

## Reference

### 1 History of Takeshima as part of Japan's territory in the prewar era

No.	Content	Date Created	Repository
No.1	Notification of Permission for Passage to Takeshima (copy)	1618 (Genwa 4)	Municipal Yonago Historical-Museum
No.2	Ensign of the Hollyhock Crest (Aoi-mon) for ships sailing for Takeshima	17th century (estimated)	Municipal Yonago Historical-Museum
No.3	Note submitted to the Shogunate patrol officer lodging at the Ohya family in the 9th year of Enpou (1681)	1681 (Enpou 9)	Shimane Prefecture Takeshima Reference Room
No.4	Letter from Kameyama Shozaemon to Oya Kyuemon-Katsuzane	September 1660 (Marji 3)	Shimane Prefecture Takeshima Reference Room
No.5	Information document issued by Roju (Senior Councilor of the Shogunate) regarding the prohibition on passage to Utsuryo Island (copy)	1696 (Genroku 9)	Tottori Prefectural Museum
No.6	Attached map in the request for incorporation into the territory and lease of "Lyanko Islands" (copy)	1904 (Meiji 37)	Shimane Prefecture Public Records Center
No.7	Cabinet Decision of January 28, 1905	Jan. 28, 1905 (Meiji 38)	National Archives of Japan
No.8	Shimane Prefectural Notice No. 40, 1905	Feb. 22, 1905 (Meiji 38)	Shimane Prefecture Public Records Center
No.9	Original Record of Longitude and Latitude Measurement, 1908	Aug. 1908 (Meiji 41)	Hydrographic and Oceanographic Department, Japan Coast Guard
No.10	Ledger of State-Owned Land / Takeshima	May 17, 1905 (Meiji 38)	Shimane Prefecture Public Records Center
No.11	Imperial Edict No. 54 of 1909	Mar. 29, 1909 (Meiji 42)	National Archives of Japan
No.12	Shimane Prefectural Ordinance No. 8	Mar. 1, 1906 (Meiji 39)	Shimane Prefecture Public Records Center
No.13	Rental fees for state-owned property (land use fees)	1925 (Taisho 14)	Shimane Prefecture Public Records Center
No.14	Official Gazette (6586)	Jun. 6, 1905 (Meiji 38)	National Diet Library
No.15	Shimane Prefectural Ordinance No. 18, 1905	Apr. 14, 1905 (Meiji 38)	Shimane Prefecture Public Records Center
No.16	Shimane Prefecture Agriculture No. 1926	Jun. 5, 1905 (Meiji 38)	Shimane Prefecture Public Records Center
No.17	Shimane Prefectural Ordinance No. 21, 1921	Apr. 1, 1921 (Taisho 10)	Shimane Prefecture Public Records Center
No.18	Mining matter (Ministry of Commerce and Industries) Permission for prospecting for rock phosphate	Sep. 19, 1939 (Showa 14)	Shimane Prefectural Library
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### 2 Treatment of Takeshima in the San Francisco Peace Treaty and actions of the Republic of Korea

No.	Content	Date Created	Repository
No.1	US-UK Joint Draft	May 3, 1951 (Showa 26)	The National Archives (UK) [contribution] The Japan Institute of International Affairs
No.2	Anglo-American Meetings on Japanese Peace Treaty	May 2, 1951 (Showa 26)	The National Archives (UK)
No.3	Letter to the US Secretary of State, Dean G. Acheson	Jul. 19, 1951 (Showa 26)	National Archives and Records Administration
No.4	Response from the US (so-called Rusk Letter)	Aug. 10, 1951 (Showa 26)	National Archives and Records Administration
No.5	Protest by the US	Feb. 11, 1952 (Showa 27)	Deplomatic Archives of Ministry of Foreign Affairs ROK
No.6	Photos of Joint Investigation by Shimane Prefecture and the Japan Coast Guard	Jun. 27, 1953 (Showa 28)	Shimane Prefecture Takeshima Reference Room
No.7	Report of the Van Fleet Mission to the Far East	Sep. 30, 1954 (Showa 29)	National Archives and Records Administration
No.8	Cable sent from the British Embassy in Japan to the Foreign Office	Jul. 15, 1953 (Showa 28)	The National Archives (UK)

# Takeshima

Office of Policy Planning and Coordination  
on Territory and Sovereignty



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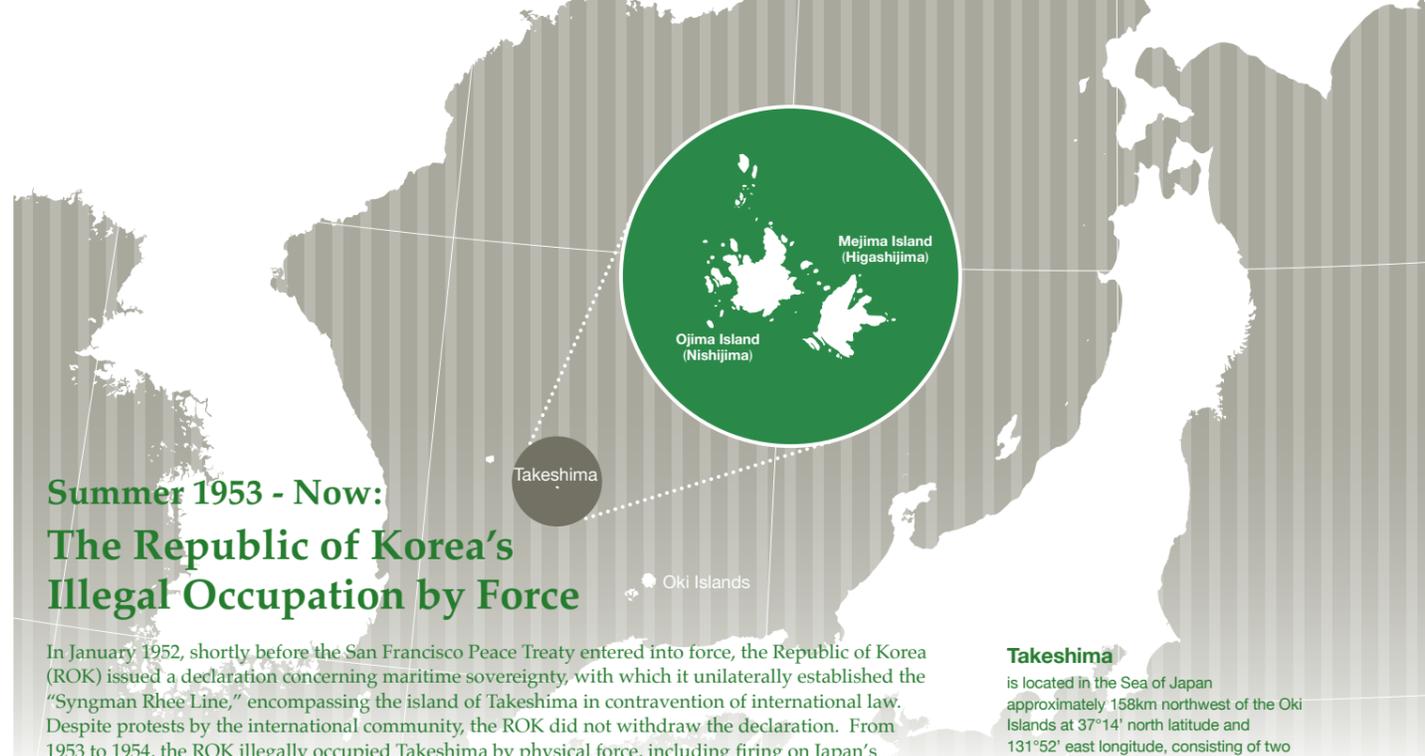
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## Japan's Basic Position

Takeshima is indisputably an inherent part of the territory of Japan, in light of historical facts and based on international law.

The ROK has been occupying Takeshima with no basis in international law. Any measures the ROK 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.



## Summer 1953 - Now: The Republic of Korea's Illegal Occupation by Force

In January 1952, shortly before the San Francisco Peace Treaty entered into force, the Republic of Korea (ROK) issued a declaration concerning maritime sovereignty, with which it unilaterally established the "Syngman Rhee Line," encompassing the island of Takeshima in contravention of international law. Despite protests by the international community, the ROK did not withdraw the declaration. From 1953 to 1954, the ROK illegally occupied Takeshima by physical force, including firing on Japan's patrol vessels.

