The decision was reexamined by the State Department in 1949 when the Japanese grew dissatisfied with the continuing US occupation. The State Department was also worried that the Soviet Union might offer Japan more favorable peace terms than the US did if the treaty was delayed further. After evaluating the situation, the Joint Chiefs of Staff determined that Japan was in a key position to aid the United States in military actions on Soviet territory or the Asian mainland. It was also essential to prevent the Soviet Union from acquiring Japan’s manpower. Furthermore, the influence the United States had on Japan during the occupation would be weakened after a peace treaty. Three preconditions were proposed by the JCS that would have to be met before the implementation of a peace treaty: pro-Western orientation and domestic stability; the capability of maintaining international order with domestic security forces; a Japanese rearmament plan that was limited and could be implemented immediately before the American occupation forces departed.

⁹⁵ Memorandum of Conversation, Korea-Japan Negotiations, State Dep’t Records, Record Group 59 (May 18, 1965) (on file with the U.S. National Archives and Records Administration in College Park, MD). See also Memorandum from W. Averell Harriman, Assistant Secretary to Secretary of State, Your Meeting with Director Kim Jong Pil of the Korean CIA: Monday, October 29, 4:00 p.m., State Dep’t Decimal File No. 694.95B/10-2762, State Dep’t Records, Record Group 59 (Oct. 27, 1962) (on file with the U.S. National Archives and Records Administration in College Park, MD); Memorandum of Conversation, State Dep’t Decimal File No. 694.95B/10-2962, State Dep’t Records, Record Group 59 (Oct. 29, 1962) (on file with the U.S. National Archives and Records Administration in College Park, MD) (concerning the Liancourt Rocks, Director Jong-Pil Kim of the Korean CIA also suggested to the Japanese that it would be blown up); Memorandum of Conversation, September 7, 1954: Japan-ROK Problems, State Dep’t Decimal File No. FW 694.95B/9-954, State Dep’t Records, Record Group 59 (Oct. 29, 1962) (on file with the U.S. National Archives and Records Administration in College Park, MD) (“Couldn’t the U.S. Air Force or someone blow up the island and thus dispose of the problem once and for all?”). Cited by: Seokwoo Lee, The 1951 San Francisco Peace Treaty with Japan and the Territorial Disputes in East Asia. In: Pacific Rim Law & Policy Journal, Vol. 11, No.1, 2002b. 127.

⁹⁶ Seokwoo, The 1951 San Francisco Peace Treaty with Japan. In: Pacific Rim Law & Policy Journal, 2002b. 96.

The position of the Joint Chiefs of Staff was criticized by the State Department which had different opinions about Japan's situation. The State Department was in favor of an early peace treaty to foster a friendly atmosphere between Japan and the United States. In the Department's opinion, an anti-Communist and pro-Western orientation could not be enforced but had to be encouraged by good relations between the two nations. An argument by Under Secretary of the US Army Tracy Voorhees against an early peace was that the Soviet Union and China would be unlikely to accept US military requirements in Japan. Concluding the treaty without the participation of the Soviet Union and China could lead to arguments that the treaty violated the terms of the Potsdam Declaration and the Japanese surrender. As a short term solution the Supreme Commander of the Allied Powers was maintained in a stripped down version with reduced personnel and some of his powers delegated to the Japanese government. However, the United States still had the right to maintain military bases in Japan.⁹⁷

Before and during the tensions and uncertainty about the San Francisco Peace Treaty the early versions of it had already been drafted. The first draft of the Peace Treaty that mentions Dokdo/Takeshima by name was dated March 19, 1947:

Article 1

The territorial limits of Japan shall be those existing on January 1, 1894, subject to the modification set forth in Articles 2, 3 As such these limits shall include the four principal islands of Honshu, Kyushu, Shikoku and Hokkaido and all minor offshore islands, excluding the Kurile Islands, but including the Ryukyu Islands forming part of Kagoshima Prefecture, the Izu Islands southward to Sofu Gan, the islands of the Inland Sea, Rebun, Riishiri, Okujiri, Sado, Oki, Tsushima, Iki and the Goto Archipelago.

These territorial limits are traced on the maps attached to the present treaty.

[...]

Article 4

⁹⁷ Miyasato Seigen, John Foster Dulles and the Peace Settlement with Japan. In: Immerman Richard H., John Foster Dulles and the Diplomacy of the Cold War (Princeton 1990). 190-192.

Japan hereby renounces all rights and titles to Korea and all minor offshore Korean islands, including Quelpart Island, Port Hamilton, Dagelet (Utsuryo) Island and Liancourt Rock (sic!) (Takeshima).⁹⁸

In this draft of the Peace Treaty, Dokdo/Takeshima is obviously identified as belonging to the Korean islands. The same is true of the draft from August 5th 1947, which included the suggested territorial limits of Japan in more detail. The map in Figure 3 shows the Japanese territory according to the August 5th draft in a line around the Japanese islands. Dokdo/Takeshima is too small to appear on this map. The Korean island of Ulleungdo, however, is close to Dokdo/Takeshima and is marked by a yellow circle on the map outside of the Japanese territory.



Figure 3⁹⁹

⁹⁸ Draft Treaty of Peace With Japan, U.S. Draft made on March 19, 1947. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#/media/File:SF_DRAFT_470319_02.jpg. (Accessed on: 18.10.2015). 3f.

⁹⁹ Map of the Japanese Territory according to the August 5th 1947 draft of the San Francisco Peace Treaty. Online: <http://www.gcmap.com/mapui?P=45%b045%27N140E-45%b045%27N149%b010%27E-37N149%b010%27E-23%b030%27N134E-23%b030%27N122%b030%27E-26N122%b030%27E-30N127E-33N127E-40N136E-45%b045%27N140E>. (Accessed on 05.03.2016).

There were a number of drafts with slightly different wording, saying that Japan had to renounce Dokdo/Takeshima to Korea. The draft of November 2nd 1949 still had the same meaning; it however caused a comment by United States Political Adviser for Japan, William J. Sebald to the US Secretary of State on November 19th 1949¹⁰⁰. According to Sebald's comment the formulation of the San Francisco Peace Treaty should be determined by three basic objectives:

- (1) Adequate provision for long-range security of the United States;*
- (2) Effectuation of a true and lasting regime of peace on the part of Japan; and*
- (3) The alignment of Japan for the indefinite future with the Western democracies and specifically with the United States.*¹⁰¹

To achieve these objectives, the commentary suggests being more sympathetic to the acute problems of Japan. The document should of course have some severe provisions; however, to build Japan into a democratic pro-Western state the document should also be lenient according to Sebald.

*[...] In putting forth these suggestions we have no interest in making the treaty "soft", or merely palatable for the Japanese; we are looking at it from the cold practical viewpoint of American interest in a treaty which will draw out of the Japanese willing cooperation and support in achieving American ends. [...]*¹⁰²

In addition to his goal of molding Japan into an US ally, Sebald was worried about the possibility that the Soviet Union would offer Japan a settlement that was more advantageous than the one planned by the United States. It was predicted that one of the advantages of a Soviet settlement would be to include more islands in the

¹⁰⁰ See Appendix VI p.88.

¹⁰¹ Sebald William J., Comment on Draft Treaty of Peace with Japan dated November 19, 1949. Online: https://en.wikisource.org/wiki/Comment_on_Draft_Treaty_of_Peace_with_Japan. (Accessed on: 25.10.2015). 67.

¹⁰² Sebald, Comment on Draft Treaty of Peace, 1949. Online: https://en.wikisource.org/wiki/Comment_on_Draft_Treaty_of_Peace_with_Japan. (Accessed on: 25.10.2015). 68.

Japanese territory, and at the end of Sebald's comment the following concession was made.¹⁰³

*[...] With regard to the disposition of islands formerly possessed by Japan in the direction of Korea it is suggested that Liancourt Rocks (Takeshima) be specified in our proposed Article 3 as belonging to Japan. Japan's claim to these islands is old and appears valid, and it is difficult to regard them as islands off the shore of Korea. Security considerations might also conceivably render the provision of weather and radar stations on these islands a matter of interest to the United States.*¹⁰⁴

As shown above, the shift of opinion about the Japanese territory in the fall of 1949 was carried out to bring the United States and Japan closer together in order to serve US interests best. According to the US Department of State, pro-Western orientation could not be imposed on Japan but had to be created by encouraging friendship between Japan and the West.¹⁰⁵ In this case the encouragement was in the form of establishing more favorable terms in the Peace Treaty drafts. Most of the subsequent drafts were in favor of Japan receiving Dokdo/Takeshima, starting with the draft from December 29th 1949.

[...]

Article 6

*Japan hereby renounces in favor of Korea all rights and titles to the Korean mainland territory and all offshore Korean islands, including Quelpart (Saishu To), the Nan How group (San To, or Komun Do) which forms Port Hamilton (Tonaikai), Dagelet Island (Utsuryo To, or Matsu Shima), and all other offshore Korean islands and islets to which Japan had acquired title.*¹⁰⁶

¹⁰³ Sebald, Comment on Draft Treaty of Peace, 1949. Online: https://en.wikisource.org/wiki/Comment_on_Draft_Treaty_of_Peace_with_Japan. (Accessed on: 25.10.2015).69.

¹⁰⁴ Sebald, Comment on Draft Treaty of Peace, 1949. Online: https://en.wikisource.org/wiki/Comment_on_Draft_Treaty_of_Peace_with_Japan. (Accessed on: 25.10.2015).74.

¹⁰⁵ Miyasato, Dulles and the Peace Settlement with Japan. In: Immerman, Dulles and the Diplomacy of the Cold War (1990). 191.

¹⁰⁶ Draft Treaty of Peace With Japan, U.S. Draft made on December 29, 1949. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#/media/File:491229_SF2.jpg. (Accessed on: 26.10.2015). 6.

In July 1950, the position that Dokdo/Takeshima should belong to Japan in the future was also reflected in a Commentary on the Draft Treaty by the Department of State.

The Islands of the Inland Sea, Oki Retto, Sado, Okujiri, Rebun and Riishiri – These islands and lesser islands in the Japan (sic!) Sea east of Tsushima, Takeshima and Rebun are almost exclusively populated by Japanese, have long been recognized as Japanese, were not “taken by violence and greed”, and are closer to Japan than to any other nation. None has been claimed by another power and Japan’s right to retain them is not likely to be questioned in the treaty negotiations. [...]

