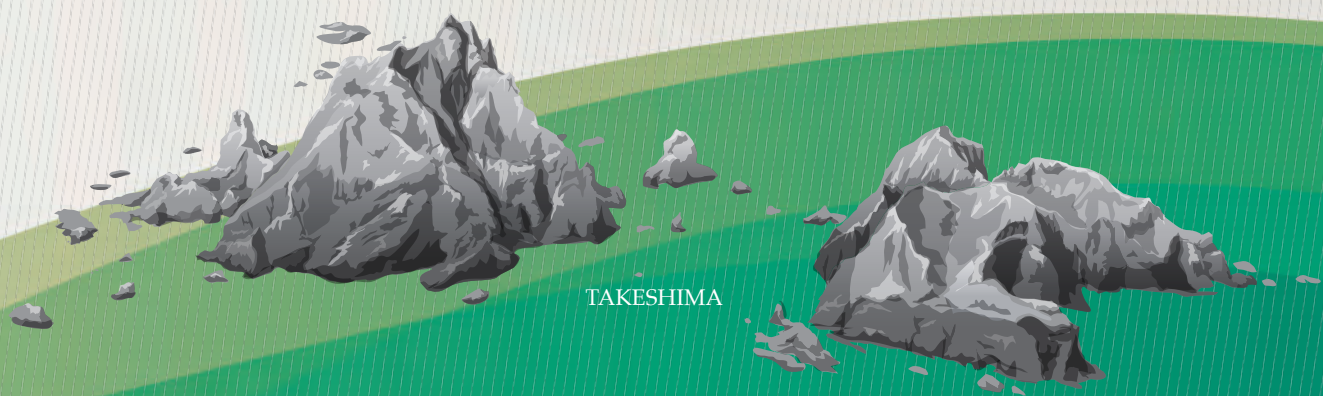


# Commissioned Research Report on the **TAKESHIMA-related Documents**

FY2019 Cabinet Secretariat Commissioned Research Project



**FY2019**  
FINAL REPORT

# How to read this Report

## How to interpret the documents and materials

**Reference No.**

**Background and content of the documents and materials**

**Excerpt from the document**

**Year of production in our reports**

**Overview**

**Attribution of the documents and materials**  
("-" where not applicable)

**No. 1** **English Title**

**FY2018/P9** March 29, 1909

**Excerpt [English translation]**

I hereby approve the matter of the designation of this island as an island with a government branch office.  
(Imperial Seal)  
March 29, 1909  
(Text omitted)  
Imperial Edict No.54  
The islands on the left are designated as islands with government branch offices  
Name of prefecture  
Name of branch office  
Area under jurisdiction  
(Text omitted)

|                                    |   |
|------------------------------------|---|
| <b>Date Created</b>                | March 29, 1909  |
| <b>Author(s) &amp; Editor(s)</b>   | Cabinet   |
| <b>Publisher</b>                   | Cabinet   |
| <b>Name of Publication</b>         | -   |
| <b>Language</b>                    | Japanese  |
| <b>Medium</b>                      | Paper   |
| <b>Public Access</b>               | Open  |
| <b>Repository</b>                  | National Archives of Japan  |
| <b>Reference &amp; Information</b> | Access the website of the Japan Center for Asian Historical Records, National Archives of Japan |

**Past Reports**

[https://www.cas.go.jp/jp/ryodo\\_eg/report/takeshima.html](https://www.cas.go.jp/jp/ryodo_eg/report/takeshima.html)

Reference No.

Background and content of the documents and materials

Excerpt from the document

In the original Japanese report, translations from classical Japanese and/or other languages into modern Japanese are included where necessary. These have been translated into English for this report.

Year of production in our reports

**No. 1** **English Title**  
**FY2018/P9** March 29, 1909

Overview

Prior to this, the Oki Islands branch office had been established in Saigo-cho (Town), Suki County of Oki Province in accordance with Shimane Prefectural Ordinance No.51 dated May 7, 1888. Thereafter, with revisions made to the local bureaucratic system that defines the structure of prefectures, Article 52 of the Local Bureaucratic System under Imperial Edict No. 225 of 1890 stipulated that a government branch office would be established on the island designated by Imperial Edict (refer to p.37).

Accordingly, in 1909, the Oki Islands were officially designated as an island with a government branch office in accordance with imperial edict, and it was clearly stated that Takeshima was a part of the area under the jurisdiction of this branch office.

Excerpt [English translation]

I hereby approve the matter of the designation of this island as an island with a government branch office.  
(Imperial Seal)  
March 29, 1909  
(Text omitted)  
Imperial Edict No.54  
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| <b>Name of Publication</b>         | -   |
| <b>Language</b>                    | Japanese  |
| <b>Medium</b>                      | Paper   |
| <b>Public Access</b>               | Open  |
| <b>Repository</b>                  | National Archives of Japan  |
| <b>Reference &amp; Information</b> | Access the website of the Japan Center for Asian Historical Records, National Archives of Japan |

**Attribution of the documents and materials**  
("-" where not applicable)

Past Reports

[https://www.cas.go.jp/jp/ryodo\\_eg/report/takeshima.html](https://www.cas.go.jp/jp/ryodo_eg/report/takeshima.html)

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## Foreword

Chairperson of the Research Committee  
**Susumu TAKAI**

Upon being reappointed as Prime Minister in December 2012, Prime Minister ABE established the Office of Policy Planning and Coordination on Territory and Sovereignty (hereafter, “Office of Territorial Affairs”) under the Cabinet Secretariat in February the following year with a view to improving Japan’s relations with China and the Republic of Korea, which had become increasingly strained in recent years. At the same time, he instructed Ichita YAMAMOTO, Minister in charge of Ocean Policy and Territorial Issues, to study the need to disseminate information domestically and abroad regarding Japan’s position that it has territorial sovereignty over the Senkaku Islands and Takeshima, and develop a mechanism for doing so. The Advisory Panel on Communications concerning Territory and Sovereignty was convened in April 2013. In July the same year, it proposed a strategic plan for enhancing external communication and raising domestic awareness of territorial affairs, and recommended conducting academic research and investigations into relevant documents and materials.

Our document research project on Takeshima has been conducted over a period of six years from FY2014. In the first fiscal year, the team started to collect documents and materials with a focus on those in Shimane Prefecture. We gradually expanded the scope of research to all parts of Japan and even outside of Japan, and the results of the research have been compiled in an annual report and released through the Office of Territorial Affairs every fiscal year. The greatest achievement of this document research project is the successful collection of documents and materials that show Japan’s peaceful and continuous exercise of sovereignty over Takeshima, including the Japanese government’s administrative management of Takeshima in the period from its incorporation into Shimane Prefecture by a Cabinet decision in 1905 until the start of World War II, such as the ledgers of state-owned land, and the authorization and licensing of certain property rights over the island by government agencies.

The scope of this document research project was also expanded to include overseas sources such as the national archives and other institutions of the United States, the United Kingdom, and Australia. Through these sources, a considerable number of documents and materials were collected in relation to the drafting process for the San Francisco Peace Treaty, which was a part of the process of establishing peace with Japan after World War II. The relevant

documents and materials have been extremely valuable in showing that the United States and other major Allied nations clearly recognized Takeshima as Japan’s territory and continued to share this recognition after the Peace Treaty entered into force. In addition, the team was also successful, to a certain degree, in collecting documents and materials that show the process of Korea ignoring the shared recognition of the major Allied nations and occupying Takeshima illegally based on its unilateral assertions.

Our research into documents and materials concerning the Japanese activities in Takeshima before the Cabinet decision in 1905 produced concrete results such as the map of Matsushima in the Edo era. Thanks to the OYA family’s documents, donated to Shimane Prefecture in January 2019, which have been partly included in this report, we were able to provide a richer set of research results with regard to the Edo era. There is a need to continue research into these documents.

Broadly speaking, a major achievement of our collection and research activities on documents and materials concerning Japan’s territorial sovereignty over Takeshima over the past six years is the fact that we have enabled easier access to such documents and materials. Newly discovered and already-known documents and materials have been organized in a proper and easy-to-understand manner as part of our annual reports. These documents and materials are also made available on the Office of Territorial Affairs’ website. However, further efforts must be made to effectively use these documents and materials for the purpose of disseminating information on Japan’s positions on territorial matters as recommended in the report of the Advisory Panel in July 2019. Specifically, it is important to enhance the value of the collected documents and materials by analyzing them systematically and strategically and adding commentaries on major issues. If there remain any further relevant and necessary documents and materials that have yet to be collected, it goes without saying that the work to collect and research them must continue.

Last but not least, I would like to express my deep gratitude to the Research Team, which has worked tirelessly over the past six years to collect and research documents and materials, and to the members of the Research Committee who undertook to verify the contents of the documents and materials collected.

## 1. Research Objectives

In FY2019, we were commissioned by the Cabinet Secretariat's Office of Policy Planning and Coordination on Territory and Sovereignty to conduct research on documents and materials related to Takeshima.

The objectives of this research are to locate, collect (acquire images and duplicates), and compile documents and materials that show facts about Takeshima.