Consequently, Japan and the ROK expressed their claims via formal diplomatic notes, but reached no agreement. Japan requested that the ROK provide solutions based on international law, proposing to refer the case to the International Court of Justice in 1954, 1962 and 2012. The ROK has nonetheless continued to reject these proposals.

The ROK has constructed a port, docking facilities and a heliport, among other structures, on Takeshima, which it illegally occupied. It has also allowed high-ranking officials to land on the island and conducted military exercises in the neighboring area. The ROK is also educating its nationals that Takeshima belongs to the ROK based on its own, one-sided version of events.

**Takeshima** is located in the Sea of Japan approximately 158km northwest of the Oki Islands at 37°14' north latitude and 131°52' east longitude, consisting of two main islands (Mejima (Higashijima) and Ojima (Nishijima)) and several dozen smaller islands surrounding them, and is a part of Okinoshima Town, Shimane Prefecture, with a total area of approximately 0.20km<sup>2</sup>.

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# 1 History of Takeshima as part of Japan's territory in the prewar era

Utilization in the Edo Period and incorporation into Shimane Prefecture

## 1 Permission granted by the Edo Shogunate for passage to Takeshima

In the 17th century, the Japanese government (the Edo Shogunate) granted some Japanese merchants permission to travel to Utsuryo Island (Ulleungdo in Korean). The merchants stopped by Takeshima on the way to Utsuryo Island.  
Japan established its sovereignty over Takeshima by the middle of the 17th century at the latest.

**1618**  
**The Edo Shogunate granted permission to passage to Utsuryo Island to merchants in Yonago (Tottori Prefecture). Later, permission to passage to Takeshima was also granted.**

Jinkichi Oya and Ichibee Murakawa, merchants from Yonago who operated shipping agencies, made a request to the Edo Shogunate for passage to Utsuryo Island, an inhabited island abundant in lumber and marine products. With the Shogunate's permission, the families of Oya and Murakawa took turns travelling to Utsuryo Island once each year and carried out their business.

Takeshima, on the route from Oki to Utsuryo Island, came to be used as a navigational port, a docking point for ships and a rich fishing ground for sea lions and abalone.



→ No.1-4

### No.1 Notification of Permission for Passage to Takeshima\* (copy)

\*Utsuryo Island (See p.5)

This is a copy of the permission granted by the Shogunate for the Oya and Murakawa families to passage to Utsuryo Island, issued in 1618 (or 1625 according to some scholars)



1618 (Genwa 4)  
[Repository] Municipal Yonago Historical-Museum

Excerpt  
(Provisional Translation)

Last year, the passage from Yonago of Hōki Province for Takeshima was made. The request from the merchants in Yonago, Ichibee Murakawa and Jinkichi Oya was forwarded to the Shogun. Since the Shogun said that permission may be granted, I ask you to inform them that they are permitted to sail for Takeshima.



### No.2 Ensign of the Hollyhock Crest (Aoi-mon) for ships sailing for Takeshima

A ship's ensign bestowed by the Shogunate to the Oya family, who sailed for Utsuryo Island and Takeshima in the Edo Period. Thought to have been hoisted when sailing (it has now been converted into a screen).

17th century (estimated) [Repository] Municipal Yonago Historical-Museum

### No.4 A letter from Kameyama Shozaemon to Oya Kyuemon Katsuzane

This is a letter from Shozaemon Kameyama, serving Shiro-Goro Abe, a high-ranking samurai in the direct service of the Shogun, to Kyuemon Oya in 1660 (Manji 3). This letter records that Shiro-Goro Abe obtained the permission of the Senior Councilor of the Shogunate for sailing to Matsushima (current Takeshima).



Excerpt  
(Provisional Translation)

... Also, with regards the crossing the sea of your ship to Matsushima near Takeshima, starting from next year, Shirogoro obtained permission from the Council of Elders earlier.

Written by Shozaemon Kameyama in September 1660 (Manji 3)  
[Repository] Shimane Prefecture Takeshima Reference Room

## Documents that indicates the passage by the Oya family to Takeshima

No.3 No.4

### No.3 Record of what I (Oya Kyuemon Katsunobu) said when a Shogunate inspector stayed overnight at the Oya family's residence in the 9th year of Enpo (1681)

This is a record of Kyuemon-Katsunobu's reply to the inquiries by the Shogunate inspector who lodged at the Oya family in May 1681 (the 9th year of Enpo era). According to this record, present-day Takeshima was bestowed to the Oya [and Murakawa] families 24 or 25 years ago in the generation of Shogun Tokugawa Ietsuna, and the family caught sea lions there. The contents of this record are consistent with those of No.4.



Oya Kyuemon-Katsunobu in 1681 (Enpo 9)

The picture is a copy made by Oya Shinkuro-Katsuoiki in 1810 (Bunka 11)  
[Repository] Shimane Prefecture Takeshima Reference Room

Excerpt (Provisional Translation)

There is a small island en route to Takeshima (present-day Utsuryo Island) that has a circumference of approximately 20 cho (2.2 km) and is rocky without vegetation. In the generation of Lord Gen-yu-in (i.e. the fourth Tokugawa Shogun, Ietsuna), this island was bestowed to us 24 or 25 years ago through the intermediary of Abe Shirogoro. We sail for the island and catch sea lions there for oil.

1603 (Keicho 8)

Establishment of the Edo Shogunate

1618 (1625) (Genwa 4 (Kan'ei 2))

Permission of the Shogunate for the passage to Utsuryo Island was granted to merchants in Yonago

1633 (Kan'ei 10)

National Isolation Edict

Permission granted by the Shogunate for passage to Takeshima

1696 (Genroku 9)

Prohibition on Passage to Utsuryo Island

Tottori Domain made maps and submitted to the Shogunate

1836 (Tenpou 7)

Incident of the passage to Utsuryo Island on a pretext of passing to Takeshima

## Let's see Korea's Statement

(1) Korea's Statement - Korean ancient documents -

Dokdo came to be recognized as being geographically a part of Utsuryo Island.

On a clear day, Dokdo is visible to the naked eye from Ulleungdo (Ulleung Island), the island which lies in closest proximity (87.4 km) to Dokdo. Given its geographical location, Dokdo has historically been considered to be a part of Ulleungdo.

This is well evidenced in early Korean documents. For instance, the Joseon (Korean) government publication *Sejong Sillok Jiriji* (Geography Section of the Annals of King Sejong's Reign) (1454), which provides a geographical record of Korean territory, states, "Usan [Dokdo]-Mureung [Ulleungdo]... The two islands are not far apart from each other and thus visible on a clear day."

While there are numerous adjacent islands surrounding Ulleungdo, Dokdo is the only one visible to the naked eye from Ulleungdo on a clear day.

\*The Korean name for Takeshima

p.5, Dokdo: Beautiful Island of Korea, Ministry of Foreign Affairs, the Republic of Korea

## Annotation

The ROK claims that "Usan" (Usando) that appears in the ancient Korean documents is Takeshima (Dokdo in Korean).

"Usando" as it appears in the Korean ancient documents is either Utsuryo Island, or an island that does not exist, and thus cannot be regarded as proof that the ROK owned Takeshima.

In the section relating to "Usan and Utsuryo" in the *Sejong Sillok Jiriji* (Geography Section of the Annals of King Sejong's Reign: 1454), it is noted that in the Taejong era Kim In-u was dispatched to "that island." In the *Taejong Sillok* (Annals of King Taejong's Reign), which details the events of the reign of King Taejong, it is noted that Kim In-u was dispatched to Usando, and when he returned he brought local products as tribute, including large bamboo, and reported that there were approximately 85 people in 15 households living on the island. An island with so many people where large bamboo was growing could not conceivably be Takeshima, which is a rocky island with sparse vegetation.

In *Sinjeung Dongguk Yeoji Saungnam* (Revised and Augmented Edition of the Survey of the Geography of Korea: 1531), which is another source on which the ROK bases its claims, with regard to Usando and Utsuryo Island it is written that, "When the weather and wind is good and the sky is clear, you can clearly see some trees around the top of the peaks and coastlines at the foot of them. If the wind is good, you will reach there within two days. It is said that Usando and Utsuryo Island were originally the same island." This is a description of Utsuryo Island as seen from the mainland of the Korean Peninsula, and cannot be a description of tree-less Takeshima.