Takeshima (Liancourt Rocks) – The two uninhabited islets of Takeshima, almost equidistant from Japan and Korea in the Japan Sea, were formally claimed by Japan in 1905, apparently without protest by Korea, and placed under the jurisdiction of the Oki Islands Branch Office of Shimane Prefecture. They are a breeding ground for sea lions, and records show that for a long time Japanese fishermen migrated there during certain seasons. Unlike Dagelet Island a short distance to the west, Takeshima has no Korean name and does not appear ever to have been claimed by Korea. The islands have been used by U.S. forces during the occupation as a bombing range and have possible value as a weather or radar station site.¹⁰⁷

Including Dokdo/Takeshima in the list of islands that were not “taken by violence and greed” and stating that the island group “has no Korean name” may be interpreted as a lack of knowledge on the US side. It is also possible, however, that the US received wrong intelligence from the Japanese or that the Department of States faked ignorance about Dokdo/Takeshima possibly belonging to Korea to please Japan.

In 1950 it was decided to put more work into concluding the San Francisco Peace Treaty and John Foster Dulles was put in charge of negotiating it. Dulles went to work on the treaty with two main sets of preconceptions. The first set was about the

¹⁰⁷ Commentary by the US Department of State on Draft Treaty in July, 1950. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#/media/File:SF_DRAFT_491229_Department_of_State_03.jpg. (Accessed on: 26.10.2015). 1-3.

economy being the most important factor in conflicts, settlements and friendly relations. The second set of preconceptions contained Dulles' views about the Soviet Union and his conclusion that the greatest threat to world peace was Soviet communism. Dulles' preconceptions as well as his political ambitions were reflected in the negotiations of the Peace Treaty. In June 1950, two months after receiving primary responsibility for the treaty, Dulles and his colleagues defined long-range goals for Japan's future in a memorandum.¹⁰⁸

In the case of Japan the long-range, overall objective is:

A Japanese people who will be peacefully inclined;

effectively respect fundamental human rights;

be part of the free world;

be friendly to the United States;

be capable of developing their own well-being and self-respect without dependence on outside charity;

be able by their conduct and example to exhibit to the peoples of Asia and the Pacific Islands the advantages of the free way of life and thereby help in the effort to resist and throw back communism in this part of the world.¹⁰⁹

After the Korean War had broken out, Dulles was convinced that the North Koreans crossing the 38th parallel to the south was a threat to Japan as well and wanted to conclude the Peace Treaty with Japan as soon as possible. However, Secretary of Defense Johnson was hesitant over signing the treaty during the Korean War because, as mentioned above, United States bases in Japan could be used at will during the occupation and this freedom could be restricted after the conclusion of the Peace Treaty.¹¹⁰

¹⁰⁸ Miyasato, Dulles and the Peace Settlement with Japan. In: Immerman, Dulles and the Diplomacy of the Cold War (1990). 193-195.

¹⁰⁹ United States Department of State / Foreign Relations of the United States, 1950. East Asia and the Pacific (1950). Online: <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=turn&entity=FRUS.FRUS1950v06>. (Accessed on 21.11.2015). 1207.

¹¹⁰ Miyasato, Dulles and the Peace Settlement with Japan. In: Immerman, Dulles and the Diplomacy of the Cold War (1990). 198f.

In the subsequent drafts of the San Francisco Peace Treaty, Dokdo/Takeshima was included in the territory belonging to Japan. For example in the following draft made by the United Kingdom on April 7, 1951.

*Japanese sovereignty shall continue over all the islands and adjacent islets and rocks lying within an area bounded by a line from latitude 30° N, in a north-westerly direction to approximately latitude 33° N. 128° E. then northward between the islands of Quelpart, Fukue-Shima bearing north-easterly between Korea and the island of Tsushima, continuing in this direction with the islands of Oki-Retto to the south-east and Take Shima to the north-west [...]*¹¹¹

There were meetings between representatives of the United States and the United Kingdom, in preparation for a joint US-UK draft made on May 3rd 1951, in which the wording of the territorial clause was discussed.

*Both Delegations agreed that it would be preferable to specify only the territory over which Japan was renouncing sovereignty. In this connection, United States Article 3 would require the insertion of the three islands **Quelpart, Port Hamilton and Dagelet**. It was left undecided whether the sentence in British Article 2 requiring Japan to recognize whatever settlement the United Nations might make in Korea should be maintained or not. It was agreed that further consideration should be given to the drafting of the sentence dealing with Japan's renunciation of her mandates. [...]*¹¹²

In the subsequent drafts, Dokdo/Takeshima was not mentioned by name at all. There was an objection to the shortened version of the Treaty drafts, in a commentary by New Zealand on June 1st 1951.

¹¹¹ U.K. Draft made on April 7, 1951. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#U.K._Draft_made_on_April_7.2C_1951. (Accessed on: 2.11.2015).

¹¹² Joint U.S.-U.K. Draft made on May 3, 1951. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#Joint_U.S.-U.K._Draft_made_on_May_3.2C_1951_2. (Accessed on: 2.11.2015).

*In view of the need to ensure that none of the islands near Japan is left in disputed sovereignty, the New Zealand Government favours the precise delimitation by latitude and longitude of the territory to be retained by Japan as suggested in Article 1 of the United Kingdom's draft. The adoption of this device could for example make it clear that the Habomai Islands and Shikotan at present under Russian occupation will remain with Japan.*¹¹³

In a memorandum of July 13th 1951, Samuel W. Boggs, a State Department Geographer at the Office of Intelligence and Research, was in favor of going into more detail in the territorial clause of the Peace Treaty as well and he also raised the question again which country Dokdo/Takeshima should belong to.

The Liancourt Rocks (Takeshima) were among the islands to which, in a 1949 draft treaty, Japan would have renounced claim to Korea. In a Japanese Foreign Office publication, entitled "Minor Islands Adjacent to Japan Proper", Part IV, June 1947, Liancourt Rocks are included. It may therefore be advisable to name them specifically in the draft treaty, in some such form as the following [...]:

(a) Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton, Dagelet, and Liancourt Rocks.

These rocky islets are described as follows in the U.S. Hydrographic Office publication no. 123A, Sailing Directions for Japan, Volume I (1st ed., 1945):

Take Shima (Liancourt Rocks) (37°15' N., 131°52' E., H. O. Chart 3320) consists of two barren, guano-whitened, and uninhabited rocky islets and several rocks, which appear to be steep-to. They lie near the steamer track leading from Tsushima Strait to Vladivostok and to Hokkaido, in a position 85 miles northwestward of the Oki Retto, and as they have no navigational aids they present a hazard to mariners navigating in their

¹¹³ Commentary on Draft Treaty by the Department of State on June 1, 1951. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#Commentary_on_Draft_Treaty_by_the_Department_of_State_on_June_1.2C_1951. (Accessed on: 2.11.2015).

*vicinity at night or in thick weather. Both islets are cliffy, and the western and highest has a pointed summit, which rises 515 feet. They are usually visited by seal hunters in July and August.*¹¹⁴

In his memorandum of July 16th 1951, Boggs even writes about his uncertainty of whom Dokdo/Takeshima should belong to.

By one 1949 draft treaty with Japan, the Liancourt Rocks (Takeshima) were to have been renounced to Korea; by another draft at about the same time they were to be named as being retained by Japan. A Japanese Foreign Office publication, entitled "Minor Islands Adjacent to Japan Proper," Part IV, June 1947, includes "Liancourt Rocks (Takeshima)" and says:

It should be noted that while there is a Korean name for Dagelet [Ulleungdo], none exists for the Liancourt Rocks and they are not shown in the maps made in Korea.

*If it is decided to give them to Korea, it would be necessary only to add "and Liancourt Rocks" at the end of Art. 2, par. (a).*¹¹⁵

The Japanese Foreign Office publication saying that there is no Korean name for Liancourt Rocks/Takeshima points towards the Japanese giving the US false information. Japan clearly knew that the Korean name for the island group was "Dokdo"; the question is whether the Americans knew it too.

In a request from the Korean Ambassador Yu Chan Yang to the US Secretary of State on July 19th 1951, Dokdo/Takeshima was also mentioned.

[The Korean] Government requests that the word "renounces" in Paragraph a, Article Number 2, should be replaced by "[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,

¹¹⁴ Office Memorandum United States Government on July 13, 1951. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#/media/File:19519713_boggs1.jpg. (Accessed on: 03.11.2015). 11f.

¹¹⁵ Office Memorandum United States Government on July 16, 1951. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#/media/File:19510716_boggs1.jpg. (Accessed on: 03.11.2015). 13f.

including the island Quelpart, Port Hamilton, Dagelet, Dokdo and Parangdo.”¹¹⁶

In a US – ROK meeting on the same day, between members of the Korean Embassy and Ambassador John Foster Dulles, the following was kept on record.

[...]

After reading the Ambassador’s communication, Mr. Dulles discussed the three points contained therein. With regard to the first point, Mr. Dulles was in doubt that the formula confirming Japan’s renunciation of certain territorial claims to Korea could be included in the treaty in the form suggested by the ROK [above]. He explained that the terms of the Japanese surrender instrument of August 9, 1945 did not, of themselves, technically constitute a formal and final determination of this question. He added, however, that the Department would consider including in the treaty a clause giving retroactive effect to the Japanese renunciation of territorial claims to August 9, 1945. [...]

Mr. Dulles then inquired as to the location of the two islands, Dokdo and Parangdo. Mr. Han [Pyo Wook Han, First Secretary, Korean Embassy] stated that these were two small islands lying in the Sea of Japan, he believed in the general vicinity of Ullungdo. Mr. Dulles asked whether these islands had been Korean before the Japanese annexation, to which the Ambassador replied in the affirmative. If that were the case, Mr. Dulles saw no particular problem in including these islands in the pertinent part of the treaty which related to the renunciation of Japanese territorial claims to Korean territory.¹¹⁷

Since there was no other indication that there was a change in the opinion that the island group “Takeshima” should belong to Japan, it seems like Dulles and his team

¹¹⁶ Requests From Korea on July 19, 1951. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#/media/File:FRUS19510719.jpg. (Accessed on: 03.11.2015).

¹¹⁷ United States Department of State / Foreign relations of the United States, 1951. Asia and the Pacific (in two parts) (1951). Online: <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=header&id=FRUS.FRUS1951v06p1&isize=M>. (Accessed on: 3.11.2015). 1202f.

genuinely did not know that “Dokdo” and “Takeshima” were the same territory at that point.