This research has been conducted for six years since FY2014. For documents and materials whose existence had been known of at the start of the research, we confirmed their continued existence, as well as collected and compiled them. We also investigated new documents and materials that had not yet been found at the start of the research.

For the past five years (FY2014-2018), we compiled the results of our research in annual reports. For this fiscal year, we have combined these past research results to present an overview of our accomplishments, while also continuing our research activities.

The content published in this report represents the views of the commissioned researchers and the members of the Research Committee, which consists of experts on history, international law and international relations, and should not be construed as representing the views of the Government of Japan.

## 2. Project Scheme

This fiscal year's research has been implemented in collaboration with the experts involved in the reports of past fiscal years.

We held meetings of the Research Committee in order to receive advice on the research and on the compilation of the research results.

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### Members of the Research Committee

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#### **Susumu TAKAI** \*Chairperson

Special Research Fellow, Center for Island Studies,  
Ocean Policy Research Institute, Sasakawa Peace Foundation

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#### **Yuki ASABA**

Professor, Faculty of Global and Regional Studies,  
Doshisha University

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#### **Kenji FUJII**

Researcher, Security and Strategy Research Institute of Japan  
Member, Takeshima Issue Research Group of Shimane  
Prefectural Government (Terms II, III, and IV)

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#### **Tetsuya NAKANO**

Professor, Faculty of Law, Kansai University

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#### **Takashi SUGIHARA**

Special Advisor,  
Shimane Prefectural Takeshima Reference Room

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#### **Takashi TSUKAMOTO**

Former Professor, School of Law, Tokai University

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\*In alphabetical order after the Chairperson

## 3. Research Outcomes

### Scope of documents and materials

With the aim of gathering as many documents and materials as possible that show facts concerning Takeshima, research was conducted on: 1) documents and materials that show that the Japanese people used Takeshima in the Edo era; 2) documents and materials that show Japan's peaceful and continuous exercise of sovereignty over Takeshima; 3) documents and materials about the investigations and surveys that were conducted around Takeshima; 4) documents and materials about the treatment of Takeshima after WWII; and 5) documents and materials about Japan's protests against Korea's illegal occupation of Takeshima. In addition, where necessary, research was also conducted on documents and materials that shed light on how foreign countries perceived Takeshima, and those that show the inconsistencies of Korea's claims over Takeshima.

### Target regions

This research commenced in FY2014 and was conducted on documents and materials found in Shimane Prefecture. After that, the target regions for the research were expanded beyond Shimane Prefecture. Since FY2015, through cooperation with the Japan Institute of International Affairs, documents and materials held by foreign institutions (those listed at the end of [this](#) report) have also been included.

### Target historical period

The target historical period is primarily the time from the Edo era until the illegal occupation of Takeshima by Korea, with the periods before and after the above period included where necessary. The target historical period is further classified into historical periods I to IV below, corresponding to the historical developments surrounding Takeshima.

### Documents and materials included in this report

Through this project, we have collected about 1,800 documents and materials from institutions and individuals, according to the number of items in our database (including documents and materials that indicate the relevant developments even if they do not mention Takeshima directly). Of these, we have included the most relevant documents and materials in the reports published in each of the past fiscal years, with a focus on newly found items.

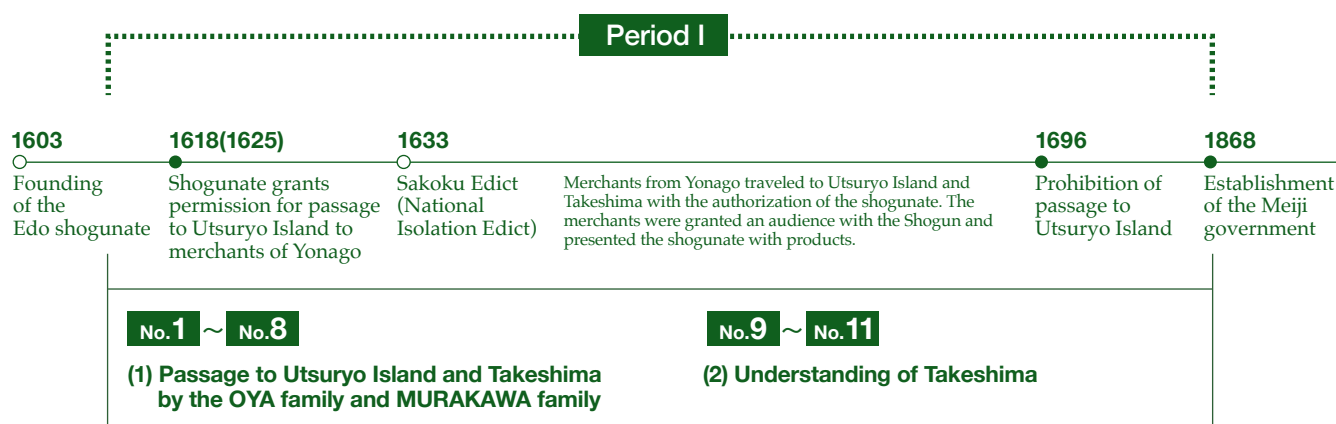
This fiscal year's report is intended to provide an overview of our research activities over the past six years, and we have included documents and materials from past reports that show historical facts concerning the ownership of Takeshima. In addition, we have published documents and materials newly collected this fiscal year (noted as "newly published" below the reference number). The classification of historical periods and the list of materials are shown below.

| Legend |  |
|--------|--|
|        | ● Events related to the Takeshima                                    |
|        | ○ Other events   |
|        | <b>No. 1</b> Documents / Materials<br>(Number, title, document name) |

### Classification of historical periods (under which documents and materials are sorted)

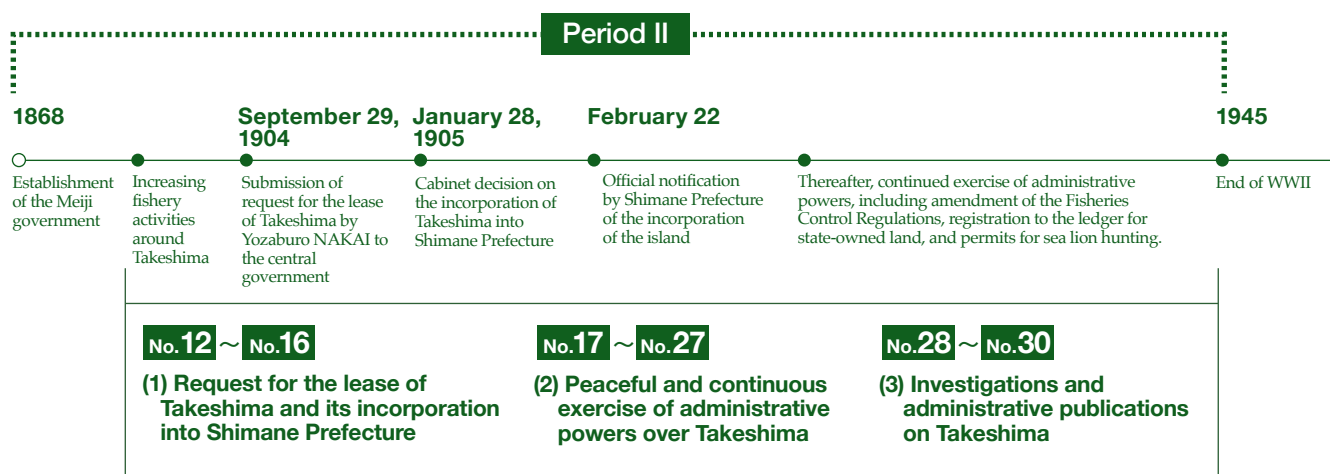
|                              |  |
|------------------------------|--|
| <b>I Edo era</b>             | After the OYA and MURAKAWA families began traveling to Utsuryo Island and Takeshima with permission from the shogunate         |
| <b>II Meiji era-1945</b>     | From around 1905 when Takeshima was incorporated under Shimane Prefecture until the end of WWII                                |
| <b>III 1945-1952</b>         | Post-WWII period, in particular before and after the San Francisco Peace Treaty entered into force                             |
| <b>IV From January 1952-</b> | After the issuance of the declaration concerning maritime sovereignty by the President of Korea (*Overlaps partially with III) |