Hachido-sazu (Map of the Eight Provinces of Korea (Paldok-chongdo)), *Sinjeung Dongguk Yeoji Saungnam*, vol.1 - 55 Edited by the Koten Kankou Kai (Gojeon Ganhaeng Hoe) Published by the Taikoku Bunka-sha (Dongguk Munhwa Sa), 1958 (Showa 33)  
[Contribution] Shimane Prefecture Takeshima Reference Room

1693-96

## Genronku Takeshima Ikken (Affair)

→ No.5

Japan and Korea negotiated over Utsuryo Island (then called Takeshima), but negotiations reached an impasse. In January 1696, taking into consideration relations with Korea, the Shogunate prohibited Japanese from traveling to Utsuryo Island. The Korean Dynasty prohibited Koreans from traveling to and residing in Utsuryo Island from the 15th century, which kept the island vacant. In 1692 (Genroku 5) the Murakawa family went to Utsuryo Island, where they encountered a number of Koreans.

In the following year, 1693, the Oya family went to Utsuryo Island and also encountered Koreans. The family brought two Koreans back to Japan as proof that they were impeding the fishing of abalone. One of the Koreans was Ahn Yong-bok. Accordingly, by order of the shogunate, Tsushima Domain, which served as the contact point of the diplomacy and trade with Korea, repatriated the Koreans, including Ahn, and initiated negotiation with Korea requesting that it prohibit its people from traveling to Utsuryo Island. However, negotiations reached an impasse as the Korean government argued that the island had been Korean territory since ancient times.

In January 1696, the Shogunate decided to prohibit the Japanese from traveling to Utsuryo Island to prevent conflict with Korea and take into consideration the two countries' friendship. Meanwhile, traveling to Takeshima was not prohibited. This makes it clear that Japan considered Takeshima to be part of its territory from that period.

1693

The Oya family brought back to Japan two Koreans, including Ahn Yong-bok, whom they encountered in Utsuryo Island.

1693 -

Japan (Tsushima Domain) negotiated with Korea. However, negotiations reached an impasse.

Jan. 1696

The Edo Shogunate prohibited Japanese from traveling to Utsuryo Island to prevent conflict with Korea.

\* Meanwhile, passage to Takeshima was not prohibited.

**Who was Ahn Yong-bok? Today he is a national hero in the ROK. But in reality...the Korean dynasty punished him for "perjury."**

Today, in the ROK, Ahn Yong-bok is treated as a national hero who went to Japan twice in the late 17th century and got Japan to recognize that Takeshima belonged to Korea. A monument is built on Utsuryo Island to honor him.

Certainly, records of Ahn's travels to Japan remain. He was actually a fisherman operating around Utsuryo Island, which was vacated by order of the Korean dynasty.

After Ahn Yong-bok's return to Korea, Japan (the Tsushima Domain) issued an inquiry to Korea, asking whether Ahn's visit to Japan was on the orders of the Korean dynasty. In response, in a letter to the lord of Tsushima Domain the Korean dynasty denied that Ahn was their representative, responding that Ahn had committed "perjury" and had been exiled in accordance with the law.

\* During the Edo period the Tsushima Domain served as the contact point for diplomacy and trade with Korea.



Stone monument in Utsuryo Island Shimane Prefecture Takeshima Reference Room

## Map drawn based on precise knowledge



"Illustrative map of Takeshima submitted by the e Kotani" [Repository] Tottori Prefectural Museum

The Edo Shogunate asked Tottori Domain on the situation of sailing to Utsuryo Island to consider making the decision on the prohibition on passage to the island in 1696. To reply to the Shogunate, Tottori Domain prepared a map (left). In this map, Utsuryo Island (then called Takeshima or Isotakeshima) and Takeshima (then called Matsushima) are depicted.

Takeshima is shown as two islands lying east and west, and on the shore of the eastern island the characters of "Funasueba (berth)" and the sign of a hut are indicated. This shows that this was a precise map based on the knowledge of fishermen who fished in this place.

This map is considered to have been made based on drawings made by the Oya and Murakawa families, who had sailed to Utsuryo Island. This map, along with other documents, confirm that the Japanese long had knowledge on the existence of Utsuryo Island and Takeshima.

## No.5 Information document issued by Roju (Senior Councilor of the Shogunate) regarding the prohibition on passage to Utsuryo Island (copy)



Included in Official Document of Takeshima 1696 (Genroku 9)  
[Repository] Tottori Prefectural Museum

This is a copy of the document that conveyed the information prohibiting the families of Oya and Murakawa from traveling to Utsuryo Island (the document refers to Utsuryo Island as Takeshima).

Excerpt (translation into modern language)

With regard to the passage to Takeshima (current Utsuryo Island) by the merchants in Yonago, Ichibee Murakawa and Jinkichi Oya, which was requested in the reign of Shintaro Matsudaira over Inaba and Hoki Provinces, be advised that it has been instructed from the Shogunate that the passage will be prohibited hereafter, in spite of their past fishery activities there.

## Let's see Korea's Statement

(2) Korea's Statement - Ahn Yong-bok's trip to Japan -

Ahn Yong-bok protested to Japan that Takeshima belonged to Korea. As the result of the negotiations between Korea and Japan, Takeshima was decided to be part of Korea, and Japan prohibited the Japanese from traveling to Takeshima.

The Republic of Korea states that a Korean named Ahn Yong-bok traveled to Japan, and protested that Takeshima belonged to Korea, which brought Japan and Korea to start negotiations, and led them to confirm that Utsuryo Island and "Dokdo" were part of the Korean territory.

Korea's territorial sovereignty over Ulleungdo and its ancillary Dokdo was confirmed through the diplomatic negotiations between the Korean and Japanese governments (Ulleungdo Dispute) in the 17th century.

... Ahn Yong-bok, who lived during the reign of King Sukjong of the Joseon Dynasty, made two trips to Japan, the first of which was against his own will in 1693 when he was captured by the Japanese in Ulleungdo. The 1693 kidnapping of Ahn Yong-bok triggered the territorial Dispute over the Ulleungdo between Korea and Japan. The kidnapping is significant because the jurisdictional status of Ulleungdo and Dokdo was confirmed in the course of the diplomatic negotiations. Regarding Ahn Yong-bok's second trip to Japan in 1696, a record of Ahn Yong-bok's statement can be found in *Sukjong Sillok* (Annals of King Sukjong's Reign). It is recorded that Ahn Yong-bok told the Japanese fishermen he encountered in Ulleungdo that "Matsushima is Jasando [Dokdo] which is Korean territory" and that he went over to Japan to lodge a protest against Japan's encroachment on the Korean territories of Ulleungdo and Dokdo.

p.720, Dokdo: Beautiful Island of Korea, Ministry of Foreign Affairs, the Republic of Korea

## Annotation

Ahn Yong-bok's visit to Japan in 1696 had no impact on Japan-Korea negotiations

Ahn Yong-bok made a second visit to Japan in May 1696. However, the Shogunate had already prohibited the Oya and Murakawa families from travelling to Utsuryo Island in January of the same year. Accordingly, Ahn Yong-bok's second visit to Japan had no impact on Japan's decision to prohibit travel. Subsequently Tsushima Domain informed the Korean dynasty about the Oya and Murakawa families having been prohibited from traveling to Utsuryo Island, and in response the Korean dynasty sent a letter acknowledging the "good news." What Japan therefore conveyed to the Korean dynasty was only the fact that the Oya and Murakawa families had been prohibited from traveling to Utsuryo Island, and present-day Takeshima is not mentioned at all in this correspondence.

Ahn Yong-bok did not represent the Korean Dynasty.

The ROK asserts that Ahn Yong-bok went to Japan in May 1696 for the second time, and protested that Takeshima belonged to Korea. However, Ahn's actions and utterances were done only in a personal capacity. The Korean Dynasty disregarded his actions, which, in its recognition, had nothing to do with the Dynasty.

Lack of credibility in Ahn's statement

The statements Ahn made when he was interrogated by Korean government officials on his return to Korea contradict the facts in many regards and lack credibility.