According to a memorandum by Mr. Boggs on July 31st 1951, the US delegation tried to find out more about the islands Dokdo and Parangdo, failed however to realize that “Dokdo” and “Takeshima” were different names for the same island group.

In response to your telephone requests for information regarding to Dokdo and Parangdo, two islands which Korea desires to have Japan renounce in favor of Korea in the treaty of peace, we have tried all resources in Washington which we have thought of and have not been able to identify either of them.

[...]

Since it is difficult to find the name equivalents in the various languages, I am listing below the principal islands in which Korea is interested, in three columns giving the names in European, Japanese and Korean forms.

In these columns, Boggs listed the European name “Liancourt Rocks” next to the Japanese name “Take-shima” and put “(none)” into the Korean name-column, only to list the Korean name “Dokdo” below with question marks in the English and Japanese name-columns.¹¹⁸

After receiving Boggs’ memorandum, Robert A. Fearey from the Office of Northeast Asian Affairs, also tried to find out more about the named islands on August 3rd.

I asked the Korean desk to find out whether anyone in the Korean Embassy knew where they were. [...] they believed Dokdo was near Ullungdo, or Takeshima Rock, and suspected that Parangdo was too. Apparently that is all he can learn short of a cable to Muccio.¹¹⁹

On August 7th 1951, Dulles indeed did write a telegram to John Muccio, the United States Ambassador in Korea.

¹¹⁸ Memorandum by Mr. Boggs on July 31, 1951. Online: https://upload.wikimedia.org/wikipedia/commons/7/73/19510731_Boggs_Memo.jpg. (Accessed on: 3.11.2015).

¹¹⁹ Memorandum by Mr. Robert A. Fearey and Mr. Boggs on August 3, 1951. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#/media/File:19510803_US_investigation_0001.jpg. (Accessed on: 04.11.2015).

*Neither our geographers nor Korean Embassy have been able locate Dakdo (sic!) and Parangdo Islands. Therefore unless we hear immediately cannot consider this Korean proposal to confirm their sovereignty over these islands.*¹²⁰

It is possible that Dulles' team found out that "Dokdo" and "Takeshima" are the same earlier than they admitted but faked ignorance to not alienate the Koreans. It seems that ever since Sebald's comment on the treaty draft of November 2nd 1949, which is described above, the United States were determined to give the island group to Japan.

Eventually the Korean request was denied by Dean Rusk in a diplomatic note on August 10th 1951.

*[...] 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. 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. [...]*¹²¹

The reasons for this change of direction were for one the pamphlets that the Japanese Foreign Offices gave to the United States government in the early post-war years, concerning Japanese territory. Strategic considerations of the United States at that time were the stronger second reason for the change. Communism was expanding and the cold war was in the midst of escalation. As described above, Japan was of primary strategic importance for US interests in East Asia while Korea's

¹²⁰ Telegram to Muccio from Dulles on August 7, 1951. Online: https://upload.wikimedia.org/wikipedia/commons/8/89/19510807_acheson_1.jpg. (Accessed on: 04.11.2015).

¹²¹ Diplomatic note by Dean Rusk on August 10, 1951. Online: https://en.wikisource.org/wiki/Draft_Treaty_of_Peace_With_Japan#/media/File:Rusk1.jpg. (Accessed on: 04.11.2015).

future seemed unclear. If communism were to take over all of Korea, it was better for Dokdo/Takeshima to be in the hands of an ally.¹²²

The Korean War and the growing animosity between the United States and Russia in the early 1950s very strongly influenced decisions that were made for the Peace Treaty of San Francisco.¹²³

After John Foster Dulles was assigned with overseeing the drafting of the Peace Treaty and the Korean War had broken out, Dokdo/Takeshima disappeared from the drafts. The reason for this might have been a simple change in format because of which the text of the whole treaty was significantly shortened. When Dulles took charge, he wanted the treaty to be easier to read and comprehend by making it shorter and simpler. As shown above, the territorial clauses of the earlier drafts were very long and detailed, specifying the exact borderlines of Japan. The names of many islands were deleted from the Treaty drafts in addition to that of Dokdo/Takeshima. Even within the United States Department of State there were concerns that this might lead to problems and future territorial disputes.¹²⁴ One of the concerns had been raised by Mr. Fearey on August 9th 1951.

*Are the territorial dimensions of the new Japan sufficiently clear, for example, offshore islands like Sado and islands to which title may be disputed such as Tsushima and Takeshima?*¹²⁵

Although Fearey's point was not addressed in the final version of the Peace Treaty, it was specified in Chapter VI, Article 22 how territorial disputes should be dealt with.

If in the opinion of any Party to the present Treaty there has arisen a dispute concerning the interpretation or execution of the Treaty, which is not settled by other agreed means, the dispute shall, at the request of any

¹²² Hara Kimie, 50 Years from San Francisco: Re-Examining the Peace Treaty and Japan's Territorial Problems, in: Pacific Affairs, Vol. 74, No. 3 (2001). 370f.

¹²³ Beck, Japans Territorialkonflikte. (2013). 94f.

¹²⁴ Hara, 50 Years from San Francisco. In: Pacific Affairs, Vol. 74 (2001). 371f.

¹²⁵ From R. Fearey to Mr. Allison, 9 August 1951, NND913302, RG59, Lot 56D527, General Records of the Department of State, Office of Northeast Asia Affairs, Records Relating to the Treaty of Peace with Japan – Subject File, 1945-51. Box 6, NA. Cited by: Hara Kimie, 50 Years from San Francisco: Re-Examining the Peace Treaty and Japan's Territorial Problems, in: Pacific Affairs, Vol. 74, No. 3 (2001). 361-382. 372.

*party thereto, be referred for decision to the International Court of Justice.*¹²⁶

Dulles made the following comment regarding possible territorial disputes in the future, at the San Francisco Peace Conference in September 1951.

*Some Allied Powers suggested that Article 2 should not merely delimit Japanese sovereignty according to Potsdam [...] so far as Japan is concerned, leaving the future to resolve doubts by invoking international solvents other than this treaty.*¹²⁷

The main reason for Dulles making the treaty shorter and less detailed was most likely creating more room for the United States to manoeuvre in the future. The treaty left issues unresolved on purpose so the US would not have to disappoint any party. It worked as the US had hoped because both Japan and South Korea did become great allies for them in the future. However, their relations with each other are still strained until today, partially because of the less detailed Peace Treaty, as shown below. Dulles made it clear already in January 1951 that it was very important for the US that Japan would be saved from its communist neighbors.

*[...] with Communist domination of China and Manchuria, Sakhalin, the Kuriles, and possibly all of Korea, Japan would be placed in an invidious position and would be vulnerable to Communist domination unless the United States and the other friendly powers were able to assure Japan of a reasonable political, economic and military stability over the future.*¹²⁸

In the final text of the Peace Treaty of San Francisco, which was signed on September 8th 1951, the part about Japan's territory was kept very short and despite

¹²⁶ Treaty of Peace with Japan (with two declarations). Signed at San Francisco, on 8 September 1951. Online: <https://treaties.un.org/doc/Publication/UNTS/Volume%20136/volume-136-I-1832-English.pdf>. (Accessed on 27.12.2015). 72.

¹²⁷ Department of State Bulletin of 17 September 1951, San Francisco Conference for the Conclusion and Signature of the Peace Treaty with Japan. Online: <https://babel.hathitrust.org/cgi/pt?id=uiuo.ark:/13960/t8hd9dm9k;view=1up;seq=453>. (Accessed on: 18.05.2016). 454f.

¹²⁸ US Department of State / FRUS, 1951. Asia and the Pacific (1951). Online: <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=header&id=FRUS.FRUS1951v06p1&isize=M>. (Accessed on: 19.05.2016). 790.

warnings that the text had to be written with care to avoid future territorial disputes, Dokdo/Takeshima was not mentioned.

Chapter II. Territory

Article 2

(a) Japan recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.¹²⁹

¹²⁹ Treaty of Peace with Japan (with two declarations). Signed at San Francisco, on 8 September 1951. Online: <https://treaties.un.org/doc/Publication/UNTS/Volume%20136/volume-136-I-1832-English.pdf>. (Accessed on 27.12.2015). 48.

6. The Influence of “Dokdo/Takeshima” on South Korean – Japanese Relations

6.1. The Development of the Dispute after 1951

The MacArthur Line, which was mentioned above, was no longer valid after the Peace Treaty of San Francisco; however Syngman Rhee, the President of South Korea, unilaterally established a new line to mark the territories of South Korea and Japan in the Sea of Japan on January 18, 1952. The line was called “Peace Line” in South Korea and “Rhee-Line” in Japan. According to this line, Dokdo/Takeshima belonged to South Korea and its establishment was one trigger for the modern dispute over the island group. Japan protested strongly against it but got no reaction by South Korea. In 1953, both Japanese and South Korean citizens went to Dokdo/Takeshima to put up flags and claim the island group as belonging to their country. Members of the South Korean coastguard went to Dokdo/Takeshima in 1954, to build a lighthouse and a radar station on one of the main islands. This way, South Korea physically occupied the island group and any attempts by Japan to bring the dispute to the International Court of Justice were denied by South Korea. Japanese fishermen still went past the Rhee-Line to fish and were regularly caught by the South Korean coastguard and often held in custody for months by South Korean authorities. Japan sent 24 Notes Verbales to South Korea, between 1952 and 1960, demanding to get Dokdo/Takeshima back and South Korea sent 18 Notes Verbales back, denying the demands.¹³⁰

The South Korea-Japan Treaty on Basic Relations, with the purpose of normalizing relations between the two countries only entered into force in December 1965. Negotiations for the treaty, which is basically one of friendship and trade, had already started in 1951. Because of the complexity of the issues between South Korea and Japan it took fourteen years of numerous negotiations and talks and seven formal conferences to conclude the treaty. Even then the ROK government was against putting the word “friendship” into the formal name of the treaty because it feared a bad reaction from South Korean citizens.¹³¹ Shortly before it was signed, the government of the ROK declared its ownership of Dokdo/Takeshima again. Japan

¹³⁰ Beck, *Japans Territorialkonflikte*. (2013). 96f.