## Period I — After the OYA family and MURAKAWA family began traveling to Utsuryo Island and Takeshima with permission from the shogunate (Edo era)



| Material (Number, title, name of material)  | Date Created                       | Repository   |
|---|------------------------------------|--|
| <b>No.1</b> Documents of the OYA family that describe the particulars of the passage to Utsuryo Island<br>Copy of <i>Takeshima Tokai Yurai-ki Nukigaki</i><br>(Excerpts from the Record of Origins of Sailing for Takeshima)<br>(An incident that led to the passage to Utsuryo Island) | -                                  | Shimane Prefecture<br>Takeshima Reference Room         |
| <b>No.2</b> Documents showing that the OYA family's ship had returned to Japan after drifting to Korea<br>Article of November 20, 1666 (Tottori-han Kunimoto no Karou no Nikki, Hikaecho [Journal of the Chief Retainer of the Tottori Domain (Memorandum)])                            | November 20, 1666                  | Tottori Prefectural<br>Museum                          |
| <b>No.3</b> Documents showing purchases of abalone by the Tottori Domain<br>Year of the Sheep<br>Catalog of abalone skewers and whole dried abalone from Takeshima and Matsushima   | 1679                               | Shimane Prefecture<br>Takeshima Reference Room         |
| <b>No.4</b> A book compiled in later years on the passage to Utsuryo Island and Takeshima<br>Takeshima Study  | 1828                               | Tottori Prefectural<br>Museum                          |
| <b>No.5</b> Documents showing purchases of abalone by the Tottori Domain<br>Copy of <i>Takeshima Tokai Yurai-ki Nukigaki</i><br>(Excerpts from the Record of Origins of Sailing for Takeshima)<br>(Record of audience and presentation of products)                                     | -                                  | Shimane Prefecture<br>Takeshima Reference Room         |
| <b>No.6</b> Record of products presented by the OYA family to the senior officials of the shogunate<br>Memorandum of the presenting of dried abalone to shogunate senior officials on the occasion of the audience and attendance with the Shogun                                       | 1671                               | Shimane Prefecture<br>Takeshima Reference Room         |
| <b>No.7</b> Record of products presented by the OYA family to the senior officials of the shogunate<br>Memorandum of the presenting of products by Kyuemon Katsunobu on his visit to Edo for an audience with the shogunate   | -                                  | Shimane Prefecture<br>Takeshima Reference Room         |
| <b>No.8</b> Record showing that the Tottori Domain had presented abalone from Takeshima to the Shogun<br>Materials related to Takeshima and Matsushima found in the Tottori Domain Administration Documents "Goyonin Nikki (Diary)"   | September 21, 1695                 | Tottori Prefectural<br>Museum                          |
| <b>No.9</b> A letter showing that they had accurate understanding of Takeshima<br>A letter from Soetsu ISHII to Doki (Kyuemon Katsumune OYA)  | Dated December 5<br>(year unknown) | Shimane Prefecture<br>Takeshima Reference Room         |
| <b>No.10</b> Arrangements about earnings from Utsuryo and Takeshima Islands concluded between the OYA family and MURAKAWA family<br>On the matter of documents exchanged (Copy)   | December 23, 1681                  | Shimane Prefecture<br>Takeshima Reference Room         |
| <b>No.11</b> A copy of a picture map of Takeshima from the Meiji era owned by the MURAKAWA family<br>Map of Matsushima  | 1895                               | Historiographical Institute<br>The University of Tokyo |

## Period II — From around 1905 when Takeshima was incorporated into Shimane Prefecture until the end of WWII (Meiji era to -1945)

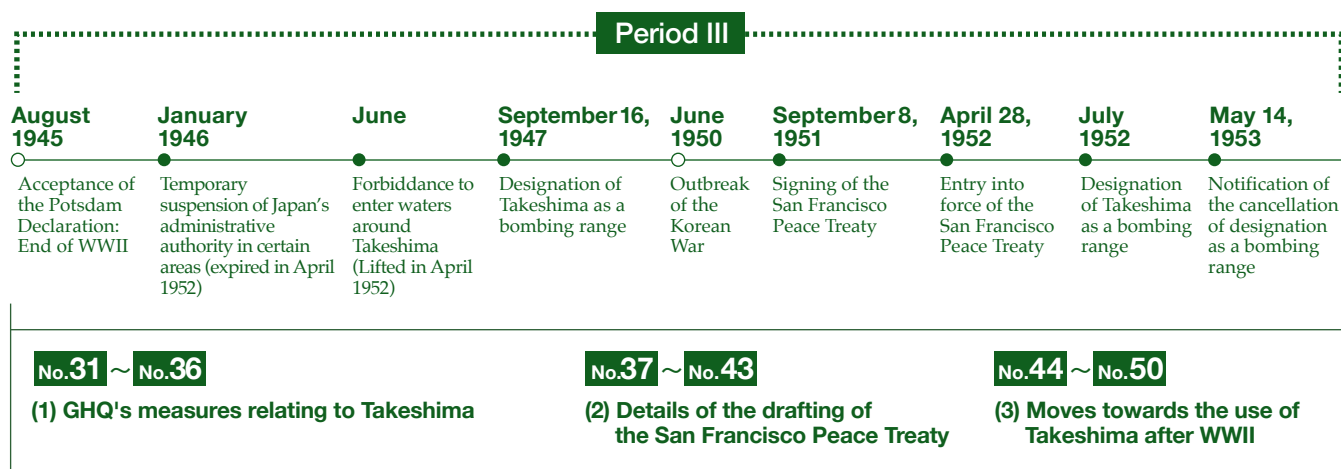


| Material (Number, title, name of material)   | Date Created  | Repository   |
|--|---|--|
| <b>No.12</b> Results of the sea lion hunting in 1903 and 1904 (Yujiro HASHIOKA)<br>Official document No. 906   | 1679  | Shimane Prefectural Government Public Records Center |
| <b>No.13</b> Results of the sea lion hunting in 1903 (Yozaburo NAKAI)<br>Surveys in 1903 (Sea Lion Hunters Survey)   | 1905  | Shimane Prefectural Government Public Records Center |
| <b>No.14</b> A document recording a Cabinet decision that Takeshima would be brought under the jurisdiction of the Director of the Oki Islands branch office in Shimane Prefecture<br>The uninhabited island, located 85 nautical miles northwest of the Oki Islands, is to be named Takeshima and is to come under the jurisdiction of the Director of the Oki Islands branch office of the Shimane Prefectural Government. | January 28, 1905  | National Archives of Japan                           |
| <b>No.15</b> "Record of Items" showing the Cabinet decision on the incorporation of Takeshima into Shimane Prefecture under its administrative jurisdiction<br>"The matter of the jurisdiction over an uninhabited island (located 85 nautical miles to the northwest of the Oki Islands)" found in the "Record of Items"  | 1905  | National Archives of Japan                           |
| <b>No.16</b> Editorial from the Yomiuri Shimibun (newspaper) regarding the name "Takeshima" (July 1905)<br>Postcard Collection   | July 10, 1905   | National Diet Library                                |
| <b>No.17</b> Instruction from the Minister of Home Affairs to the Governor of Shimane Prefecture to issue a notification on the jurisdiction of Takeshima<br>Instruction No.87   | February 15, 1905   | Shimane Prefectural Government Public Records Center |
| <b>No.18</b> Notification on the jurisdiction of Takeshima by the Governor of Shimane Prefecture<br>Public Notice No.40 by the Shimane Prefectural Government  | February 22, 1905   | Shimane Prefectural Government Public Records Center |
| <b>No.19</b> Imperial Edict establishing a branch office on the Oki Islands and re-designating Takeshima as an area under the jurisdiction of the Oki Islands branch office<br>Imperial Edict No.54  | March 29, 1909  | National Archives of Japan                           |
| <b>No.20</b> Notification of the registration of the Takeshima Fishing and Hunting Limited Partnership Company<br>Official Gazette (No.6586)   | June 6, 1905 (Registration)<br>June 15, 1905 (Official Gazette) | National Diet Library (Digital Collection)           |
| <b>No.21</b> Amendment of fishery regulations to allow sea lion hunting<br>Shimane Prefectural Ordinance No.18 (Fisheries Control Regulations)   | April 14, 1905  | Shimane Prefectural Government Public Records Center |
| <b>No.22</b> Authorization by Shimane Prefecture of sea lion hunting and notification of the issuance of licenses<br>Shimane Prefecture Agriculture No.1926  | June 5, 1905  | Shimane Prefectural Government Public Records Center |



| Material (Number, title, name of material)  | Date Created   | Repository   |
|---|--|--|
| <b>No.23</b> Notification of a company representative from the Takeshima Fishing and Hunting Limited Partnership Company to Shimane Prefecture<br>Notification of Representative  | June 12, 1905  | Shimane Prefectural Government Public Records Center                         |
| <b>No.24</b> Document reporting to Shimane Prefecture that the Director of the Oki Islands branch office has provided hygiene guidance to sea lion fishery operators<br>(Otsu) Public Health No.26  | July 26, 1905  | Shimane Prefectural Government Public Records Center                         |
| <b>No.25</b> Amendment to the Fisheries Control Regulations to permit only sea lion hunting operators to harvest seaweed and shellfish from the surface of the sea around Takeshima<br>Shimane Prefectural Ordinance No. 21<br>(Amendment to the Fisheries Control Regulations) | April 1, 1921  | Shimane Prefectural Library  |
| <b>No.26</b> Certificate of permission to engage in the sea lion hunting around Takeshima (fishery license)<br>Sea lion hunting license   | May 5, 1920<br>January 21, 1929<br>January 20, 1934<br>November 28, 1941<br>November 12, 1943<br>June 10, 1953 | Oki Kyodo-Kan  |
| <b>No.27</b> Notification from the Osaka Mining Inspection Bureau under the Ministry of Commerce and Industry concerning permission to carry out phosphate prospecting around Takeshima<br>Permission for phosphate ore prospecting   | September 19, 1939   | Shimane Prefectural Library  |
| <b>No.28</b> Report on mackerel longline fishing trials conducted in the waters between Utsuryo Island and Takeshima<br>Tottori Prefecture Fisheries Research Institute Operations for FY1932 & FY1933  | August 20, 1934  | Tokyo University of Marine Science and Technology Library (Shinagawa Campus) |
| <b>No.29</b> Shimane Prefectural publication that mentions Takeshima as the place of production for sea lion hides<br>Commerce and Industry Overview of Shimane Prefecture  | September 7, 1910  | Tokyo Main Library or Kansai-kan of the National Diet Library                |
| <b>No.30</b> Industry guide published by Shimane Prefecture that mentions the Takeshima Fishing and Hunting Limited Partnership Company<br>Industry Guide for Shimane Prefecture  | May 22, 1912   | Tokyo Main Library or Kansai-kan of the National Diet Library                |