## 2 Incorporation Takeshima into Shimane Prefecture in Meiji Era

### Opening the country – Development into a modern nation under the Meiji Government

In the late 19th century, with advances by European and American nations into Asia, international relations in the region became complex. The Meiji Government faced the critical challenges of modernizing the nation as well as consolidating the local governing system, and clarifying the status of peripheral islands.

In view of the temporary confusion that occurred concerning the name and

location of Utsuryo Island on Western maps at the time (see column), in 1880 the Meiji Government implemented a field study around Utsuryo Island. It was confirmed that what was referred to as "Matsushima" on Western maps was in fact Utsuryo Island (or "Takeshima" during the Edo Period). Around the same period, present-day Takeshima began to be referred to as the Lyanko Islands, which was derived from Liancourt Rocks, a European name of Takeshima.

### Temporary confusion of names and locations of Utsuryo Island



Chart 1: Early Names



Chart 2: Names in the late 19th century

\*1 Matsushima (I. Dagelet)  
\*2 Takasima (I. Argonaut)

### Present-day Takeshima used to be called Matsushima. → Chart 1

In Japan, present-day Takeshima was once called "Matsushima," whereas Utsuryo Island was called "Takeshima" or "Isotakeshima."

### From the late 18th to 19th century, the geographic recognition was confused and an imaginary island appeared on maps. → Chart 2

In 1787, the French explorer Jean-Francois de Galaup, Conte de La Pérouse, named Utsuryo Island "Dagelet." The British explorer James Colnett also named it "Argonaut" in 1789. However, as there was some inaccuracy in the latitudinal and longitudinal charting, Utsuryo Island ended up being depicted as consisting of two separate islands on the maps subsequently produced in Europe.

A doctor named Philipp Franz von Siebold created a "Map of Japan" (1840) in Europe. He had learned from various Japanese documents and maps that two groups of islands, which were, from west to east, "Takeshima" (present-day Utsuryo Island) and "Matsushima" (present-day Takeshima), were located between the Oki Islands and the Korean Peninsula. Siebold listed an imaginary island between the Korean Peninsula and Utsuryo Island as "Takasima" and Utsuryo Island as "Matsushima" on his map. (Chart 2) This caused further confusion by giving a different name, "Matsushima," to Utsuryo Island, which had consistently been called "Takeshima" or "Isotakeshima" until then.



Chart 3: Map of Japan (Siebold) 1840 (Tenpou 11) [Repository] National Museum of Japanese History

### The 1880 field study clarified the situation.

As a result of the field study of 1880 the Japanese Government confirmed that "Matsushima" was Utsuryo Island. This is how Utsuryo Island came to be denoted as "Matsushima" on Japanese-made nautical charts. In 1905, at the time of the incorporation of present-day Takeshima (then called the "Lyanko Islands") into Shimane Prefecture, in view of the fact that Utsuryo Island was at the time known as "Matsushima," a decision was made to name present-day Takeshima as such.

Around 1900 private use of Takeshima became active. In 1905, the Japanese Government incorporated Takeshima into Shimane Prefecture by Cabinet Decision, reaffirming its sovereignty over the islands.

### January 28, 1905 (Meiji 38)

### Requested for lease by Japanese citizen, the Japanese Government incorporated Takeshima into Shimane Prefecture by Cabinet decision.

Around 1900, the sea lion hunting became active around Takeshima and soon excessive competition became a concern. Yozaburo Nakai, a resident of the Oki Islands in Shimane Prefecture, submitted a request in September 1904 to three government ministers (the Home Minister, the Foreign Minister, and the Agriculture and Commerce Minister) for leasing "Lyanko Islands."

Upon the request from Nakai and after hearing the opinion of Shimane Prefecture, the government stipulated on January 28, 1905, through a Cabinet decision, that the islands would be officially named "Takeshima," and that the islands would come under the jurisdiction of the Oki Islands branch office of the Shimane Prefectural Government.



No.6 Attached map in the request for incorporation into the territory and lease of "Lyanko Islands" (copy)

This page with a map was contained in the request that Yozaburo Nakai submitted to the Government for leasing Takeshima in 1904. Nakai pointed out that the number of fishermen hunting sea lions was increasing, while a decline in the number of sea lions in the area was being observed and explained that the purpose of the requested lease was to avert competition and introduce catch limits, among other reasons. The map indicates sea lion landing areas.

Yozaburo Nakai 1904 (Meiji 37) [Repository] Shimane Prefecture Public Records Center

No.6-7



### Excerpt

The matter of the jurisdiction of uninhabited island (text omitted). The uninhabited island, located at 37°9'30" North, 131°55' East, and 85 nautical miles northwest of the Oki Islands, has no trace of occupation by any other states, and the year before last, in 1903 (Meiji 36), (text omitted) we recognize the occupation under

international law, and therefore we consider that there would be no obstacle to regard the island as belonging to Japan and to place it under the jurisdiction of the Director of the Oki Island Branch Office of the Shimane Prefectural Government.

### No.7 Cabinet Decision of January 28, 1905

(The uninhabited island, located 85 nautical miles northwest of Oki Island, will be named Takeshima and it will come under the jurisdiction of the Director of the Oki Island Branch Office of the Shimane Prefectural Government)

The Cabinet decision observed that the uninhabited island (i.e. Takeshima), located at 37°9'30" North, 131°55' East, and 85 nautical miles northwest of the Oki Islands, had no trace of occupation by any other states, and that it was clear from the related documents that the person named Yozaburo Nakai had moved to the island and engaged in fishery activities since 1903. Thus, the Cabinet, in this decision, recognized the occupation under international law, and considered that there would be no obstacle to regard the island as belonging to Japan and to place it under the jurisdiction of the Director of the Oki Island Branch Office of the Shimane Prefectural Government.

Cabinet January 28, 1905 (Meiji 38) [Repository] National Archives of Japan

1849 (Kaei 2)

A French whaling ship, Liancourt, discovered Takeshima

1868 (Keiou 3)

Decree for the Restoration of Imperial Rule (End of the Edo Shogunate)

1868 (Meiji 1)

Establishment of Meiji Government

1871 (Meiji 4)

Abolition of Domains and Establishment of Prefectures

1877 (Meiji 10)

Seinan War

Sep. 29, 1904 (Meiji 37)

Yozaburo Nakai submitted to the Government the request for leasing Takeshima

Jan. 28, 1905 (Meiji 38)

Cabinet Decision to incorporate Takeshima into Shimane Prefecture

Feb. 22, 1905 (Meiji 38)

Shimane Prefecture noticed the incorporation

The Administrative right was executed continuously in such forms as the amendment of the Fishing Industry Control Regulations, the entry in the Ledger of State-Owned Land, the licensing of sea lion hunting, etc.

### Let's see Korea's Statement

### (3) Korea's Statement - 1900 Imperial Decree No. 41 -

### Korea issued an Imperial Decree to incorporate Takeshima into Korean territory as "Seokdo."

On October 24, 1900, the Uijeongbu (State Council), decided that "Ulleungdo shall be renamed Uldo" and "the post of the Island Chief (dogam) shall be promoted to county magistrate (gunsu)." The amendments were approved by the Emperor on October 25, 1900 and declared in the Imperial Decree No. 41 in the government's official gazette on October 27, 1900.

Article 2 of Imperial Decree No. 41 stipulates that "as regards the districts, all of Ulleungdo as well as Jukdo and Seokdo [Dokdo] shall be placed under the jurisdiction of Uldo-gun (Uldo county)," explicitly including Dokdo among the districts under the jurisdiction of Uldo-gun (Uldo county).

p.24, Dokdo : Beautiful Island of Korea, Ministry of Foreign Affairs, the Republic of Korea

### Annotation

The ROK asserts that Korea declared an Imperial Decree in 1900 that provided that Takeshima was put under the jurisdiction of a Korean administrative area (Uldo).

### No proof has been provided to identify "Seokdo" as Takeshima

The ROK asserts that "Seokdo [Dokdo]" was in the provision of the Imperial Decree, but provided no proof that Seokdo was the same as Takeshima.

In the "Request for Cabinet Decision Regarding the Change of the Name of Utsuryo Island [Ulleungdo] to Utsu Island [Uldo] and the Change from Island Administrator to County Magistrate" (1900), which was submitted at the time of deliberation on said Decree, it is stated that "the area of the island concerned is 80 ri on the long axis (approx. 34km) and 50 ri across (approx. 21km). This area cannot include Takeshima, 90km from Utsuryo Island.