¹³¹ Kim Kwan Bong, *The Korea-Japan Treaty Crisis and the Instability of the Korean Political System*. (New York 1971). 40f.

and South Korea agreed to disagree on this issue and the island group was not mentioned in the Treaty on Basic Relations.¹³²

In the late 1970ies, conflicts between Japanese and South Korean citizens arose again, over who was allowed to fish in the area around Dokdo/Takeshima. In 1996 a bigger crisis in the dispute broke out when Japan was planning to establish a 200 nautical mile exclusive economic zone according to the new United Nations Convention of the Law of the Sea. The problems were that South Korea and Japan are partially fewer than 400 nautical miles apart and that Dokdo/Takeshima is situated less than 200 nautical miles from Japanese territory and therefore within its exclusive economic zone. A massive conflict between the two countries resulted. South Korea's strong reaction was most likely due to her worrying about Japan trying to conquer more territory again. The Law of the Sea Convention was primarily established to avoid conflicts; in this case, however, it achieved the opposite. South Korea's ownership of Dokdo/Takeshima was emphasized by many South Korean politicians in the media. The South Korean Foreign Minister for example stated that "Dokdo" was an integral part of the ROK according to history, geography and international law. The South Korean ministry of defense announced that it was examining military options of reacting to Japan's line of action. The ROK felt that the Japanese ratification of UNCLOS was a threat to South Korean sovereignty again. In turn, when Japan became aware that South Korea had started to build a pier on Dokdo/Takeshima, the Japanese Foreign Minister declared this an attack on Japanese sovereignty. This declaration by a high member of the Japanese government led to large-scale protests in South Korea, during which the Japanese flag was burned. The South Korean military increased their manpower on Dokdo/Takeshima to 34 men and the troops even received a phone call from the South Korean President Kim, who emphasized the importance of their mission. This shows again how strong the feelings of both parties were – and still are – concerning this territorial dispute. A month later President Kim and the Japanese Prime Minister Hashimoto met at a summit in Thailand where they agreed to try to settle the conflict peacefully and start negotiations about the exclusive economic zone and a new fishing agreement. However, the situation between South Korea and Japan only

¹³² Hyun, The Dokdo · Takeshima Issue. In: Hyun (ed.), The Historical Perceptions of Korea and Japan. 39.

somewhat calmed down, when new heads of state took power in 1998. A new fishing agreement was only signed in winter 1999.

Until today, the dispute about the island group has resurfaced almost every year since then. In 1999 some Japanese families symbolically registered Dokdo/Takeshima as their place of residence which caused uproar in South Korea. In 2004, following many initiatives, over 900 South Korean citizens were registered as living on Dokdo/Takeshima. In the same year, Dokdo-stamps, depicting the island group and its flora and fauna, were printed in South Korea. Japan wanted to stop the production of these stamps but failed. The Dokdo-stamps were very popular in South Korea and the 2.2 million sheets were sold out almost immediately.¹³³

6.2. The Depiction of the Dokdo/Takeshima Case by the South Korean and Japanese Ministries of Foreign Affairs

The importance the case of Dokdo/Takeshima has for the South Korean and the Japanese governments can be seen when looking at the English versions of their Ministries of Foreign Affairs' websites.

The island group is addressed on the main page of the Japanese Ministry of Foreign Affairs (MOFA); of course under the name "Takeshima". It is situated in the center of the page, together with "Northern Territories" and "Senkaku Islands" under "Japanese Territory" in the category "Topics".¹³⁴ After clicking on "Japanese Territory" and then "Takeshima", the reader is directed to a detailed section dedicated to the island group.

In the center of the page "Japan's Consistent Position on the Territorial Sovereignty over Takeshima"¹³⁵ is situated. The most important statement of this position is that according to the Japanese "Takeshima is indisputably an inherent part of the territory of Japan, in light of historical facts and based on international law"¹³⁶. The words "international law" and "historical facts" are used abundantly on this homepage but it is rarely explained what is meant by them. They most likely refer to the annexation of Dokdo/Takeshima by Japan in 1905 and the fact that the island group was not

¹³³ Beck, Japans Territorialkonflikte. (2013). 98-101.

¹³⁴ Ministry of Foreign Affairs, Japan (ed.), Main Page. Online: <http://www.mofa.go.jp/index.html#> (Accessed on: 25.11.2015).

¹³⁵ See Appendix VII p. 92.

¹³⁶ Ministry of Foreign Affairs, Japan (ed.), Japanese Territory. Takeshima. Online: <http://www.mofa.go.jp/region/asia-paci/takeshima/index.html> (Accessed on 25.11.2015).

excluded from the Japanese territory in the final draft of the San Francisco Peace Treaty. The question is whether the annexation in 1905 happened because of “violence and greed” in which case Dokdo/Takeshima should have been given back to its previous owner according to the Cairo Declaration of 1943. The Japanese standpoint is that the island group did not belong to anyone before 1905 but South Korea insists that the island group was their territory and both sides claim to have historical sources to prove their points.

This section of the website also emphasizes that Japan has been trying to settle the dispute before the International Court of Justice but has been turned down by the South Korean government which is occupying the island group saying that Dokdo/Takeshima indisputably belongs to them.

On the right side of the page is a link to a video entitled “Takeshima – Seeking a Solution based on Law and Dialogue”¹³⁷, a leaflet and a pamphlet about Dokdo/Takeshima. The video is a two-minute narrative about Japan’s perception of the development of the dispute. Below the link to the video, the two page leaflet and ten page pamphlet have largely the same content as the video, including the following scenic pictures of the island group.



Figure 4¹³⁸

On the left side of the page a table of contents is situated.¹³⁹ “Takeshima Information” gives an overview of the island group’s location, geography and usage as a fishing ground.¹⁴⁰

¹³⁷ For the video “Takeshima – Seeking a Solution based on Law and Dialogue” see: <https://www.youtube.com/watch?v=DYRHZX3m-bg>. Accessed on (27.11.2015).

¹³⁸ Photo of „Takeshima“ by Shisei Kuwabara. Online: <http://www.mofa.go.jp/region/asia-paci/takeshima/index.html>. (Accessed on: 17.04.2016).

The chapter “*Takeshima Dispute*” has a number of subchapters:

- *Recognition of Takeshima*
- *Sovereignty over Takeshima*
- *Prohibition of Passage to Utsuryo Island*
- *Incorporation of Takeshima into Shimane Prefecture*
- *Takeshima Immediately After World War II*
- *Treatment of Takeshima in the San Francisco Peace Treaty*
- *Takeshima as a Bombing Range for the U.S. Forces*
- *Establishment of “Syngman Rhee Line” and Illegal Occupation of Takeshima by the Republic of Korea*
- *Proposal of Referral to the International Court of Justice*¹⁴¹

While the chapter “*Takeshima Dispute*” tries to prove the Japanese claim on Dokdo/Takeshima in every subchapter, the Q & A section’s only purpose seems to be trying to prove that South Korea does not have a claim on the island group with the following statements.

- Dokdo/Takeshima lies closer to South Korea; however, geographical proximity has nothing to do with territorial sovereignty.
- The South Korean claim is partially based on historical documents that mention an island close to Ulleungdo. The name “Dokdo” is never mentioned in these sources, therefore there is no proof that the island mentioned was indeed Dokdo/Takeshima.
- Ahn Yong-Bok’s story lacks credibility.
- The Republic of Korea has shown no proof that Dokdo/Takeshima was her territory before its annexation by Japan in 1905.
- Dokdo/Takeshima was not “taken by violence and greed” and the San Francisco Peace Treaty confirms that the island group is Japanese territory.

¹³⁹ MOFA Japan (ed.); Takeshima. Online: <http://www.mofa.go.jp/region/asia-paci/takeshima/index.html> (Accessed on 27.11.2015).

¹⁴⁰ MOFA Japan (ed.), Information about Takeshima. Online: http://www.mofa.go.jp/a_o/na/takeshima/page1we_000014.html. (Accessed on 27.11.2015).

¹⁴¹ MOFA Japan (ed.); Takeshima. Online: <http://www.mofa.go.jp/region/asia-paci/takeshima/index.html> (Accessed on 27.11.2015).

- SCAP placing Dokdo/Takeshima outside Japanese territory has no relevance because SCAP did not have the authority to make permanent decisions regarding territory.¹⁴²

It is interesting how these statements try to disprove the South Korean claims mostly by saying that they are wrong without really offering an explanation why they are wrong. It is also quite bold of the Japanese government to state that Dokdo/Takeshima being their territory is confirmed by the San Francisco Peace Treaty. The island group was not mentioned in the treaty and whether it was taken by “violence and greed” or not has not been decided at all.

The chapter “Press Releases” only contains three documents about Japan’s most recent proposal from 2012 to bring the case of Dokdo/Takeshima before the International Court of Justice and a statement about the Republic of Korea’s refusal of it.¹⁴³

On the main page of the South Korean Ministry of Foreign Affairs, the word “Dokdo” can be found two times. At the very top of the page beneath the search-function, “Dokdo” is listed as one of the five most searched for terms, next to “MOFA”, “Green Growth”, “ODA” (Official Development Assistance) and “North Korea”. A little further down, to the right side of the main page, the island group is situated at the top of the “Issues in Focus”, before “East Sea”, “Goguryeo”, an ancient kingdom which has become an issue between Korea and China, and “North Korean Nuclear Issues”. Above the “Issues in Focus”, videos of different issues are situated; one of them, “Dokdo, Beautiful Island of Korea” is mainly about the conflict and Japan’s “wrongful claim” of the island group.¹⁴⁴

After clicking on “Dokdo” on the main page of the South Korean MOFA, the reader gets connected to a new website, also entitled “Dokdo, Beautiful Island of Korea”, with the underline “Dokdo is an integral part of Korea’s territory historically, geographically, and under international law.” The header “Korea’s Position on Dokdo”

¹⁴² Ministry of Foreign Affairs, Japan (ed.), Q&A About the Takeshima Dispute. Online: http://www.mofa.go.jp/a_o/na/takeshima/page1we_000066.html. (Accessed on 27.11.2015).

¹⁴³ Ministry of Foreign Affairs, Japan (ed.), Press Releases. Online: http://www.mofa.go.jp/a_o/na/takeshima/page1we_000023.html. (Accessed on 27.11.2015).