## Period III — Post WWII, before and after the San Francisco Peace Treaty entered into force (1945-1952)

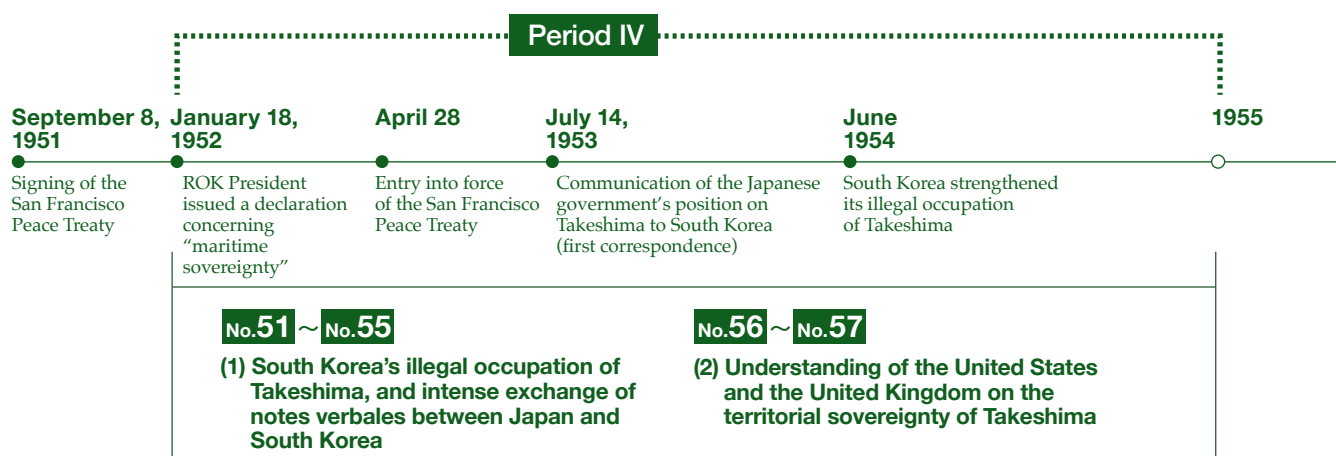


| Material (Number, title, name of material)   | Date Created       | Repository   |
|--|--------------------|--|
| <b>No.31</b> Directive from the General Headquarters on the temporary suspension of administrative rights in certain areas<br>Governmental and Administrative Separation of Certain Outlying Areas from Japan (SCAPIN-677)   | January 29, 1946   | National Diet Library<br>(Original Repository: The U.S. National Archives and Records Administration (NARA)) |
| <b>No.32</b> Directive from the General Headquarters (GHQ) to prohibit Japanese fishing vessels from approaching closer than 12 nautical miles from Takeshima and from having any contact with Takeshima<br>On the Matter of the Area Authorized for Japanese Fishing and Whaling (SCAPIN-1033)  | June 22, 1946      | National Diet Library  |
| <b>No.33</b> Notification communicating to the public that Takeshima has been designated as a bombing range<br>Takeshima, Northwest of the Oki Islands, Designated as a Bombing Range  | September 16, 1947 | Tokyo Main Library or Kansai-kan of the National Diet Library  |
| <b>No.34</b> Notification communicating the designation of Takeshima as a bombing range and that notice will be provided before exercises commence<br>Notification on Hydrographic No. 38 (Designation of Takeshima, on the northwestern coast of Honshu and northwest of the Oki Islands, as a bombing range)   | September 27, 1947 | National Diet Library  |
| <b>No.35</b> Notification of the redesignation of Takeshima as a bombing range for the U.S. Air Forces<br>Ministry of Foreign Affairs Notification No. 34  | July 26, 1952      | Shimane Prefectural Library  |
| <b>No.36</b> Notification of the removal of Takeshima from the list of the bombing ranges for the U.S. Air Force<br>Ministry of Foreign Affairs Notification No.28   | May 14, 1953       | Shimane Prefectural Library  |
| <b>No.37</b> The United States communicated to Australia its understanding that Takeshima is included in Japan's territory. Australia shared this understanding with England.<br>ANSWERS TO QUESTIONS SUBMITTED BY THE AUSTRALIAN GOVERNMENT ARISING OUT OF THE STATEMENT OF PRINCIPLES REGARDING A JAPANESE TREATY PREPARED BY THE UNITED STATES GOVERNMENT. THESE ANSWERS ARE INFORMAL AND WITHOUT COMMITMENT ON THE PART OF THE UNITED STATES GOVERNMENT. | October, 1950      | National Archives of Australia   |

| Material (Number, title, name of material)  | Date Created   | Repository  |
|---|--|---|
| <b>No.38</b> While the U.S. draft made no mention of the boundaries of Japan's territory, the UK draft proposed to prescribe Japan's territory with a series of lines, placing Takeshima outside of it.<br>PROVISIONAL DRAFT OF JAPANESE PEACE TREATY (UNITED KINGDOM)<br>PROVISIONAL DRAFT OF A JAPANESE PEACE TREATY (UNITED STATES)  | March 23, 1951<br>(United States draft)<br>April 7, 1951<br>(United Kingdom draft) | The National Archives<br>(United Kingdom)   |
| <b>No.39</b> In its comments towards the United States draft, the United Kingdom attached importance to delineating Japan's territory clearly by showing the borders on a map. With regard to Takeshima, it presented the view that it could possibly belong to either Japan or Korea.<br>Draft Brief on the United States Provisional Draft Peace Treaty with Japan  | April 23, 1951   | National Archives<br>of Australia   |
| <b>No.40</b> The United States and the United Kingdom concurred on referring to the three islands of Quelpart, Port Hamilton, and Dagelet as a part of "Korea" to which Japan renounced rights to, and affirmed that Takeshima is a part of Japan's territory<br>7th Meeting, Anglo-American Meeting on Japanese Peace Treaty   | May 2, 1951  | The National Archives<br>(United Kingdom)   |
| <b>No.41</b> The outcome of the discussion was reflected in the draft text, with the adoption of the simple structure set out in the United States draft, and the agreement to clearly refer to the three islands in response to the United Kingdom's emphasis on clarifying Japan's territory<br>JOINT UNITED STATES / UNITED KINGDOM DRAFT OF A JAPANESE PEACE TREATY PREPARED DURING THE DISCUSSIONS IN WASHINGTON, APRIL-MAY 1951 | 1951   | The National Archives<br>(United Kingdom)   |
| <b>No.42</b> The Republic of Korea requested amendments to the draft treaty, including reference of Takeshima as the Republic of Korea's territory, and the insertion of a provision to maintain the MacArthur Line<br>Letter from the Republic of Korea ambassador to the U.S. You Chan Yang to U.S. Secretary of State Acheson  | May 2, 1951  | National Archives and<br>Records Administration<br>(United States)  |
| <b>No.43</b> The United States rejected the Republic of Korea's request based on its recognition of Takeshima as Japan's territory, as well as its request to maintain the MacArthur Line<br>Letter sent from the U.S. Government to the Republic of Korean Government on August 10, 1951   | August 10, 1951  | Tokyo Main Library of<br>the National Diet Library<br>(Original Repository: The U.S.<br>National Archives and Records<br>Administration (NARA)) |

| Material (Number, title, name of material)   | Date Created   | Repository  |
|--|----------------|---|
| <b>No.44 Article reporting the Japanese fishermen's strong desire to resume fishing operations on Takeshima</b><br>"Takeshima", the treasure within the Ma-Line*<br>The Fisheries Associations actively appeal for the removal of the prohibited area  | March 10, 1951 | Shimane Prefectural Library   |
| <b>No.45 Petition from Fishermen Living in Oki which references Fishing Records on Takeshima in the Pre-WWII Period</b><br>Petition for the lifting of operation restrictions in the Takeshima fishing area (Petitions from Saki Fisheries Co-operative Association, Chibu Fisheries Co-operative Association, and others) | May 10, 1951   | Shimane Prefecture Takeshima Reference Room   |
| <b>No.46 Notification of permission for common fishery rights on Takeshima</b><br>Shimane Prefecture Notification No. 352 Grant of common fishery rights   | June 19, 1953  | General Affairs Division, Department of General Affairs, Shimane Prefectural Government |
| <b>No.47 Photographic records of the apprehension of illegal intruders by Shimane Prefecture and the Maritime Safety Agency</b><br>Photos from the joint survey by Shimane Prefecture and the Maritime Safety Agency   | June 27, 1953  | Shimane Prefecture Takeshima Reference Room   |
| <b>No.48 Mission Report on the investigations of Takeshima, prepared by an official in the Prefecture's Fishery Division</b><br>"Mission Report" on the Joint Survey of Takeshima conducted by Shimane Prefecture and the Maritime Safety Agency   | June 28, 1953  | Shimane Prefecture Takeshima Reference Room   |
| <b>No.49 Photographs taken during the survey conducted on Takeshima and its surrounding waters, by the Shimane Prefecture Fisheries Research Institute after the end of the Allied occupation</b><br>Survey photographs from the Shimane Prefecture Fisheries Research Institute   | October 1953   | Shimane Prefecture Takeshima Reference Room   |
| <b>No.50 Survey report on Takeshima by the Fukuoka Prefectural Fisheries Research Institute after the end of the GHQ occupation</b><br>Survey for Development of Tsushima Warm Current (Part 1) Fishing Conditions/Sea Conditions in the Central Nihonkai Fishway (Oki Island-Takeshima-Oki Islands)                       | June 1953      | Fukuoka Fisheries And Marine Technology Research Center                                 |