### The Imperial Decree cannot constitute proof of effective rule

Regardless of whichever "Seokdo" in Imperial Decree No. 41 is intended to be Takeshima, the ROK has not provided any proof that Korea effectively ruled Takeshima before and after the declaration of the Imperial Decree. Hence Korea cannot be considered to have established its sovereignty over Takeshima.



Takeshima (Photographed by Masasuke Ono,1906) [Repository] Shimane Prefectural Library

### 3 Continuous execution of the administrative right over Takeshima

February 22, 1905

**Shimane Prefecture announced the incorporation of Takeshima, added Takeshima to the State Land Register, and conducted field studies.**

Based on the Cabinet decision, Shimane Prefecture announced on February 22, 1905 the incorporation of Takeshima throughout the prefecture, added Takeshima to the State Land Register, and designated the sea lion hunting as a fishery activity that required a license from the Shimane Governor. In the same year, the Governor visited Takeshima. In 1906, the Shimane Prefectural research corps landed on the island to investigate and made geological maps. At the national level, the Japanese Navy Hydrographic Department took measurements of Takeshima. With these activities, the administration of Takeshima was consolidated.

→ No.8-10

**No.8 Shimane Prefectural Notice No.40**

This notice clarifies the location of the islands in terms of northern latitude and eastern longitude, and informs all jurisdictions inside Shimane Prefecture that the islands shall be known as Takeshima and placed under the jurisdiction of the Governor of the Oki Islands belonging to Shimane Prefecture.



Matsunaga Bukichi (Governor of Shimane Prefecture)  
February 22, 1905 (Meiji 38)  
[Repository] Shimane Prefecture Public Records Center

**Excerpt**

The islands at 37°9'30" north latitude and 131°55' east longitude located 85 nautical miles northwest of the Oki Islands are hereby named Takeshima, and shall come under the jurisdiction of the Oki Islands Branch Office of this prefecture.

**No.9 Original Record of Longitude and Latitude Measurement**

An original record of longitude and latitude measurement conducted by the Hydrographic Department. It includes a measurement map of Takeshima surveyed in August 4 to 5, 1908.



Hydrographic Department (Imperial Navy)  
August, 1908 (Meiji 41)  
[Repository] Hydrographic and Oceanographic Department, Japan Coast Guard

**Excerpt**

Location: East Coast of Korea, Takeshima, (Oki Province), Meima, on the south horn  
Measurement Dates: August 4 to 5, 1908

Jurisdiction

**May 1905  
Entry in Ledger of State-Owned Land**

At the instruction of Shimane Prefecture, the Oki Island Branch Office took measurement of the area of Takeshima, and reported the result with an abbreviated map. Shimane Prefecture added this result to a Ledger of State-Owned Land in accordance with the report. The area is recorded as 23 cho 3 tan 3 sebu (approx. 0.231 km<sup>2</sup>).

**No.10 Ledger of State-Owned Land / Takeshima**



Geographical Section, Shimane Prefecture  
May 17, 1905 (Meiji 38)  
[Repository] Shimane Prefecture Public Records Center

Registration

**June 6, 1905  
Commercial Registration**

This is an official publication (gazette) that announces the registration of the Takeshima Fishing and Hunting Limited Partnership Company with Yozaburo Nakai as representative, established in 1905.

**No.14 Official Gazette (6586)**

**Excerpt**

Commercial Registration  
Company Name: The Takeshima Fishing and Hunting Limited Partnership Company  
Headquarters: Saigo-cho, Suki County, Shimane Prefecture  
Purpose: Hunting sea lions around Takeshima, production and sales.  
Representative member of the company: Yozaburo Nakai  
Date of establishment: June 3, 1905 (Meiji 38)  
Registered on June 6, 1905

Saigo Ward Court  
June 6, 1905 (Meiji 38)  
[Repository] National Diet Library

**March 29, 1909  
Designating the area of jurisdiction by Imperial Edict**

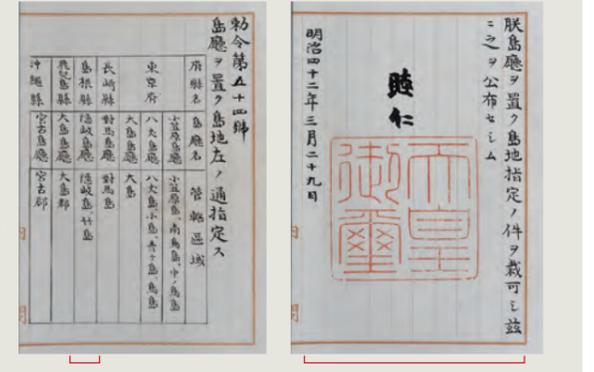
This Imperial Edict in 1909 designated the Oki Islands as an Island Area in which the Island Branch Office was established, and included Takeshima once again in the area under the jurisdiction of the Oki Island Branch Office. Accordingly, in 1909, the Oki Islands were officially designated as an Island Area with the Island Branch Office by this Imperial Edict, and it was clearly stated that Takeshima was placed under the jurisdiction of this Island Branch Office.

**No.11 Imperial Edict No. 54 of 1909**

**Excerpt**

I hereby proclaim to approve the case of designation of the Island Areas in which the Island Branch Offices are established.  
(official signature and seal)  
March 29, 1909  
(text omitted)  
Imperial Edict No. 54  
The Island Areas in which the Island Branch Offices are established are designated as follows:  
Name of prefecture, Name of Island Branch Office, Area under the jurisdiction  
Shimane Prefecture, Oki Island Branch Office, Oki Island, Takeshima  
(text omitted)

Cabinet  
March 29, 1909 (Meiji 42)  
[Repository] National Archives of Japan



Taxation

**March 1, 1906  
Taxation on sea lion hunting**

Shimane Prefecture amended Prefectural Ordinance No. 11 of 1901 (Regulations on the Assessment of Prefectural Taxes), adding "sea lion hunting" to the list of items subject to business tax (fishery and seaweed harvesting), with a tax rate.

**No.12 Shimane Prefectural Ordinance No.8**  
(Regulations on the Assessment of Prefectural Taxes)

**Excerpt**

Fishery and Collecting Seaweeds  
Section of open sea  
Whaling  
Sea lion hunting  
1.5% of the value of catches per annum

Matsunaga Bukichi (Governor of Shimane Prefecture)  
March 1, 1906 (Meiji 39)  
[Repository] Shimane Prefecture Public Records Center

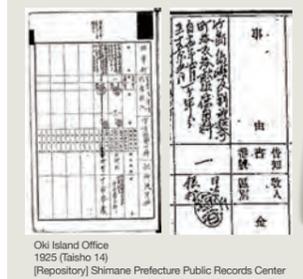
**1906 -  
Collection of the rent for State-Owned Land**

Yozaburo Nakai submitted the request for leasing Takeshima and obtained permission to do so. A request was submitted every five years, and the lessee paid the annual rent for State-Owned Land into the Bank of Japan. The ledger remains, recording the collection of the rent with the entry of 4.70 yen.

**No.13 Rental fees for state-owned property (land use fees)**

**Excerpt**

Matter: Takeshima Island acreage 23 cho 3 tan 3 sebu (approx. 231 km<sup>2</sup>), rental fee for 1 year from April 1925 to March 1926  
Revenue category Bank of Japan



Oki Island Office  
1925 (Taisho 14)  
[Repository] Shimane Prefecture Public Records Center

Industrial Regulation and Licensing

**April 14, 1905  
Designating sea lion hunting as an activity requiring license by the Prefectural Governor**

Shimane Prefecture added sea lion hunting around Takeshima to the list of industrial fisheries activities requiring license by the Prefectural Governor by amending the Fishing Industry Control Regulations, in order to prevent over-hunting of sea lions.

**No.15 Shimane Prefectural Ordinance No. 18 (Fishing Industry Control Regulations)**



Matsunaga Bukichi (Governor of Shimane Prefecture)  
April 14, 1905 (Meiji 38)  
[Repository] Shimane Prefecture Public Records Center

**June 5, 1905  
Issuing license for sea lion hunting**

Shimane Prefecture issued a sea lion hunting permit to Yozaburo Nakai and others who submitted requests, with a license tag.