¹⁴⁴ Ministry of Foreign Affairs, Republic of Korea (ed.), Main Page. Online: www.mofa.go.kr/ENG/main/. (Accessed on: 28.11.2015).

has four subchapters called “Government’s Basic Position”, “Why Dokdo is Korean Territory”, “Q&A on Dokdo” and “Government Statements”.¹⁴⁵

The rhetoric of the “Government’s Basic Position”¹⁴⁶ is very similar to that of “Japan’s Consistent Position on the Territorial Sovereignty over Takeshima” on the Japanese MOFA homepage. “History” and “International Law” are also the words of choice to explain why “Dokdo is an integral part of Korean territory” without making clear what is meant by them. The South Korean Government’s Basic Position goes a step further and states that there is no territorial dispute over the island group because the Republic of Korea exercises “irrefutable territorial sovereignty over Dokdo”. Making so much effort and dedicating so many resources to prove that the tiny island group is under South Korean sovereignty is in itself evidence that there is a dispute. Admitting it might however hurt the South Korean national pride so they pretend that the territorial dispute over Dokdo/Takeshima does not exist.

The subchapter “Why Dokdo is Korean Territory” contains a very detailed timetable of events from 512 AD to 1951 that is meant to prove South Korea’s ownership of the island group.¹⁴⁷

Of the fifteen questions listed in the Q & A section, the last three are probably the most interesting. Q & A 13 states that Dokdo/Takeshima not being named in the San Francisco Peace Treaty does not mean that it does not belong to South Korea because only three of ROK’s circa 3000 islands are named in the treaty. One could argue that the other islands were not disputed at the time and that the argument also works in the other direction – the island group not being named does not mean it does not belong to Japan. Q & A 14 concerns the reason why the ROK will not refer the island dispute to the International Court of Justice. As mentioned above, South Korea insists that there is no dispute over the island group’s sovereignty. The annexation of Dokdo/Takeshima by Japan in 1905 is seen as the beginning of the colonialization of Korea and Japan’s continuing claim of the island group has – in the past – caused concern that Japan might repeat the course of aggression. According to Q & A 15 “the Republic of Korea holds legislative, administrative and judicial jurisdiction over Dokdo”. A ROK police force is stationed on the island group and the

¹⁴⁵ Ministry of Foreign Affairs, Republic of Korea (ed.), Dokdo, Beautiful Island of Korea. Online: <http://dokdo.mofa.go.kr/eng/>. (Accessed on: 29.11.2015).

¹⁴⁶ See Appendix VIII p. 92.

¹⁴⁷ Ministry of Foreign Affairs, Republic of Korea (ed.), Why Dokdo is Korean Territory. Online: <http://dokdo.mofa.go.kr/eng/dokdo/reason.jsp>. (Accessed on: 29.11.2015).

ROK military is protecting the area around it. Various laws and regulations specifically concerning Dokdo/Takeshima have been implemented in South Korea. There are government facilities and a lighthouse on one of the islands and South Korean citizens live there.¹⁴⁸

Most of the “Government Statements”, in the next subchapter, show outrage over Japan’s continuing claim of Dokdo/Takeshima. One of them is the “MOFA Spokesperson’s Statement on the Account of ROK-Japan Relations in Japan’s Diplomatic Bluebook 2015”¹⁴⁹ from the 7th of April 2015. In addition to claiming Dokdo/Takeshima again, Japan’s Diplomatic Bluebook apparently played down the Japanese military’s role in the sexual slavery issue during World War II. The comparison between the case of Dokdo/Takeshima and the so-called “Comfort Women System” emphasizes just how important the island group is for South Korea because of its symbolic value.

Similar to the Japanese MOFA’s website, there is a section dedicated to a detailed description of the island group’s location, geography and flora and fauna under the header “Facts about Dokdo”.¹⁵⁰

In the website’s “Media Center”, Press Releases, Audiovisual Resources and PR Material are available.¹⁵¹

It is very hard to determine what statements can be taken seriously as containing some truth in this island dispute. When South Korea attempts to show proof that Dokdo/Takeshima is theirs, Japan claims that the opposite is true and vice versa. The most important question that arises here might be whether the island group was Korean territory in 1905 before it was annexed by Japan; i.e. whether it was taken by “violence and greed”. South Korea of course says “yes” and Japan says “no” and the way the respective MOFA websites are structured it seems unlikely that either will change their position anytime soon.

Even though the importance the South Korean and Japanese governments place on their claims of Dokdo/Takeshima becomes apparent when looking at these websites, neither the Japanese nor the South Korean Ministries of Foreign Affairs explain why

¹⁴⁸ For complete Q & A 13-15 see Appendix IX p. 93.

¹⁴⁹ Ministry of Foreign Affairs, Republic of Korea (ed.), Government Statements. Online: http://dokdo.mofa.go.kr/eng/dokdo/government_announce_list.jsp. (Accessed on: 29.11.2015). See Appendix X p.95.

¹⁵⁰ Ministry of Foreign Affairs, Republic of Korea (ed.), Facts about Dokdo. Online: <http://dokdo.mofa.go.kr/eng/introduce/location.jsp>. (Accessed on: 29.11.2015).

¹⁵¹ Ministry of Foreign Affairs, Republic of Korea (ed.), Media Center. Online: http://dokdo.mofa.go.kr/eng/pds/press_list.jsp. (Accessed on : 29.11.2015).

the ownership of the island group is more important than the strain on the relationship with a close neighbor.

7. Conclusions

The analysis of the conflict about Dokdo/Takeshima shows that there is no solution for the dispute in sight. The conflict is kept alive and fresh by claims, declarations, publications and media coverage in both South Korea and Japan. The relatively low material value of the island group makes it clear that possessing it is a matter of principle. Subjectively, it makes more sense that South Korea is so keen on possessing Dokdo/Takeshima, because of the colonial past between South Korea and Japan. The ownership of the island group is seen as a symbol of South Korean sovereignty and independence from Japan. Japan's continuing claim can most likely be contributed to national pride. It is also possible that some nationalistic, right wing factions in the Japanese government still see Korea as inferior to Japan and are therefore not willing to back down from any dispute with South Korea.

The origins of the modern conflict about Dokdo/Takeshima can be traced back to the years after World War Two and the drafting of the San Francisco Peace Treaty. The United States had a lot of different matters to deal with during that time, for example the Korean War and the Cold War. However the US government was also paranoid about communism and convinced that the United States was the "leader of the free world" and therefore had to make decisions for every part of the world. This led to decisions that were made to best serve United States interests and that were often one-sided and sometimes misinformed, as the case of Dokdo/Takeshima shows. The Peace Treaty of San Francisco was drafted in a way that best served United States interests. The Japanese territory was not clearly defined, most likely because the United States did not want to make any ally unhappy during the Cold War and the Korean War. Warnings about future territorial disputes for example by the drafting team of New Zealand in June 1951 and by Robert Fearey from the US Office of Northeast Asian Affairs in August 1951 were ignored resulting, among others, in the dispute over Dokdo/Takeshima which continues to put a strain on the foreign relations between South Korea and Japan.

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Figures:

Figure 1: Map of surrounding area of “Takeshima”. Online: <http://www.mofa.go.jp/region/asia-paci/takeshima/index.html>. (Accessed on: 17.04.2016).

Figure 2: Geographical features of “Dokdo”. Online: <http://dokdo.mofa.go.kr/eng/introduce/location.jsp>. (Accessed on : 17.04.2016).

Figure 3: Map of the Japanese Territory according to the August 5th 1947 draft of the San Francisco Peace Treaty. Online: <http://www.gcmap.com/mapui?P=45%b045%27N140E-45%b045%27N149%b010%27E-37N149%b010%27E-23%b030%27N134E-23%b030%27N122%b030%27E-26N122%b030%27E-30N127E-33N127E-40N136E-45%b045%27N140E> . (Accessed on 05.03.2016).

Figure 4: Photo of „Takeshima“ by Shisei Kuwabara. Online: <http://www.mofa.go.jp/region/asia-paci/takeshima/index.html>. (Accessed on: 17.04.2016).

Appendix

I.

Report by the National Security Council on the Position of the United States with Respect to Soviet-Directed World Communism [1948]¹⁵²

The Problem

1. To assess and appraise the position of the United States with respect to Soviet-directed world communism, taking into account the security interests of the United States.

Analysis

2. The ultimate objective of Soviet-directed world communism is the domination of the world. To this end, Soviet-directed world communism employs against its victims in opportunistic coordination the complementary instruments of Soviet aggressive pressure from without and militant revolutionary subversion from within. Both instruments are supported by the formidable material power of the USSR and their use is facilitated by the chaotic aftermath of the war.

3. The defeat of the Axis left the world with only two great centers of national power, the United States and the USSR. The Soviet Union is the source of power from which international communism chiefly derives its capability to threaten the existence of free nations. The United States is the only source of power capable of mobilizing successful opposition to the communist goal of world conquest. Between the United States and the USSR there are in Europe and Asia areas of great potential power which if added to the existing strength of the Soviet world would enable the latter to become so superior in manpower, resources and territory that the prospect for the survival of the United States as a free nation would be slight. In these circumstances the USSR has engaged the United States in a struggle for power, or "cold war", in which our national security is at stake and from which we cannot withdraw short of eventual national suicide.

¹⁵² U.S. Department of State / FRUS, 1948. General; the United Nations (in two parts) (1948). United States national security policy: estimates of threats to the national security; organization for national security; military posture and foreign policy; the extension of military assistance to foreign nations; efforts to acquire military bases and air transit rights in foreign areas; foreign policy aspects of strategic stockpiling; foreign information policy. Online: <http://images.library.wisc.edu/FRUS/EFacs/1948v01p2/reference/frus.frus1948v01p2.i0007.pdf>. (Accessed on 28.04.2015). 546-548.

4. Already Soviet-directed world communism has achieved alarming success in its drive toward world conquest. It has established satellite police states in Poland, Yugoslavia, Albania, Hungary, Bulgaria, Rumania, and Czechoslovakia; it poses an immediate threat to Italy, Greece, Finland, Korea, the Scandinavian countries, and others. The USSR has prevented the conclusion of peace treaties with Germany, Austria, and Japan; and has made impossible the international control of atomic energy and the effective functioning of the United Nations. Today Stalin has come close to achieving what Hitler attempted in vain. The Soviet world extends from the Elbe River and the Adriatic Sea on the west to Manchuria on the east, and embraces one-fifth of the land surface of the world.

5. In addition, Soviet-directed world communism has faced the non-Soviet world with something new in history. This is the world-wide Fifth Column directed at frustrating foreign policy, dividing and confusing the people of a country, planting the seeds of disruption in time of war, and subverting the freedom of democratic states. Under a multitude of disguises, it is capable of fomenting disorders, including armed conflicts, within its victim's territory without involving the direct responsibility of any communist state. The democracies have been deterred in effectively meeting this threat, in part because communism has been allowed to operate as a legitimate political activity under the protection of civil liberties.