## Period IV — After the issuance of the declaration concerning “maritime sovereignty” by the President of South Korea (January 1952-)



| Material (Number, title, name of material)  | Date Created       | Repository   |
|---|--------------------|--|
| <b>No. 51</b> <b>Protest by the Government of Japan against the declaration by the President of the Republic of Korea</b><br>A note verbale of protest from the Government of Japan to the Government of the ROK on January 28, 1952, in response to a declaration concerning “maritime sovereignty” by the President of the ROK, Syngman RHEE.   | January 28, 1952   | Shimane Prefecture Takeshima Reference Room                  |
| <b>No. 52</b> <b>First opinion on the position of the Japanese government demonstrating the legitimacy of its territorial sovereignty over Takeshima (July 13, 1953)</b><br>News release material of the Ministry of Foreign Affairs<br>The First Opinion of the Government of Japan concerning Takeshima   | July 14, 1953      | Shimane Prefectural Library                                  |
| <b>No. 53</b> <b>Article reporting on Japan’s continued protest against the Republic of Korea, and deliberation on referring the case to the International Court of Justice</b><br>Towards the clarification of the territorial sovereignty over Takeshima with the possibility of referring it to the United Nations<br>A hardline approach decided due to the bad faith response from the ROK | July 14, 1953      | Yomiuri Shimbunsha   |
| <b>No. 54</b> <b>Article reporting on Japan’s continued protest against the Republic of Korea, and deliberation on referring the case to the International Court of Justice</b><br>On the proposal to the Government of the Republic of Korea that the dispute over territorial sovereignty over Takeshima to be referred to the International Court of Justice                                 | November 1954      | National Diet Library  |
| <b>No. 55</b> <b>List of documents showing that the Japanese Government have continued to lodge its protest to the ROK Government</b><br>Intense exchange of notes verbales between the Governments of Japan and ROK regarding the territorial sovereignty over Takeshima   | March 10, 1966     | National Diet Library  |
| <b>No. 56</b> <b>Report to the British Foreign Office by the Embassy of the United Kingdom in Tokyo, communicating its view that Takeshima is a part of Japan’s territory</b><br>Report from the British Embassy in Tokyo to the British Foreign Office on July 15, 1953 (Japanese claim to Takeshima, also claimed by the Republic of Korea)   | July 15, 1953      | The National Archives (United Kingdom)                       |
| <b>No. 57</b> <b>Document showing a proposal by the U.S. Government to the South Korean Government to refer the Takeshima issue to the International Court of Justice</b><br>REPORT OF THE VAN FLEET MISSION TO THE FAR EAST  | September 30, 1954 | The U.S. National Archives and Records Administration (NARA) |

## Factors Necessary for Acquisition of Title to Territory

Member of the Research Committee

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### Judicial precedents of territorial disputes similar to the Takeshima issue

#### The *Minquiers and Ecréhous* case

It has long been pointed out that the case in which the United Kingdom and France put the attribution of the islets and rocks of the *Minquiers and Ecréhous* groups before the International Court of Justice has similarities to the Takeshima issue.

In either case, there is no treaty between the two parties that clearly stipulates the sovereignty over the disputed territory, and both parties assert that they have held the territories in question since a long time ago.

*Minquiers and Ecréhous* are two groups of small islands lying between the mainland of France and Jersey Island, which is a part of the Channel Islands under British rule. Since the end of the 19th century, the United Kingdom and France had both claimed sovereignty over these islands. But in December 1950, the two countries concluded a special agreement to refer this issue to the International Court of Justice.

The main point at issue was what ground, under international law, would adequately determine which country *Minquiers and Ecréhous* belonged to. First, both countries asserted that they held ancient or original title to the islands, based on historical facts dating from medieval times. With regard to this point, while the Court stated that in light of widely known historical facts, there appears to be a strong presumption in favour of this British claim of its “ancient title”, it held that this alone cannot draw definitive conclusion as to the sovereignty over the islands.

As for France’s claim of its “original title,” the Court found that, again, in light of widely known historical facts, even if France had held such a title, there is a strong possibility that the title must have lapsed, and consequently that there should be a need for it to be replaced by “another title valid.”

In the opinion of the Court, what is of decisive importance is not an indirect presumptions deduced from events in Middle Ages, but the evidence which relates directly to the “possession” of the islands.

The Court lists judicial records, taxation, land registration, enactment of relevant laws, and construction of facilities as evidence directly related to possession.

These indicate the intention to act *à titre de souverain*, and are regarded as a manifestation of State authority. Noting that the United Kingdom had presented more relevant proof, and that France had taken actions interpreted as recognizing that the disputed islands were British territory, the Court concluded that the sovereignty over the islands have belonged to the United Kingdom.

### Standards presented by international tribunals “Peaceful and continuous display of sovereignty”

State territory comprise land territory, the territorial waters, and air space. The fundamental element of the state territory is land territory.

As certain areas of the sea near land territory are regarded as the territorial waters and the air space over land territory and the territorial waters is regarded as air space, there would be no territorial waters or air space without land territory.

Sovereignty extends over state territory. Any state can govern and rule over all the people and things existing within its territory without being subordinate to other powers. Within its sovereignty, the rights that are related to the territory, such as the right to govern and the right to dispose of the territory, are known as territorial sovereignty.

In order to make a certain land a state’s territory, it is necessary to have a sufficient cause or ground to do so. This

has been known as “title to territory” in international law. Occupation, prescription, cession, annexation, accretion, and conquest are the modes of territorial title that have traditionally been recognized. However, these territorial titles do not assume cases where several countries claim title to the territory at issue. In reality, conflicts arise as a result of competing claims made by plural countries to title to the territory in question such as Takeshima. Moreover, there is a considerable number of cases in which the complexity and diversity of the facts have led to conflict. For example, in cases where occupation is claimed, it is extremely difficult to find the facts that are necessary for determining whether the territory at issue had been *terra nullius* or belonged to another country, or else which country had exercised effective control over the territory.

Therefore, the international tribunals to which territorial disputes have been referred have resolved them by presenting their own set of standards instead of relying on the traditional criterion of title to territory. This began with the *Island of Palmas* case of 1928. Max Huber, who had been appointed as the sole arbitrator for this case, deemed the peaceful and continuous exercise of sovereignty to be equivalent to territorial title, and made the decision on the ownership of the Island of Palmas. Furthermore, the Permanent Court of International Justice ruled in the *Eastern Greenland* case of 1933 that the disputed territory belongs to Denmark, based on the ground of peaceful and continuous exercise of sovereignty by Denmark over the territory, and the acknowledgement of this by Norway, the other party in the dispute. In the abovementioned *Minquiers and Ecréhous* case, the International Court of Justice also ruled that the disputed territory belonged to the United Kingdom, which had intended to act *à titre de souverain* and presented more proof than France with regard to acts that are deemed to be expressions of state functions.

### What are regarded as expressions of state functions and of the intention to act *à titre de souverain*?

#### – The exercise of legislative, administrative, and judicial powers

Thus, international courts and tribunals have not resolved territorial disputes by finding one of the abovementioned traditional title to territory.

Rather, the courts and tribunals have adopted the method of requiring the parties to the disputes to present proof of peaceful and continuous exercise of sovereignty, that is, to show that they have effectively exercised or displayed state authority in the territory at issue, with the intention of act *à titre de souverain*. The courts and tribunals then made decisions based on the relative intensity of such proof presented.

Until now, the international courts has often regarded the exercise of legislative, administrative, and judicial rights in respect of the territory at issue as the peaceful and continuous exercise of sovereignty. Besides the acts that it found in the abovementioned *Minquiers and Ecréhous* case, other examples include the enactment of hunting and fishing laws (*Eastern Greenland* case), regulatory control measures on the harvesting of sea turtle eggs and the establishment of wildlife conservation areas (*Sovereignty over Pulau Ligitan and Pulau Sipadan* case), immigration control (visits by immigration officers to the territory at issue, issuance of work permits and visas to citizens of third countries: *Maritime Delimitation in the Caribbean Sea* case), and permission for civil servants of the country concerned to visit the territory at issue (*Sovereignty over Pedra Branca and Pulau Batu Puteh* case), among others.