**No.16 Shimane Prefecture Agriculture No. 1926**



Matsunaga Bukichi (Governor of Shimane Prefecture)  
June 5, 1905 (Meiji 38)  
[Repository] Shimane Prefecture Public Records Center

**April 1, 1921  
Permission to collect seaweed around Takeshima**

Shimane Prefecture amended the Fishing Industry Control Regulations to permit licensed fishermen engaging in sea lion hunting to also collect seaweed and shellfish in a specified area around Takeshima.

**No.17 Shimane Prefectural Ordinance No. 21, 1921**



**Excerpt**

Article 15  
5. Amend the attached clause to "this article shall not apply to the fishermen who obtain a license for sea lion hunting when they collect agar, laver, wakame, mother-of-pearl, abalones, hard-shelled mussels, etc."

Sanehide Takerabe (Governor of Shimane Prefecture)  
April 1, 1921 (Taisho 10)  
[Repository] Shimane Prefecture Public Records Center

**June 6, 1936  
Granting permission for prospecting for rock phosphate**

Upon the submission of a request for prospecting for rock phosphate, the Osaka Mine Supervisory Office, Ministry of Commerce and Industries, granted permission on June 6, 1939. The Ministry of Commerce and Industries publicized this granting of permission in the Official Gazette No. 3813 on September 19, 1939.

**No.18 Mining matter (Ministry of Commerce and Industries) Permission for prospecting for rock phosphate**



**Excerpt**

Mining Matter: The measures in accordance with the Mining Act are as follows:  
(Ministry of Commerce and Industries)  
Permission for prospecting Registration No.: Shimane 2,143  
Location of mining area: Takeshima, Oki and the surface of the surrounding sea area.  
Kind of mineral: Phosphate  
Area: 83,800 tsubo (0.28 sq. km)  
Right holder and address: Tottori Prefecture (text omit)  
Date of permission and registration: June 6, (Showa) 14 (1939)

Ministry of Commerce and Industries  
September 19, 1939 (Showa 14)  
[Repository] Shimane Prefecture Library

# 2 Treatment of Takeshima in the San Francisco Peace Treaty and Actions of the Republic of Korea

## 1 End of the War and Negotiations toward the Conclusion of the Peace Treaty

### End of the War

Japan was under occupation until the Peace Treaty was concluded with the Allied Powers.

### Negotiations toward the conclusion of the Peace Treaty

The US began preparing drafts of the Peace Treaty around 1947, and once a draft of March 1951 was formulated, from April to May 1951 the US consulted with the United Kingdom (UK), which had prepared a separate draft.

### US-UK Joint Draft

A draft was made based on the recognition that Takeshima belonged to Japan.

### ROK requested an amendment of the Draft

The US replied that Takeshima had never been part of Korea, and belonged to Japan.

End of the War/ Start of Occupation    Treaty Negotiation

#### August 1945 Acceptance of the Potsdam Declaration

**Potsdam Declaration (citation)**  
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.

**Potsdam Declaration**  
The Potsdam Declaration was a declaration in which the Allied Powers called on Japan to surrender at the end of WWII. It covers Japan's disarmament, demilitarization, democratization, and eventual return to the international community, among other matters. The Declaration was conveyed to Japan on July 26, 1945. Japan accepted it in August, putting an end to the War.

#### Developments among the Allied Powers

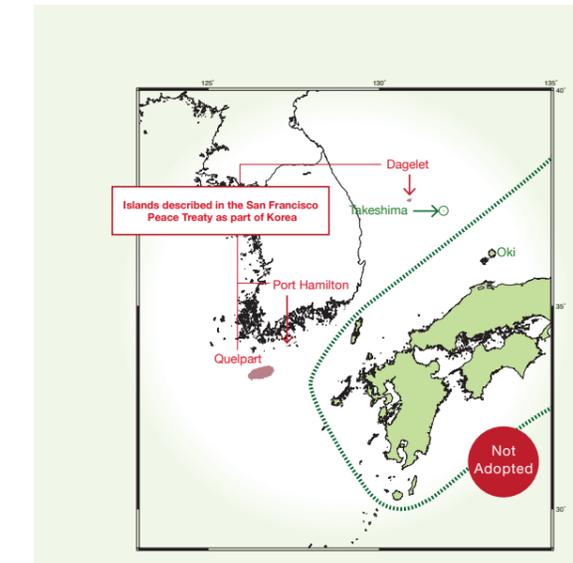
**1951  
US Draft**  
The US circulated its draft to the related nations, which started the full-scale negotiations for the Peace Treaty. In relation to Japan's territory, the US draft stated simply that Japan shall renounce Korea.

**US Draft (citation)**  
Japan renounces all rights, titles and claims to Korea, Formosa and the Pescadores;

**US**  
The US had already communicated to some countries its recognition that Takeshima had long been recognized as Japanese.

**UK**  
The UK considered that the territorial limits between Japan and Korea should be set out clearly in the draft treaty.

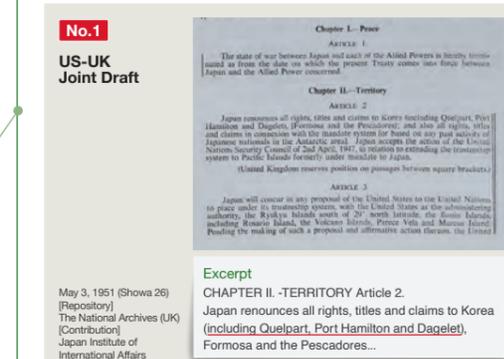
**April 25, 1951-  
US-UK consultations**  
The US and the UK, playing a leading role in making peace with Japan, consulted with one another to prepare a joint draft. In these consultations, a draft proposal to exclude Takeshima from the Japanese territory was not adopted.



#### Developments in

**May 3, 1951  
US-UK Joint Draft**  
Based on their consultations, the US and the UK agreed to add "three islands: Quelpart, Port Hamilton and Dagelet" as part of Korean territory to the original US draft, which simply described territory that Japan would renounce. The US and the UK prepared a joint draft on May 3, 1951, and revised it in June.

**US-UK Joint Draft (citation)**  
CHAPTER II. - TERRITORY Article 2. Japan renounces all rights, titles and claims to Korea (including Quelpart, Port Hamilton and Dagelet), Formosa and the Pescadores...



#### Developments

**July 19, 1951  
The ROK's requests to the US to modify the revised Joint US-UK draft.**

**(1) Include Takeshima as part of Korean territory**  
The ROK requested that the US include Takeshima ("Dokdo" in the ROK's letter) in the islands that Japan would renounce.

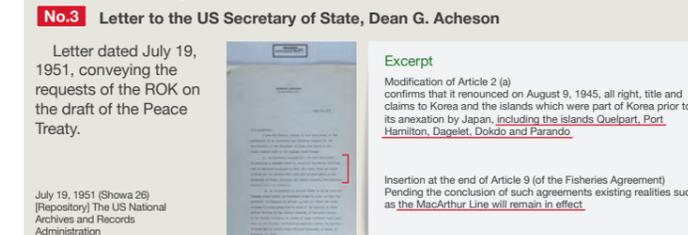
**(2) Maintain the MacArthur Line**  
The ROK requested that the US maintain the so-called MacArthur Line (i.e., the area authorized for Japan's fishing and whaling under the occupation) even after the Peace Treaty entered into force.

#### Developments

**August 10, 1951  
The US rejects the ROK's requests (the so-called Rusk Letter).**

**(1) Takeshima was never a part of Korea**  
The US rejected the ROK's request by stating that Takeshima was "according to our information never treated as part of Korea and, since about 1905, has been under the jurisdiction of the Oki Islands Branch Office of Shimane Prefecture of Japan."

**(2) The Treaty provisions governing fishing in high seas cannot be included**  
The US rejected the ROK's request by stating that "any attempt to include in the treaty provisions governing fishing in high seas areas would indefinitely delay the treaty's conclusion," and "...the so-called MacArthur line will stand until the treaty comes into force, and ...Korea ...will have the opportunity of negotiating a fishing agreement with Japan prior to that date."