6. In its relations with other nations the USSR is guided by the communist dogma that the peaceful co-existence of communist and capitalist states is in the long run impossible. On the basis of this postulate of ultimate inevitable conflict, the USSR is attempting to gain world domination by subversion, and by legal and illegal political and economic measures, but might ultimately resort to war if necessary to gain its ends. Such a war might be waged openly by the USSR with her satellites, or might be waged by one or a combination of the satellites with the avowed neutrality or disapproval of the USSR, though with her covert support. However, the Soviet Union so far has sought to avoid overt conflict, since time is required to build up its strength and concurrently to weaken and divide its opponents. In such a postponement, time is on the side of the Soviet Union so long as it can continue to increase its relative power by the present process of indirect aggression and internal subversion.

7. In view of the nature of Soviet-directed world communism, the successes which it has already achieved, and the threat of further advances in the immediate future, a defensive policy cannot be considered an effectual means of checking the

momentum of communist expansion and inducing the Kremlin to relinquish its aggressive designs. A defensive policy by attempting to be strong everywhere runs the risk of being weak everywhere. It leaves the initiative to the Kremlin, enabling it to strike at the time and place most suitable to its purpose and to effect tactical withdrawals and diversions. It permits the Kremlin to hold what it has already gained and leaves its power potential intact.

8. As an alternative to a defensive policy the United States has open to it the organization of a world-wide counter-offensive against Soviet-directed world communism. Such a policy would involve first of all strengthening the military potential of the United States, and secondly, mobilizing and strengthening the potential of the non-Soviet world. A counter-offensive policy would gain the initiative and permit concentration of strength on vital objectives. It would strengthen the will to resist of anti-communist forces throughout the world and furnish convincing evidence of US determination to thwart the communist design of world conquest. It should enlist the support of the American people and of the peoples of the non-Soviet world. It would be consistent with the national objectives of the United States. This policy, in fact, would be the most effective way of deterring the USSR from further aggression. Such aggression might ultimately require the United States, in order to sustain itself to mobilize all of its resources against the continued threat of war, resulting in the creation of a vast armed camp within its borders. In the latter eventuality, rigid economies, regimentation and a fear psychosis might easily promote the very conditions in the United States that we are determined to eliminate elsewhere in the world. The measures adopted under a counter-offensive policy need not be inconsistent with the purposes and principles of the United Nations. We would continue to support the United Nations within the limits of its capabilities, and seek to strengthen it.

Conclusions

9. The defeat of the forces of Soviet-directed world communism is vital to the security of the United States.

10. This objective cannot be achieved by a defensive policy.

11. The United States should therefore take the lead in organizing a world-wide counter-offensive aimed at mobilizing and strengthening our own and anti-communist forces in the non-Soviet world, and at undermining the strength of the communist forces in the Soviet world.

II.

Intelligence Estimate Prepared by the Estimates Group, Office of Intelligence
Research, Department of State¹⁵³

[Washington,] June 25, 1950.

Korea

(Preliminary Version)

I. Prospects in Korea

A. The North Korean objective in invading South Korea is outright control over the Korean peninsula. North Korea presently intends to attain a decisive victory through the capture of Seoul in the next 7-day period. In the next 72 hours, North Korea may make a "peace offer," but it can be taken for granted that this offer will be of such nature as to involve the surrender of the Rhee Government and will not indicate modification of the original objective.

B. Without effective US aid, the South Korean forces will offer immediate resistance along the Seoul defense line, in which effort they will receive strong popular support. The Communists will not be capable of developing effective local resistance behind the lines. The South Korean forces are, however, militarily inferior to the North Korean forces and are not considered capable of offering more than limited resistance because of the lack of equal armor, heavy artillery, and aircraft. It is anticipated that the inferior equipment and their limited supply of ammunition will within a short period force a break at some point in the defense line, the eventual loss of Seoul, and the collapse of organized resistance. At the point when military defeat appears imminent, the will to resist among the South Korean people is also likely to collapse.

US withdrawal would signify the end of organized resistance in South Korea. In view of Defense Department estimates, the delivery of limited US aid and the assumed failure of the US to make a full commitment to South Korea would have an adverse effect on Korean morale and, while limited resistance would be maintained for a period, the capture of Seoul would end organized resistance. If military assistance were received from the US immediately, in effective quantities, and including critical

¹⁵³ United States Department of State / Foreign Relations of the United States, 1950. Korea (1950). The outbreak of hostilities in Korea; response of the United States and the United Nations to events in Korea, June 24-30, 1950. Online: <http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1950v07>. (Accessed on 01.06.2015). 148-152.

armaments – planes, artillery – the will to resist of the South Korean military forces and people would be strengthened.

II. U.S.S.R. Motivations

A. The North Korean Government is completely under Kremlin control and there is no possibility that the North Koreans acted without prior instruction from Moscow. The move against South Korea must therefore be considered a Soviet move.

B. A Kremlin decision to resort to open aggression in Korea is in line with the increasing militancy that has marked Soviet policy during the past eight months. However, it is unique among moves during this period, in fact among postwar moves generally, in that it clearly carries with it the definite risk of involving US armed forces and hence the risk of a general war. (The Kremlin probably discounts this risk, but even allowing for a heavy discount, the Kremlin must recognize that there still remains a possibility of war breaking out.) The Kremlin must therefore have either (1) considered Korea as more important than we have assumed, or (2) calculated that under any circumstances an armed clash with the US is more imminent than we had estimated. It is estimated that of these two alternatives, the first is the more likely.

C. There have been indications since early June that the USSR has been reviewing its Far Eastern policy with a conference in Moscow of practically all of the top Soviet Representatives in Far Eastern areas. It therefore can be assumed that the move in Korea was decided only after the most minute examination of all factors involved in the Far Eastern situation. Ambassador Panyushkin's [Alexander Panyushkin, Soviet Ambassador in the United States] and General Derevyanko's [Gen. Kuzina Derevyanko, Soviet representative on the Allied Council for Japan] special function in this decision might well have been to estimate probable US reaction to the invasion.

D. While overt indications were that the conference was concerned with particular local Far Eastern situations – specifically US moves on the Japanese Peace Treaty, on aid to Indo-China, and further assistance to Korea – it is not believed that the attack on South Korea was resorted to merely for the purpose of achieving or furthering local Korean aims. Considering the apparent US commitments to South Korea, is (sic!) estimated that Moscow would not have taken the risks involved – even allowing for a heavy discounting of these risks – unless liquidation of the South

Korean Government was called for by the Kremlin's global strategy, as distinct from North East Asian strategy.

E. The liquidation of the South Korean Government would fit into Soviet global strategy in the following particulars:

1. It offers a test on ground militarily most favorable to the Soviet Union of the resolution of the US in its announced policy of "total diplomacy." Such a test would probably be considered important in connection with possible Chinese moves in support of Ho Chi Minh [President of the Democratic Republic of Viet-Nam], Burmese Communists, or Malayan Communists; possibly, a satellite attack on Yugoslavia; and possible Soviet moves in Germany or Iran.

2. A severe blow would be dealt US prestige throughout Asia and the encouragement which has been felt in widely scattered areas in consequence of the promise of more active American support of anti-Communist forces would be reversed. Equally important, the feeling would grow among South East Asian peoples that the USSR is advancing invincibly, and there would be a greatly increased impulse to "get on the bandwagon."

- [3.] Soviet military control of all Korea would be, from the Soviet standpoint, an important step in making secure the approaches to the USSR. During recent weeks Moscow has demonstrated increasing sensitivity over this matter – i.e., Baltic, Black Sea, and Iranian approaches. Elimination of the US "salient" in Korea would deny to the US any area where land forces could be staged for an attack on either Soviet Far Eastern territories or China.

4. Soviet military domination of all Korea would give Moscow an important weapon for the intimidation of the Japanese in connection with Japan's future alignment with the US. The Kremlin may estimate that with control of Korea, elements in Japan favoring a neutral course would be greatly strengthened. Moreover, Soviet military leaders may estimate that if war does actually come, possession of Korea would be of great strategic value in neutralizing the usefulness of Japan as an American base.

III. Consequences in the Far East

A. Japan.

The consequences of the invasion will be most important in Japan. The Japanese will unhesitatingly assume that the invasion is Soviet-directed and forms part of an over-all strategy which, at some point, includes Japan. Japanese reactions to the

invasion will depend almost entirely upon the course of action pursued by the United States since they will regard the position taken by the United States as presaging US action should Japan be threatened with invasion.

Failure of the United States to take any action in Korea would strengthen existing widespread desire for neutrality. Defeat of the ROK would greatly intensify Japanese feelings of vulnerability while at the same time the failure of the US to assist the ROK would add force to the argument that alignment of Japan with the United States would, while inviting Soviet aggression, in no way ensure American protection of Japan against such aggression. Although this reaction might be counterbalanced to some degree by the commitment of significant additional US military strength to Japan and the restoration of Japanese sovereignty to the point where the Japanese could feel themselves at least partially partners in a defensive arrangement rather than the unwilling tools of American strategy, the undercurrent of doubt as to ultimate US intentions would remain sufficiently strong to reduce Japan's utility and reliability as an ally.

Rapid and unhesitating US support for the ROK, on the other hand, would reassure the Japanese as to their own fate and, since Soviet aggressive intentions in the Far East will be underlined for the Japanese by the invasion, would enhance their willingness to accept US protection and its implications, though not the indefinite continuance of US direction of internal affairs.

Should US support be insufficient to prevent defeat of the ROK, the question of the value to Japan of similar support – as against the provocation support constitutes – will inevitably be raised. Considerations that will enter into the formation of Japanese attitudes under such circumstances – other than the immediate factors responsible to the Republic's defeat – will include the following: (1) the degree to which American opinion appears to be moving toward the conclusion that a Communist Korea renders Japan valueless as a US base, or, conversely, enhances Japan's value as a base; (2) the degree to which the Japanese regard Japan's geographic, political, and economic situation as so different from that of the ROK that the defeat of the Republic does not point to US inability to defend Japan; and (3) the degree to which the Japanese feel that considerations of the undesirability of precipitating World War III are valid in the case of Korea, but would not be applied to themselves.

III.