On the other hand, opinion is divided over the

construction or installation of facilities to aid navigation, such as lighthouses and buoys. In the case concerning the *Maritime Delimitation and Territorial Questions between Qatar and Bahrain*, the state that constructed or established such facilities on the “very small island” was recognized as having sufficient grounds to assert sovereignty over the said island. But in the *Minquiers and Ecréhous* case, the relevant facilities were deemed to have been constructed or installed for the main purpose of protecting ship transportation, and not as a manifestation of state authority or the intention to act *à titre de souverain*. Acts such as joint patrols, exercises, or the raising of military flags, undertaken by the navies of several countries, are not usually regarded as manifestations of sovereignty in light of their purposes (*Sovereignty over Pedra Branca and Pulau Batu Puteh* case).

As seen from the above, all the activities undertaken by any state organ agencies are not necessarily regarded as evidence equivalent to title to territory.

We could say that International courts and tribunals determine the relative intensity of the evidence presented by the parties, taking account of various factors and especially the purposes of their activities.

As the activities of private individuals are, in principle, not attributed to the state, they are not regarded as a manifestation of state authority nor the intention to act as a sovereign. However, even activities by private individuals can be deemed as a manifestation of state authority or the intention to act *à titre de souverain* if they are carried out the basis of official regulations or on the permission of the government (*Sovereignty over Pulau Ligitan and Pulau Sipadan* and the case of *Maritime Delimitation in the Caribbean Sea* case). This is because such cases are deemed not to be purely private activities, but the exercise of the administrative power of the state via the activities of private individuals.

### Consideration of the relevant factors

Even in cases where there have been no such acts as may be deemed to be a manifestation of state authority, the original title of the state that have ruled over the surrounding areas of the island in question can be acknowledged if the island is widely known as an obstacle that poses a risk to the navigation of ships, and if no competing claims have been put forward to sovereignty over that island (*Sovereignty over Pedra Branca and Pulau Batu Puteh* case).

Maps attached to the treaty that stipulates the attribution of a territory, are treated as the evidence of the highest priority. Their value as evidence is otherwise dependent upon various factors, such as their source, quality, and the period of their production. Generally, an official map has higher value than a private map. Maps that present the territory at issue accurately and those produced before the conflict arose can also be evaluated highly.

What kind of effect the fact of the territory at issue being (or not being) carried in publications, especially government-sponsored books, can (or cannot) have, is one of the points at issue frequently raised in cases of territorial disputes before the international courts and tribunals. Courts and tribunals have taken various factors into consideration and assessed their effects. Partly due to space limitations in this article, suffice it to say that there is a judicial case that did not attach importance to whether accounts of the disputed territory are contained in government publications (*Sovereignty over Pedra Branca and Pulau Batu Puteh* case), as these publication stated facts only.



### Acts found as a manifestation of state authority and the intention to act *à titre de souverain*

Judicial records, taxation, land registration, enactment of relevant laws, and construction of facilities (*Minquiers and Ecréhous* case)

Enactment of hunting and fishing laws (*Eastern Greenland* case)

Regulatory control measures on the harvesting of sea turtle eggs and the establishment of wildlife conservation areas (*Sovereignty over Pulau Ligitan and Pulau Sipadan* case)

Immigration control (visits by immigration officers to the target territory, issuance of work permits and visas to citizens of third countries) (*Maritime Delimitation in the Caribbean Sea* case)

Permission for civil servants of the country concerned to visit the target territory (*Sovereignty over Pedra Branca and Pulau Batu Puteh* case)

Construction or installation of facilities to aid navigation on “very small islands” (case of the *Maritime Delimitation and Territorial Questions between Qatar and Bahrain*)

Activities by private individuals carried out based on official regulations or permission of the government (the case of *Sovereignty over Palua of Ligitan and Palua Sipadan*; the *Maritime Delimitation in the Caribbean Sea* case)



### Acts not found as a manifestation of state authority and the intention to act *à titre de souverain*

Construction or installation of facilities to aid navigation with the main purpose of protecting ship transportation (*Minquiers and Ecréhous* case)

Joint patrols and exercises conducted by the navies of plural countries (*Sovereignty over Pedra Branca and Pulau Batu Puteh* case)

Raising of military flag (*Sovereignty over Pedra Branca and Pulau Batu Puteh* case)

Activities by private individuals (*Sovereignty over Pulau Ligitan and Pulau Sipadan* case; the *Maritime Delimitation in the Caribbean Sea* case)

## 4. Research Outcomes

**Period I** — After the OYA family and MURAKAWA family began traveling to Utsuryo Island and Takeshima with permission from the shogunate (Edo era)

### (1) Passage to Utsuryo Island and Takeshima by the OYA family and MURAKAWA family

#### Passage to Utsuryo Island and Takeshima by the OYA family and MURAKAWA family

In 1617, Jinkichi OYA, a merchant from Yonago who operated a shipping business, was shipwrecked on his way back from Echigo Province and drifted to Utsuryo Island. Upon exploring the island, OYA discovered that it was uninhabited and rich in resources, and decided to conduct business by acquiring the resources on the island (→No. 1). Together with Ichibee MURAKAWA, a fellow merchant of Yonago, OYA appealed to the shogunate for permission for that purpose. In 1618, the Edo shogunate notified the OYA and MURAKAWA families, via the lord of the Tottori Domain, that permission was granted for their passage to Utsuryo Island. With this, their business project on Utsuryo Island was launched (\*1).

Thereafter, the two families traveled to Utsuryo Island in turns every year, staying there for several months each time and acquiring various products, particularly abalone and sea lion (→No.2). On their passage, they used present-day Takeshima as a landmark for their voyage, and as a fishing ground for sea lion and abalone (→No.4).

The two families agreed on an arrangement of adding up and dividing their revenue and expenditure between them every year (→No.10).

#### The Project was authorized by the shogunate government

The shogunate granted the OYA and MURAKAWA families an audience with the Shogun (\*2), so the two families had an audience with the Shogun once every few years. On these occasions, they presented products from Utsuryo Island and Takeshima as gifts to the senior officials of the shogunate (→No.5, No.6, No.7).

The passage to Utsuryo Island by the OYA family and MURAKAWA family was brought about through a procedure in which Shirogoro ABE (\*3), a shogunate retainer (known as “hatamoto”), lobbied the shogunate’s council of elders, who then jointly granted permission via the lord of the Tottori Domain. Thereafter, Shirogoro ABE continued to act as a go-between for the OYA and MURAKAWA families and the shogunate, arranging audiences with the Shogun and intermediating the presenting of products as gifts by the families. The lord of the Tottori Domain supported the project by lending funds to the OYA and MURAKAWA families, and offsetting the loan by purchasing products from them (→No.3). The project was pursued with official authorization from the shogunate. Although the shogunate issued the Sakoku Edict (National Isolation Edict) in 1633, passage to Utsuryo Island and Takeshima was maintained.

#### Documents conveying the state of affairs at the time

Documents showing the activities of the OYA and MURAKAWA families remain in the respective families. In particular, many documents and materials related to the OYA family have been saved from being scattered and lost. These form a valuable cluster of documents and materials that depict the business of the two families in those days.

We conducted research on documents and materials that are related to present-day Takeshima during the Edo era and are kept in the repositories of organizations across Japan, including the Tottori Domain Administration Documents (reposited at Tottori Prefectural Museum). Among these, in the document research conducted in FY2019, we were provided with the image data of a part of the OYA family’s documents that had been donated to Shimane Prefecture. (Many documents were donated to Shimane Prefecture in January 2019. Refer to the photograph at the bottom of this page)

Furthermore, in the document research conducted in FY2015, we received a document from the Tottori Prefectural Museum (image data), from among the Tottori Domain Administration Documents “Goyonin Nikki (Diary)”, which shows that dried abalone harvested from Takeshima was presented to the Shogun by the Tottori Domain in 1695 (→No.8).

#### Documents drawn up in later years

Passage to Utsuryo Island by the OYA and MURAKAWA families was prohibited in 1696 as a result of negotiations between Japan and Korea via the Tsushima Domain. However, there are documents drawn up in later years that depict the OYA and MURAKAWA families’ passage to the island.

One such documents is “Takeshima Study” (→No.4), which includes the geography, products, and other information pertaining to Utsuryo Island and Takeshima, written in 1828 by a samurai (Masayoshi OKAJIMA) who held a key position in the Tottori Domain.



Cluster of documents and materials donated to Shimane Prefecture in January 2019  
Photographs: Provided by the Takeshima Island’s Policy Office, General Affairs Division, General Affairs Department, Shimane Prefectural Government

\*1 As Utsuryo Island was called “Takeshima” at the time, this notification of authorization grants permission for passage to “Takeshima.” Some argue that this authorization was issued in 1625.

\*2 Among the samurai who are directly subordinate to the Shogun (retainers known as “hatamoto” and “gokenin”), only the “hatamoto” in principle were granted an audience with the Shogun.

\*3 The name “Shirogoro ABE” had been passed from generation to generation. Similarly, the names “Kyuemon” and “Ichibee” were passed down across generations in the OYA and MURAKAWA families respectively.