#### Developments in Japan

**Supreme Commander for the Allied Power Instruction Note No.677**  
**January 1946**  
**Temporary suspension of Japan's administrative authority** (expired in April 1952)  
The General Headquarters of the Supreme Commander for the Allied Power (GHQ/ SCAP) directed Japan to cease exercising its administrative authority over any area outside the defined limit and excluded Takeshima from the limit.  
"Paragraph 6 of the note provides that "Nothing in this directive shall be construed as an indication of Allied policy relative to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration."  
**Ceasing the execution of governmental authority in the period of the occupation as well as the Mac-Arthur Line did not have any effect on the determination on Japan's territory.**

**Supreme Commander for the Allied Power Instruction Note No.1033**  
**June 1946**  
**Forbidding approaching close to Takeshima** (Lifted in April 1952)  
Furthermore, SCAP issued a note concerning the area authorized for Japan's fishing and whaling (the so-called "MacArthur Line"), which explicitly forbade approaching close nor any contact to Takeshima.  
"Paragraph 5 of this note provides that "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."

#### Agreement in the US-UK consultations

At the 7th meeting of the US-UK consultations held intensively in Washington, DC, from April 25 to May 4, 1951, both delegations agreed that it would be preferable "to specify only the territory over which Japan was renouncing sovereignty," and confirmed that "the insertion of the three islands: Quelpart, Port Hamilton and Dagelet" was required for the provision on the renunciation of Korea in the US draft.

**No.2 Anglo-American Meetings on Japanese Peace Treaty**  
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.  
May 2, 1951 (Showa 26) [Repository] The National Archives (UK)

#### Response from the US

Letter dated August 10, 1951, in response to the ROK's requests on the Peace Treaty (letters dated July 19 and August 2, 1951). The US clearly rejected the ROK's recognition in the letter by stating that Takeshima was "never treated as part of Korea... The island does not appear ever before to have been claimed by Korea."

**No.4 Response from the US (the so-called Rusk Letter)**  
Excerpt  
...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...

## 2 Signing and Enforcement of the Peace Treaty / Developments in the ROK

### Signing of the Peace Treaty

The ROK's requests to modify the provisions were rejected; the Treaty confirmed that Takeshima was Japan's territory.

#### Signing of the Treaty

September 8, 1951

#### Signing of the San Francisco Peace Treaty

Islands that belonged to Japan other than Honshu, Hokkaido, Kyushu, and Shikoku were determined.



Sep. 8, 1951 (Showa 26)

Signing of the San Francisco Peace Treaty

### Syngman Rhee Line

The ROK, whose requests were rejected, resorted to forceful measures; Japan, the US and other countries protested.

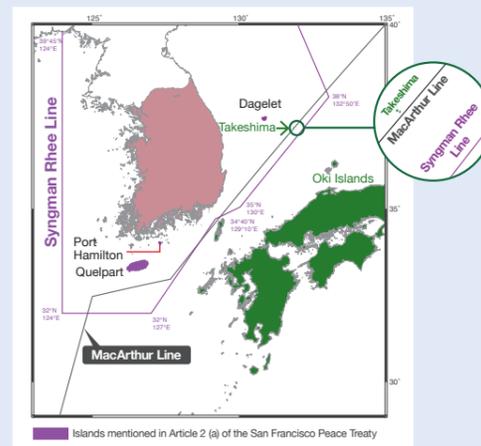
#### Developments in the ROK

January 18, 1952

#### The ROK President declares 'maritime sovereignty.'

ROK President Syngman Rhee issued the declaration of 'maritime sovereignty,' by which the ROK unilaterally established the so-called Syngman Rhee Line in a way that would incorporate a large area on high seas, including Takeshima in this area.

Consequently, there was a rise in cases of the seizure of Japanese fishing vessels by the ROK authorities, mainly in good fishing areas between Syngman Rhee Line and Tsushima. This was accompanied by many cases of the detention of Japanese crew members, worsening the situation.



#### Japan, US and other countries

Japan, the US, the UK and other countries protested against this declaration as infringing on the principle of freedom of the high seas. Japan also protested against the ROK's territorial claims over Takeshima included in the declaration. (Japan's protest: January 28, 1952)

### Entry into force of the Peace Treaty

Japanese people resumed passage to Takeshima, but were soon blocked by the ROK. An incident occurred in which Japan Coast Guard patrol vessels were fired upon.

#### Enforcement of the Treaty

##### Restoration of Sovereignty of Japan

April 28, 1952

#### Entry into force of the San Francisco Peace Treaty

Japan restored its independence along with the termination of instructions and measures by the GHP/ SCAP including SCAPIN 677. Later, Takeshima was designated as a bombing range for the US Forces.

July 26, 1952  
Designation of Takeshima as a bombing range for the US Forces. (Passage to Takeshima was not allowed.)

March 19, 1953  
Release of Takeshima from the above designation

### Illegal Occupation by the ROK

The ROK dispatched its Coast Guard battalion to Takeshima to occupy it illegally. The US and the UK viewed Takeshima as belonging to Japan, in accordance with the San Francisco Peace Treaty.

#### ROK's Illegal Occupation of Takeshima

##### Developments in Japan

June 1953 -

#### Passage to Takeshima resumes

Upon the release of Takeshima from the designation of a bombing range, Shimane Prefecture permitted fisheries around Takeshima, and fishing operations started in waters surrounding Takeshima. Meanwhile, as illegal landings by ROK nationals were being confirmed, the Japanese authorities began taking enforcement measures.



July 1953 -

#### Incident in which shots were fired against Patrol Vessel Hekura of the Japan Coast Guard

On July 12, 1953, dozens of shots were fired at Patrol Vessel Hekura of the Sakai Coast Guard, the 8th Regional Coast Guard Office.

##### Exchanges of notes verbale between Japan and the ROK

On the day following the incident in which the Japan Coast Guard Patrol Vessel Hekura was fired upon, Japan lodged a protest against the ROK. Exchanges of notes verbales begun, conveying each side's grounds for its territorial claims to the other. Both Japan and the ROK argued that Takeshima was its own territory based on historical facts and international law.

##### Main exchanges of notes verbale (views)

Japan	ROK
(1) July 1953	(1) September 1953
(2) February 1954	(2) September 1954
(3) September 1956	(3) January 1959
(4) July 1962	(4) December 1965

#### Implementation of a Joint Investigation

From June 22 to 28, 1953, the 8th Regional Maritime Safety Headquarters (current Regional Coast Guard Office) implemented a crackdown on illegal passage and fishing, found six ROK nationals on Takeshima, questioned them, warned them that Takeshima belonged to Japan and their activities were regarded as illegal entry and fishing, and demanded that they leave the island. However, they did not have any powered vessel at the time, and were made to promise to return by the next available ship.

No.6

#### Photos of Joint Investigation by Shimane Prefecture and the Japan Coast Guard



Apr. 28, 1952 (Showa 27)

Entry into force of the San Francisco Peace Treaty

Jun. 1954 (Showa 29)

The ROK dispatched its Coast Guard battalion to Takeshima, consolidating its arrangement of the illegal occupation

#### US protest against the declaration of maritime sovereignty

The US expressed deep concern to the ROK, pointing out the possibility that the declaration would infringe on the rights on the high seas held by all states, and indicated that the declaration was in effect equivalent to the claim that any nation can, by declaration, convert the high seas into territorial waters.

#### No.5 Protest by the US

February 11, 1952 (Showa 27) [Repository] Diplomatic Archives of Ministry of Foreign Affairs ROK

##### Excerpt

No. 167  
American Embassy,  
Pusan, February 11, 1952.

##### Excellency

I have the honor to advise Your Excellency that the Government of the United States of America has taken note of the Proclamation issued by the President of the Republic of Korea on January 18, 1952 regarding Korean sovereignty over the continental shelves and certain water areas adjacent to the mainland and insular coasts of the Republic of Korea.

I am directed to inform Your Excellency that the Government of the United States of America regards with deep concern the provisions of this Proclamation. It seemed into execution, this Proclamation would bring within the exclusive jurisdiction and control of the Republic of Korea wide ocean areas which have hitherto been regarded as high seas by all nations, and would in these waters and in the air spaces above supplant the free and untrammelled navigation of foreign vessels and aircraft to such controls as the Republic of Korea, in the exercise of the sovereignty claimed, might apply. The disclaimer in Paragraph 4 does not lessen the concern of the United States Government since by the assertion of sovereignty, freedom of navigation in these areas might be claimed to be a privilege granted to [sic] the Republic of Korea rather than a right deriving from international law.