United States Courses of Action With Respect to Korea¹⁵⁴

The Problem

1. To determine what United States course of action with respect to Korea would be best calculated to advance the national interests of the United States.

Analysis

2. The present United Nations action in Korea is being taken in pursuance of the Security Council resolutions of June 25 and June 27, 1950. The Resolution of June 25 called for "the immediate cessation of hostilities", called upon "the authorities of North Korea to withdraw forthwith their armed forces to the thirty-eighth parallel", and called upon all U.N. members "to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities." The Resolution of June 27 noted the failure of the North Korean authorities to comply with the resolution of June 25 and recommended that "the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."

3. In a third resolution (July 7, 1950), the Security Council requested the United Nations [*States*] to designate a Commander for all the forces of the members of the United Nations in the Korean operation, and authorized that these forces fly the U.N. flag. In response to this resolution, General MacArthur has been designated Commander of the U.N. forces in Korea. The Republic of Korea has also placed its forces under General MacArthur's command.

4. The political objective of the United Nations in Korea is to bring about the complete independence and unity of Korea in accordance with the General Assembly resolutions of November 14, 1947, December 12, 1948, and October 21, 1949.

5. The United States has strongly supported this political objective. If the present United Nations action in Korea can accomplish this political objective without substantially increasing the risk of general war with the Soviet Union or Communist

¹⁵⁴ United States Department of State / FRUS, 1950. Korea (1950). The period of the North Korean offensive, July 1-September 15, 1950: British and Indian efforts at mediation; United Nations activities concerning Korea; the problem of the 38th parallel. Report by the National Security Council to the President. Washington, September 9, 1950. Online: <http://digital.library.wisc.edu/1711.dl/FRUS.FRUS1950v07>. (Accessed on 01.06.2015). 712-714.

China, it would be in our interest to advocate the pressing of the United Nations action to this conclusion. It would not be in our national interest, however, nor presumably would other friendly members of the United Nations regard it as being in their interest, to take action in Korea which would involve a substantial risk of general war. Furthermore, it would not be in our national interest to take action in Korea which did not have the support of the great majority of the United Nations, even if, in our judgment, such action did not involve a substantial risk of general war.

6. As U.N. forces succeed in stabilizing the front, driving back the North Korean forces, and approaching the 38th parallel, the decisions and actions taken by the United States and other U.N. members which are supporting the Security Council resolutions, and those taken by the Kremlin, will determine whether hostilities are confined to operations against the North Koreans or spread so that the danger of a third world war is greatly increased.

7. It is unlikely that the Soviet Union will passively accept the emergence of a situation in which all or most of Korea would pass from its control, unless it believes that it can take action which would prevent this *and* which would not involve a substantial risk of general war or unless it is now prepared to accept such risk. The Soviet Union may decide that it can risk reoccupying North Korea before United Nation forces have reached the 38th parallel, or the conclusion of an arrangement with the North Korean regime under which Soviet forces would be pledged to the defense of the territory of the "People's Republic of Northern Korea". Alternatively, the Soviet Union might initiate some move toward a negotiated settlement while hostilities are still in progress south of the 38th parallel. In view of the importance of avoiding general war we should be prepared to negotiate a settlement favorable to us. Such a settlement should not leave the aggressor in an advantageous position that would invite a repetition of the aggression and that would undermine the authority and strength of the United Nations.

IV.

U.S. Initial Post-Surrender Policy for Japan¹⁵⁵

Part I – Ultimate Objectives

The ultimate objectives of the United States in regard to Japan, to which policies in the initial period must conform, are:

(a) To insure that Japan will not again become a menace to the United States or to the peace and security of the world.

(b) To bring about the eventual establishment of a peaceful and responsible government which will respect the rights of other states and will support the objectives of the United States as reflected in the ideals and principles of the Charter of the United Nations. The United States desires that this government should conform as closely as may be to principles of democratic self-government but it is not the responsibility of the Allied Powers to impose upon Japan any form of government not supported by the freely expressed will of the people.

These objectives will be achieved by the following principal means:

(a) Japan's sovereignty will be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor outlying islands as may be determined, in accordance with the Cairo Declaration and other agreements to which the United States is or may be a party.

(b) Japan will be completely disarmed and demilitarized. The authority of the militarists and the influence of militarism will be totally eliminated from her political, economic, and social life. Institutions expressive of the spirit of militarism and aggression will be vigorously suppressed.

(c) The Japanese people shall be encouraged to develop a desire for individual liberties and respect for fundamental human rights, particularly the freedoms of religion, assembly, speech, and the press. They shall also be encouraged to form democratic and representative organizations.

(d) The Japanese people shall be afforded opportunity to develop for themselves an economy which will permit the peacetime requirements of the population to be met.

¹⁵⁵ United States Department of State. Office of Media Services; The United States Department of States. Office of Public Communication, The Department of State Bulletin, Volume 13 (1945: Jul-Dec). Statement of general initial policy relating to Japan after surrender jointly prepared by the Department of State, the War Department, and the Navy Department and approved by the President on September 6, 1945. Online: <https://archive.org/details/departmentofstat131945unit>. (Accessed on 21.07.2015). 423f.

Part II – Allied Authority

1. Military Occupation

There will be a military occupation of the Japanese home islands to carry into effect the surrender terms and further the achievement of the ultimate objectives stated above. The occupation shall have the character of an operation on behalf of the principal allied powers acting in the interests of the United Nations at war with Japan. For that reason, participation of the forces of other nations that have taken a leading part in the war against Japan will be welcomed and expected. The occupation forces will be under the command of a Supreme Commander designated by the United States.

Although every effort will be made, by consultation and by constitution of appropriate advisory bodies, to establish policies for the conduct of the occupation and the control of Japan which will satisfy the principal Allied powers, in the event of any differences of opinion among them, the policies of the United States will govern.

V.

Final Text of the Communiqué [Cairo Conference] November 26, 1943¹⁵⁶

Press Communiqué

President Roosevelt, Generalissimo Chiang Kai-Shek and Prime Minister Churchill, together with their respective military and diplomatic advisers, have completed a conference in North Africa. The following general statement was issued:

“The several military missions have agreed upon future military operations against Japan. The three great Allies expressed their resolve to bring unrelenting pressure against their brutal enemies by sea, land and air. This pressure is already rising.

“The three great Allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War

¹⁵⁶ United States Department of State / Foreign Relations of the United States diplomatic papers, The Conferences at Cairo and Tehran, 1943. The First Cairo Conference. The Communiqué and its release. Cairo Legation Records. Online: <http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=header&id=FRUS.FRUS1943CairoTehran>. (Accessed on 13.10.2015). 448f.

in 1914¹⁵⁷], and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

“With these objects in view the three Allies, in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan.”

VI.

Comment on Draft Treaty of Peace with Japan dated November 19, 1949 by W. J. Sebald¹⁵⁸

The November 2 draft is manifestly a moderate and reasonable document, admirably designed to conform to standard treaty forms, to contain all principal desiderata of the United States Government and at the same time to attain acceptance by the other Allied and Associated Powers. The intense labor, thought and craftsmanship which have obviously been devoted to its formulation have resulted in a praiseworthy draft which the United States can present to its allies with good pride and conscience. After long consultation together, however, I and the other concerned officers of the Mission are agreed that careful attention to the psychology and other particularities of the Japanese people and attentive cognizance of Far Eastern political complexities will suggest means whereby the draft treaty might be made more nearly to conform with the underlying requirements which we believe should govern the efforts of the United States in bringing about a Japanese peace settlement.

¹⁵⁷ According to the San Francisco Peace Treaty, Japan was stripped of territories she had seized or occupied since 1905. See: Treaty of Peace with Japan (with two declarations). Signed at San Francisco, on 8 September 1951. Online: <https://treaties.un.org/doc/Publication/UNTS/Volume%20136/volume-136-I-1832-English.pdf>. (Accessed on 27.12.2015). 48.

¹⁵⁸ The Foreign Service of the United States of America, United States Political Adviser for Japan Sebald William J., Comment on Draft Treaty of Peace with Japan. Tokyo, November 19, 1949. Online: https://en.wikisource.org/wiki/Comment_on_Draft_Treaty_of_Peace_with_Japan. (Accessed on: 25.10.2015). 67-70,74.

On the basis of realities as they exist today, we believe that there are three basic objectives which should determine the policy of the United States in formulating this treaty, namely:

- (1) Adequate provision for long-range security of the United States;
- (2) Effectuation of a true and lasting regime of peace on the part of Japan; and
- (3) The alignment of Japan for the indefinite future with the Western democracies and specifically with the United States.

All other considerations, we feel, are of secondary importance and should formally be provided for in the treaty itself only if useful in reaching and achieving these three United States objectives.

My idea of a workable treaty with Japan is that it should be a ringing declaration of peace; it should be a document of historic stature reflective of the high concepts of the Atlantic Charter; it should be broad and general in scope and dignified with an enduring philosophical approach, sublimating to the greatest extent possible the harsh and temporary realities of property settlements, commercial arrangements, and all the legal technicalities which can only clutter and obscure the principal objectives. So far as realities permit, I believe the treaty should be a simple but inspiring document. I feel it is important, too, that we bear in mind the crucial fact that we are dealing with Orientals with whom the proper psychological approach and manner of procedure are of cardinal importance. I would accordingly suggest that, since property settlements and commercial and legal arrangements must admittedly have a place, consideration be given to removing them as completely as possible from the broad, dignified framework of the treaty and relegating them to the annexes thereto or to supplementary conventions. In this manner, at least some of the psychological hazards involved in putting materialistic and legalistic considerations in the forefront could be avoided. National as well as individual "face" is a very real and controlling factor to the Oriental, even to a defeated nation, and must be considered.

We here are inclined to feel that the November 2 draft offers the Japanese too little tangible advantage in being admitted to the family of nations as a democratic state committed to peace and unqualified disarmament. The Japanese feel that the progress they have made in rebuilding their country under the Occupation deserves recognition, the country's past transgressions, ultimate defeat and unconditional surrender notwithstanding. We feel that the almost casual reference in paragraph 3 of Article 1 to Japan's post-war accomplishments constitutes scant recognition for a

degree of cooperation and constructive achievement under the Occupation which is without parallel, and provides inadequate balance for the subsequent recital of the stern realities which a defeated nation must face. It may perhaps be reasonable also to suggest that there be included in the treaty some recognition of the economic and social problems Japan must solve in the future if its democratic development is to withstand the inevitable temptation to seek more expedient totalitarian solutions. Even a modicum of recognition for meritorious achievement and some sympathetic mention of the acute problems this nation must hereafter face would, it is believed, not be misplaced in a treaty which we hope may be instrumental in giving Japan maximum usefulness in the family of nations. Omission of such recognition in a document which of necessity must have some severe provisions could well sow the seeds of a resentment which might eventually make itself manifest in the pattern of future Pacific wars. In putting forth these suggestions we have no interest in making the treaty "soft", or merely palatable for the Japanese; we are looking at it from the cold practical viewpoint of American interest in a treaty which will draw out of the Japanese willing cooperation and support in achieving American ends.