Period I

**1603** Founding of the Edo shogunate

**1618(1625)** Shogunate grants permission for passage to Utsuryo Island to merchants of Yonago

**1633** Sakoku Edict (National Isolation Edict)

Merchants from Yonago traveled to Utsuryo Island and Takeshima with the authorization of the shogunate. The merchants were granted an audience with the Shogun and presented the shogunate with products.

**1696** Prohibition of passage to Utsuryo Island

No.1



No.2



(1) Documents about passage to Utsuryo Island and Takeshima

No.3



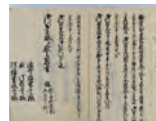
No.4



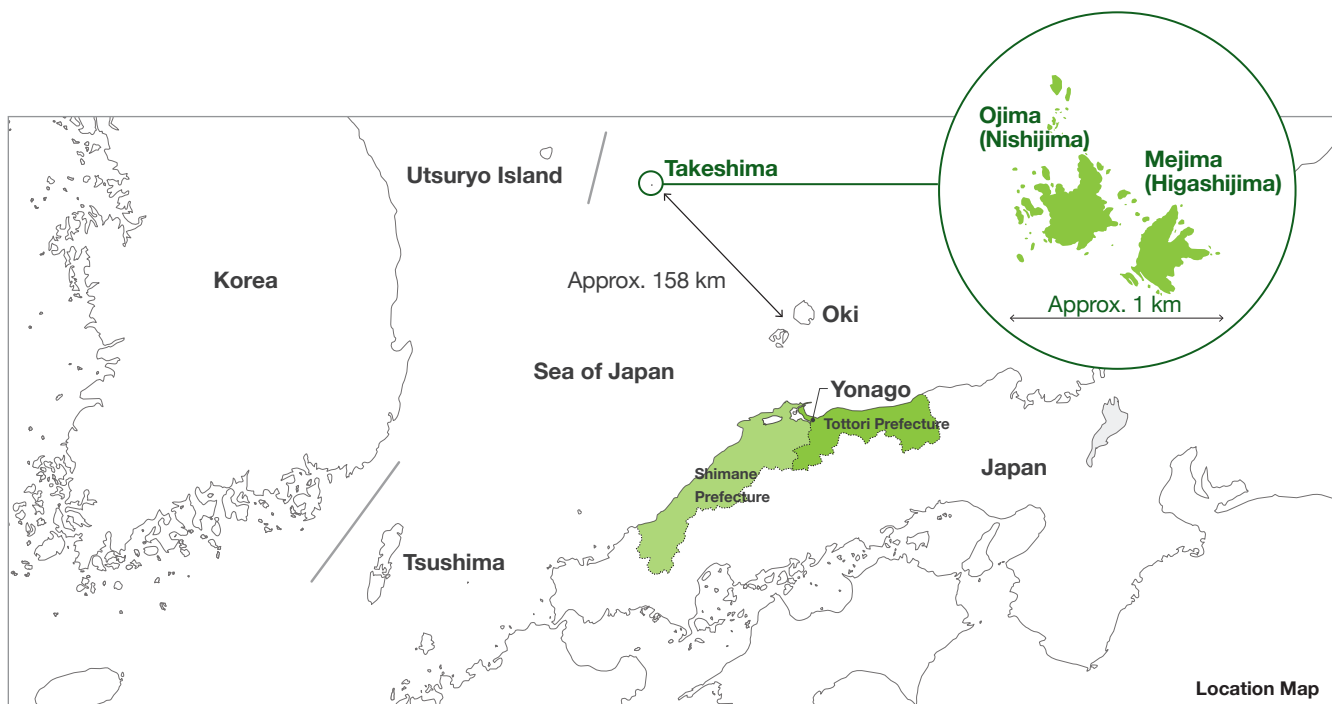
(2) Documents showing the particulars of the passage to the islands

No.5 ~

No.8



(3) Documents about an audience with the Shogun and presenting of products



Ensign and seasonal clothing that have been passed down through generations of the OYA family

Besides the documents and materials covered on the previous page, other valuable items have also been passed down through the generations, including the ship ensign bestowed to the OYA family by the shogunate and raised on the passage to Utsuryo Island and Takeshima, and clothing bestowed to members of the family when they were granted an audience with the Shogun (These items have been designated as Cultural Assets by Yonago City).



Ensign of the Hollyhock Crest (Aoi-mon)



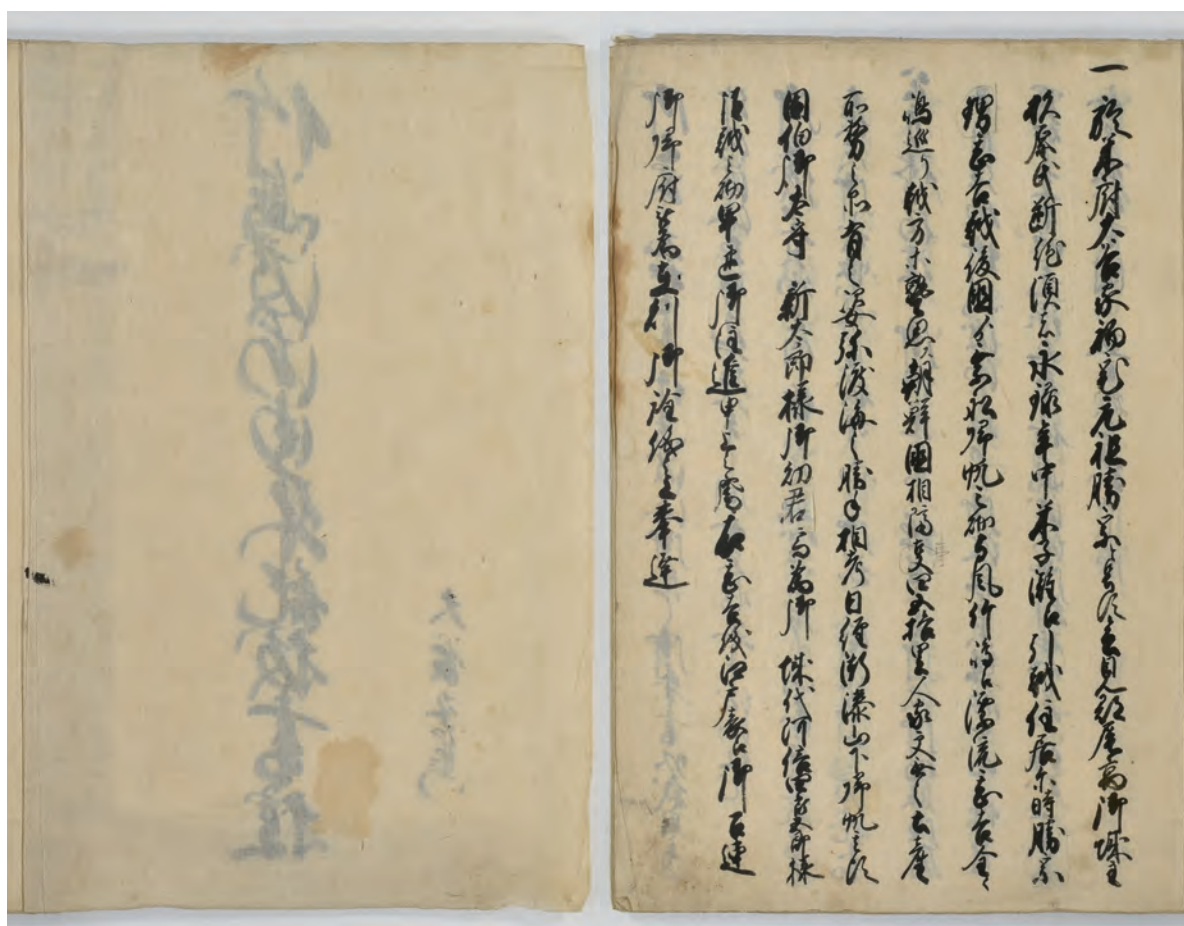
Seasonal clothing bestowed by Hidetada Tokugawa, the second Tokugawa Shogun

Repository: Yonago Municipal Historical Museum

**Period I** (1)-i. Documents about the passage to Utsuryo Island and Takeshima

**Documents of the OYA family that describe the particulars of the passage to Utsuryo Island**
**No. 1** Copy of *Takeshima Tokai Yurai-ki Nukigaki*  
 (Excerpts from the Record of Origins of Sailing for Takeshima)  
 (An incident that led to the passage to Utsuryo Island)

NEW



Repository: Shimane Prefecture Takeshima Reference Room

**Overview**

Records of the background to the passage to Utsuryo Island in the OYA family's documents. Jinkichi OYA, on his return from Echigo, had drifted to Utsuryo Island and conducted a survey of the island. Based on this, he learned that Utsuryo Island was 40 to 50 miles from Korea and, although it was uninhabited, offered many products that could be sold. This led to his idea of making passage to the island.

|                         |   |
|-------------------------|---|
| Date Created            | -   |
| Author(s) & Editor(s)   | -   |
| Publisher               | -   |
| Name of Publication     | - (OYA family's documents 1-3)                              |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Closed  |
| Repository              | Shimane Prefecture Takeshima Reference Room                 |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room |

**Excerpt [English translation]**

The founder of the OYA family line, who built its first house in Yonago, was Katsumune. It was around the years of Eiroku when he broke off from Lord Sugihara of Odaka Castle in Aimi County, moved to Yonago, and built a house to live in. On one occasion, Jinkichi, the nephew of Katsumune, happened to drift to Utsuryo Island while sailing back from Echigo Province. Jinkichi went around to all parts of Utsuryo Island, and gave serious consideration to various matters. Utsuryo Island is 40 to 50 miles from Korea, completely uninhabited, and had various products that could be sold. Against this backdrop, he came up with the idea to make passage to the island in the future.