Although the Proclamation purports to be supported by well-established international precedents, my Government is not aware of any accepted principle of international law which would qualify as a legitimate precedent for this purported extension of Korean sovereignty. In this regard, my Government

wishes to call to the attention of the Republic of Korea, that, unlike the two Proclamations issued by the President of the United States of America on September 28, 1945 concerning United States policy with respect to the resources of the continental shelf and the conservation of contiguous high seas fisheries, the Korean Proclamation relates to Korean national sovereignty over the areas specified therein. The two United States Proclamations did not contemplate, nor in fact effect, any extension of the pre-existing territorial waters of the United States. On the contrary, the one has specific reference to the natural resources of the seabed and sea bed rather than to the seabed and sea bed so, while the other relates only to the maintenance of the productivity of the fishery resources in contiguous high seas and provides for joint action where one or more other states also have an interest in a fishery to be conserved.

With the foregoing considerations in mind, the Government of the United States of America desires to inform the Government of the Republic of Korea that it reserves all its interests and the interests of its nationals and vessels under the provisions of the Korean Proclamation in question, and under any measures designed to carry them into execution.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

His Excellency  
Yung-tai P'yun,  
Minister of Foreign Affairs,  
Republic of Korea.

##### MEMORANDUM

Part I: The United Government is very much interested in seeing a just and equitable settlement of the fishing problem and the other outstanding problems between Japan and Korea but believes that this is primarily a matter to be worked out between the two countries in the forthcoming negotiations. It is hoped that moderation on both sides and recognition of the community of interest between the two nations will lead to an equitable settlement.

Part II: The following is relevant international law and other background material.

1. The term "national sovereignty" denotes complete jurisdiction for all purposes.

2. The term "territorial waters" is derived from the fact that the littoral state has sovereignty over it. This distinguishes territorial waters from the high seas over which no nation has sovereignty.

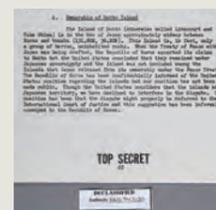
3. Despite the Republic of Korea disclaimer, the Republic of Korea Proclamation is in effect equivalent to the claim that any nation can, by proclamation, convert the high seas into territorial waters.

(next omitted)

#### View of the US: Report of the Mission of Ambassador Van Fleet

In the process of drafting the San Francisco Peace Treaty, the US concluded that in spite of the ROK's requests, Takeshima remained under Japanese sovereignty and was not included among the islands that Japan released from its ownership. The US position was that the dispute might properly be referred to the International Court of Justice, and this suggestion was informally conveyed to the ROK.

#### No.7 Report of the Van Fleet Mission to the Far East



##### Outline

Presidential Ambassador James Van Fleet visited Asian countries from April to July, 1954 (Showa 29) for a study mission. On October 4, he submitted his report to President Eisenhower, including reports on the military status of each country and recommendations for US policy.

September 30, 1954 (Showa 29)  
[Repository] The US National Archives and Records Adminis

#### View of the UK: Cable sent from the British Embassy in Japan to the Foreign Office

It was reported to the Foreign Office in the capital that "our [Embassy's] ... view is that under Article 2 of the Peace Treaty, ... Takeshima unmistakably forms part of Japanese territory."

#### No.8 Cable sent from the British Embassy in Japan to the Foreign Office



Outline  
On July 14, 1953, two days after the incident in which a Japanese patrol vessel "Hekura" was fired upon by the ROK side, Foreign Minister Okazaki stated in a cabinet meeting that he would request both the UK and the US governments to take a mediator's role to resolve the Takeshima dispute. In response, the British Embassy in Tokyo sent this cable to the Foreign Office regarding the Takeshima dispute.

July 15, 1953 (Showa 28)  
[Repository] The National Archives (UK)

### 3 Japan's initiative in pursuit of a solution based on international law

#### Developments in Japan

September 1954 –

#### Proposal to the ROK to refer the issue to the International Court of Justice (ICJ)

Japan made proposals in 1954, 1962, and 2012, all of which were rejected by the ROK. Furthermore, the ROK was recommended by the US to refer the case to the ICJ (Van Fleet Report below).

#### Japan's Basic Position

- Takeshima is indisputably an inherent part of the territory of Japan, in light of historical facts and based on international law.
- The ROK has been occupying Takeshima with no basis in international law. Any measures the ROK 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.

#### Japan's Response Respecting Law and Order in the International Community

Japan has responded to various situations pertaining to its territory and sovereignty in an appropriate manner and in line with the nature of each situation, while respecting law and order in the international community.

As for Takeshima, Japan takes initiatives that correspond to the nature of the situation as detailed below.

Takeshima	
Nature of the Situation	<p><b>Territorial issue exists.</b></p> <p>Takeshima is an inherent territory of Japan. As seen in the drafting history of the San Francisco Peace Treaty, it is clear that Japan retains Takeshima under the treaty. However, from 1953 to 1954, the Republic of Korea (ROK) illegally occupied Takeshima by physical force, including firing on Japan's patrol vessels.</p>
Background to date	<p>Japan and the ROK expressed their respective claims to each other via diplomatic notes in the 1950s and 1960s. Takeshima has remained illegally occupied by the ROK up until the present day.</p> <p>With no bilateral solution forthcoming, Japan proposed to the ROK to refer the case to the International Court of Justice in 1954, 1962 and 2012.</p> <p>The ROK has continually rejected these proposals.</p>
Japan's response	<p>Any measures or actions the ROK takes regarding Takeshima based on illegal occupation have no legal justification under international law. The Japanese Government will respond firmly with the determination to resolutely defend Japan's territory as well as territorial sea and airspace.</p>

#### Cases in which territorial disputes were resolved in international courts

There have been many cases where inter-state disputes over territories were peacefully resolved in international courts and tribunals in accordance with international law.

Year of judgment	Case name	Court (basis of referral)	Parties	Judgment
1928	Island of Palmas Case	Arbitral Tribunal	Netherlands v. USA	Belongs to the Netherlands
1931	Clipperton Island Case	Arbitral Tribunal	France v. Mexico	Belongs to France
1933	Legal Status of Eastern Greenland Case	Permanent Court of International Justice (Optional Clause)	Denmark v. Norway	Belongs to Denmark
1953	Minquiers and Ecrehos Case	International Court of Justice (Special Agreement)	United Kingdom/France	Belongs to the United Kingdom
2002	Case concerning Sovereignty over Pulau Ligitan and Pulau Sipadan	International Court of Justice (Special Agreement)	Indonesia/Malaysia	Belongs to Malaysia
2008	Case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge	International Court of Justice (Special Agreement)	Malaysia/Singapore	Belongs to Singapore (Middle Rocks belongs to Malaysia)

#### Three points to bear in mind when considering evidentiary materials

When states make conflicting territorial claims, many forms of evidence are presented to prove that their claims are correct. Here are some points to bear in mind when examining those materials.

**Point 1** **Validity of the materials**  
Can the material be considered as valid evidence in international courts?

Although circumstances are unique to individual cases, the aspects (right) can be drawn from legal precedents.

**Materials that can be considered as valid evidence:**

<Examples>  
Anything that indicates effective control, e.g. taxation, land registration, establishment of related legislations, regulations on hunting and fishing, establishment of natural protected areas, regulations on border control, activities of individuals permitted by the authorities.

**Materials that are unlikely to be accepted as valid evidence:**

- The island of concern is indicated on a map in an ancient document of the country.
- The island of concern is physically visible from a territory of the country.
- The color of the sea changes from beyond the island of concern.
- A high-ranking official passed nearby the island of concern.

**Point 2** **Credibility of the contents set out in the materials**  
Is the material based on accurate information?

In some cases, the materials may include content that is based on oral histories or ancient myths, or not based in fact. For instance, some maps of the Sea of Japan made in the late Edo Period or the early Meiji Period depict an island known as Argonaut that does not exist.

**Point 3** **Accuracy of the interpretation of the materials**  
Are the arguments relying on the evidentiary material based on an accurate interpretation?

In some cases, there may be a weak causal relationship between the content of the materials and the conclusion being drawn in the argument, or the interpretation of the materials in the argument is not appropriate when put in the full context or compared with other related materials. In particular, the interpretation of ancient maps and documents tends to be difficult, and views of experts can sometimes be split.