It would seem naturally to be in the American interest to avoid initiative or too close identification with those elements of the treaty which must be drab and uninspiring, or even gratuitously wounding, merely in the hope of making the document acceptable to other powers which have so much less at stake and have contributed virtually nothing to the remaking of Japan. We fail to see any gain in allowing the onus of vindictive or punitive provisions of the draft to fall principally upon the United States by virtue of our publicly known position of drafter and initiator. We would not wish to have Japanese gratitude deflected from us to other Allied and Associated Powers who might find it tactically advantageous to propose a milder and less technically worded document, notwithstanding our political and economic influence and our achievements through the Occupation.

One aspect of the draft treaty of peace which has given me some concern is that it seems to me that the United States is left little or no bargaining power vis-à-vis the other Allies. While it is, of course, necessary to anticipate the sensibilities and desires of the Allied and Associated Powers, I question whether it is wholly prudent to attempt to satisfy all of those sensibilities and desires in the initial draft. In as much as other powers are most likely to bring forward unduly severe or impractical stipulations which we will be bound to reject as incompatible with fundamental

American objectives, it might be strategically desirable to leave room for the acceptance of certain other provisions which we can now anticipate but need not necessarily include in the original draft.

It seems important to determine in advance whether the draft treaty may contain any provocation to the Japanese to seek to play off the Soviet Union against the Western Powers, including the United States. Soviet policy toward a Japanese peace settlement will presumably be directed toward securing provisions and advancing demands best calculated to promote communism and to draw Japan into the Soviet-dominated Far Eastern orbit. There are some indications that the Soviet Union may be prepared to offer Japan a more advantageous settlement on some points than is envisaged in the November 2 draft; fishing concessions may be offered to the Japanese and possibly even a return of part of the Kuril Islands or the Habomai-Shikotan group, in consequence of which the Soviet Union would be likely to seek favorable commercial and "cultural" arrangements with Japan. The Japanese communists are already contending that the Soviet Union will grant the Japanese fishing concessions and that the peace treaty should return to Japan all outlying islands which have "historically and ethnically" belonged to Japan. It is unlikely that the Japanese Communists are putting forth such significant views simply as Japanese patriots or as representing the independent opinion of the Japan Communist Party.

Any draft treaty which does not fully recognize conditions in the Far East as they exist today, and which fails determinedly to discard the psychology and concepts which prevailed before and at the time of Japan's surrender, will fall short of our basic needs. The Far Eastern situation has undergone a vast change during the past four years, largely to American disadvantage (with the single exception of our relations with Japan); the coming treaty must face this situation and take into account the obvious fact that the United States now has a vital stake, which did not exist four years ago, in a politically stable and friendly Japan. It may accordingly be questioned whether many of the terms of the November 2 draft may not be too severe for a Japan which suffered total defeat, without offering us any conceivable advantage. The draft could possibly be improved by making greater allowances for the fact that the difficult task of rebuilding Japan into a peaceful democratic country, and of meeting deficiencies to enable Japan to achieve a stable economy capable of sustaining its large population, has been primarily the responsibility and burden of the

United States. We assumed this responsibility and burden ungrudgingly and have contributed wealth, energy and skill in giving Japan a democratic government and a sound economy, which are in turn of direct benefit to the entire Far East. It therefore does not seem logical that we should seek in our treaty draft to anticipate and meet all the demands and possible objections of the other Powers, some of whom have made every effort to disrupt and destroy our constructive work. [...]

If the peace treaty itself is an appropriate document inspiring Japan to win a place of honor and friendship in international society, we believe it will constitute a valuable safeguard to the American national interest. [...]

Detailed Comment on
November 2 Draft Treaty

[...]

With regard to the disposition of islands formerly possessed by Japan in the direction of Korea it is suggested that Liancourt Rocks (Takeshima) be specified in our proposed Article 3 as belonging to Japan. Japan's claim to these islands is old and appears valid, and it is difficult to regard them as islands off the shore of Korea. Security considerations might also conceivably render the provision of weather and radar stations on these islands a matter of interest to the United States.

VII.

Japan's Consistent Position on the Territorial Sovereignty over Takeshima¹⁵⁹

- Takeshima is indisputably an inherent part of the territory of Japan, in light of historical facts and based on 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 over territorial sovereignty over Takeshima on the basis of international law in a calm and peaceful manner.

¹⁵⁹ Ministry of Foreign Affairs, Japan (ed.), Japanese Territory. Takeshima. Online: <http://www.mofa.go.jp/region/asia-paci/takeshima/index.html>. (Accessed on 25.11.2015).

- Note: The Republic of Korea has never demonstrated any clear basis for its claims that it had taken effective control over Takeshima prior to Japan's effective control over Takeshima and reaffirmation of its territorial sovereignty in 1905.

VIII.

The Korean Government's Basic Position on Dokdo¹⁶⁰

Dokdo is an integral part of Korean territory, historically, geographically and under international law. No territorial dispute exists regarding Dokdo, therefore Dokdo is not a matter to be dealt with through diplomatic negotiations or judicial settlement.

The government of the Republic of Korea exercises Korea's irrefutable territorial sovereignty over Dokdo. The government will deal firmly and resolutely with any provocation and will continue to defend Korea's territorial integrity over Dokdo.

IX.

Q & A on Dokdo¹⁶¹

[...]

Q 13 What are the provisions of the 1951 Treaty of Peace with Japan regarding Dokdo?

- Article 2 (a) of the Treaty of Peace with Japan of 1951 provides "Japan recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet."
- Of Korea's some 3000 islands, the said article lists only Jeju (Quelpart), Geomundo (Port Hamilton), and Ulleungdo (Dagelet) as examples. Therefore, the mere fact that Dokdo is not explicitly mentioned in the said article does not suggest that Dokdo is not included among those territories of Korea separated from Japan.

¹⁶⁰ Ministry of Foreign Affairs, Republic of Korea (ed.), Korea's Position on Dokdo. The Government's Basic Position. Online: http://dokdo.mofa.go.kr/eng/dokdo/government_position.jsp. (Accessed on: 29.11.2015).

¹⁶¹ Ministry of Foreign Affairs, Republic of Korea (ed.), Q&A on Dokdo. Online: <http://dokdo.mofa.go.kr/eng/dokdo/faq.jsp>. (Accessed on: 29.11.2015).

- In consideration of the Allied Powers' stance reflected in the Cairo Declaration of 1943 and SCAPIN 677 of 1946, it should be understood that Dokdo is included among the territories of Korea separated from Japan.

Q 14 What was the Korean government's response to its Japanese counterpart's proposal in 1954 to refer the issue of Dokdo to the International Court of Justice (ICJ)?

- In 1954, when the government of Japan demanded that the matter of Dokdo be taken to the International Court of Justice (ICJ), the government of the Republic of Korea conveyed its views to the Japanese party as follows:
 - The proposal of the government is nothing but another false attempt disguised in the form of judicial procedures. Korea has the territorial rights ab initio over Dokdo and sees no reason why she should seek the verification of such rights before any international court.
 - As the Japanese government is no doubt well aware, the aggression took place gradually, culminating in the annexation of all of Korea into Japan in 1910. For all practical purposes, however, Japan had seized the power to control Korea in 1904 when Japan forced Korea to sign the so-called Korea-Japan Protocol and the First Agreement between Korea and Japan.
 - Dokdo was the first Korean territory which fell victim to the Japanese aggression. Now, in view of the unreasonable and persistent claim of the Japanese government over Dokdo, the Korean people are seriously concerned that Japan might be repeating the same course of aggression. To Korea, Dokdo is not merely a tiny island in the East Sea. It is the symbol of Korean sovereignty.
- The government of the Republic of Korea continues to maintain the same position.

Q 15 How is the Republic of Korea exercising its sovereignty over Dokdo?

- The Republic of Korea holds legislative, administrative and judicial jurisdiction over Dokdo.

First, a Korean police force is stationed on Dokdo, patrolling the island.

Second, the Korean military defends the waters and skies of Dokdo.

Third, various laws and regulations including those specific to Dokdo have been enacted and implemented.

Fourth, a lighthouse and other government facilities have been established and are in operation on Dokdo.

Fifth, Korean civilians are residing on Dokdo.

- The government of the Republic of Korea will continue to protect the territorial integrity of Dokdo.

X.

MOFA Spokesperson's Statement on the Account of ROK-Japan Relations in Japan's Diplomatic Bluebook 2015 (April 7, 2015)¹⁶²

1. Despite repeated warnings from the Government of the Republic of Korea, the Japanese government repeated a historically retrogressive move on April 7 by passing through its Cabinet Diplomatic Bluebook 2015 containing wrongful claims on Dokdo and the issue of sexual slavery victims drafted by Japan's Imperial Army during World War II. The move came after its provocative step on April 6 of approving middle school textbooks that describe historical facts in a way that they are distorted, understated and/or omitted.

2. For all such groundless claims by the Japanese government, it is impossible to erase or alter the historical truths that Dokdo, an integral part of the territory of the Republic of Korea, was first sacrificed in the course of the forcible colonization of the

¹⁶² Ministry of Foreign Affairs, Republic of Korea (ed.), Government Statement by Spokesperson and Deputy Minister for Public Relation of MOFA. Online: http://dokdo.mofa.go.kr/eng/dokdo/government_announce_list.jsp. (Accessed on: 29.1.2015).

Korean Peninsula by imperial Japan; and that the victims of Japan's military sexual slavery suffered untold pain and wounds after being forcibly recruited.

3. The Japanese government should recall and bear in mind the remarks by Chancellor Angela Merkel of Germany that her country "will always have the responsibility of ensuring the knowledge about these atrocities is passed on, and of keeping the memories alive"; and ask itself why post-war Germany is respected by the international community.