## Period I

## (1)-i. Documents about the passage to Utsuryo Island and Takeshima

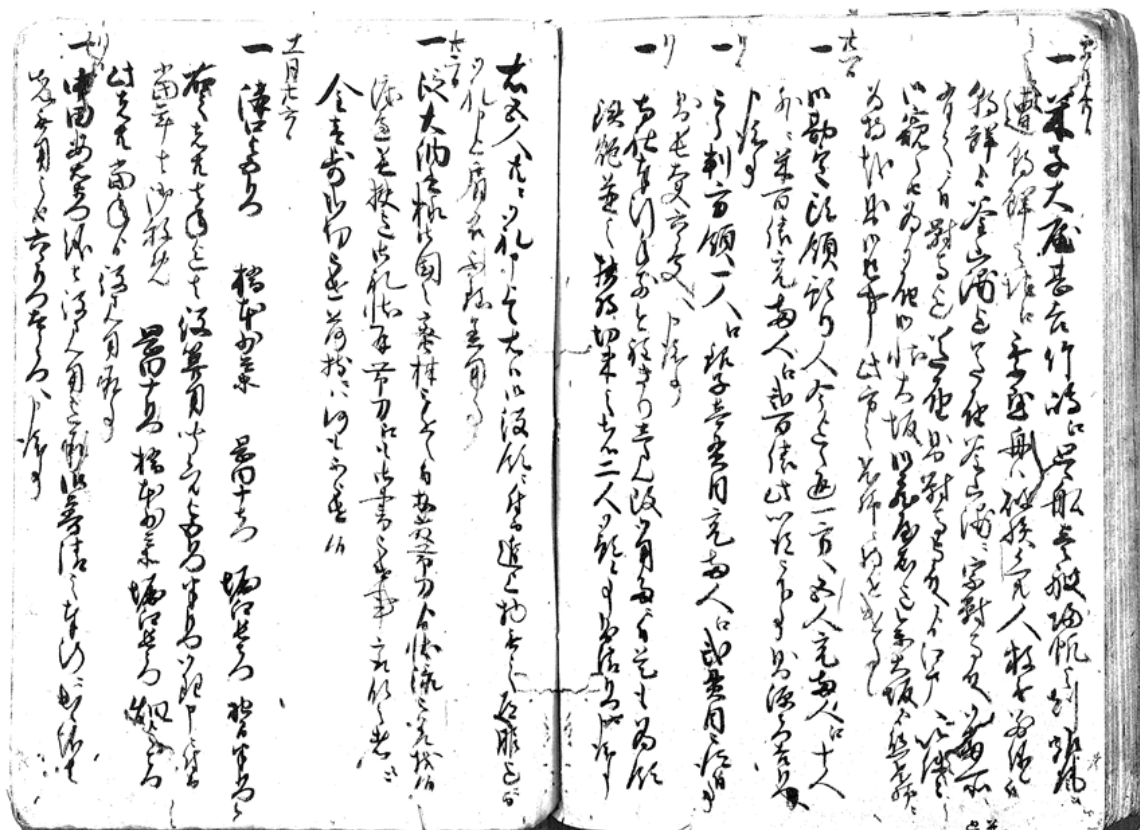
## Documents showing that the OYA family's ship had returned to Japan after drifting to Korea

No.2

FY2015/P8

## Article of November 20, 1666 (Tottori-han Kunimoto no Karou no Nikki, Hikaecho [Journal of the Chief Retainer of the Tottori Domain (Memorandum)])

November 22, 1666



Repository: Tottori Prefectural Museum

## Overview

A Tottori domain record concerning the shipwreck on the way home of the Oya family ship that made the trip that year, as the Oya and Murakawa families continued their alternating trips to Takeshima (now Ulleungdo). In the early 17th century in the Edo Period, the Oya and Murakawa families of Yonago received permission from the shogunate and departed to fish at Takeshima (present-day Ulleungdo), and also fished at Matsushima (present-day Takeshima) along the way.

## Excerpt [English translation]

Oya Jinkichi of Yonago traveled to Takeshima (present-day Ulleungdo), but on his way home one of his boats was caught in a storm, ran aground on Korean land and was wrecked, but all sailors were safe. The sailors were sent to Pusan in which the office of So Lord of Tsushima domain is located. Then the sailors sent back to the Tsushima islands from there, and a letter of notification about this was sent to Edo shogunate government from the Lord of Tsushima domain, when the messenger arrived in Osaka Kurayashiki with the letter, and he informed Tottori domain of this shipwreck.

|                         |   |
|-------------------------|---|
| Date Created            | November 20, 1666   |
| Author(s) & Editor(s)   | -   |
| Publisher               | -   |
| Name of Publication     | 1666 Hikaecho 13  |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Close   |
| Repository              | Tottori Prefectural Museum  |
| Reference & Information | Refer to the "Tottori Hansei Shiryo Mokuroku", Document No. 2517, Document Name "Karou Nikki (Hikaecho) Kambun 6-Nen" |

Period I (1)-ii. Documents showing the particulars of the passage to the islands

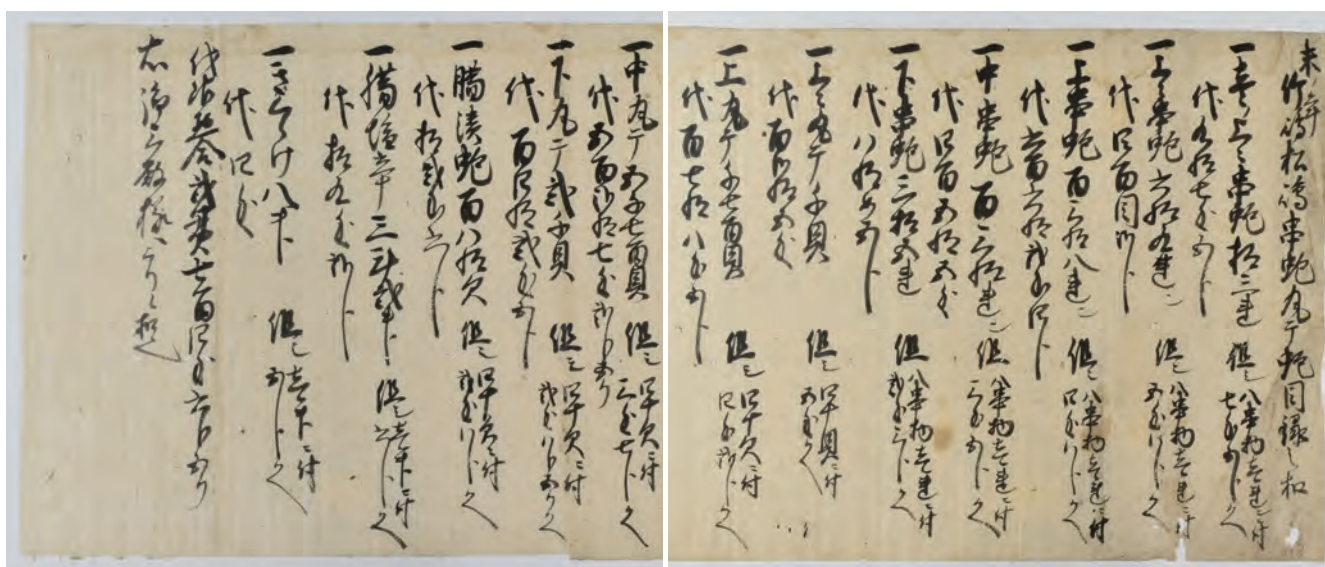
## Documents showing purchases of abalone by the Tottori Domain

No.3

NEW

## Year of the Sheep

## Catalog of abalone skewers and whole dried abalone from Takeshima and Matsushima 1679



Repository: Shimane Prefecture Takeshima Reference Room

## Overview

This is a record (catalog) of the abalone skewers and whole dried abalone from Utsuryo Island and Takeshima purchased by the Tottori Domain. It includes details on the quantity and prices of products such as “Premium Quality Abalone Skewer” and “Wood Ear Mushrooms”. The total amount (paid for in silver) has also been recorded as “2 kan, 704 monme, 6 bu, and 5 ri”. (Kan, monme, and ri are the units of money used at the time). The Tottori Domain sometimes lent money to the producers and offset the repayment with the purchase of products.

## Excerpt [English translation]

## Year of the Sheep

A catalog of offerings of dried abalone on skewers and whole dried abalone from Takeshima and Matsushima  
(text omitted)

Total amount paid: 2 kan, 746 monme, 6 bu, and 5 ri  
On the right is a memorandum of items presented to the lord of the Tottori Domain, and his first son and Ikinokami (his second son).

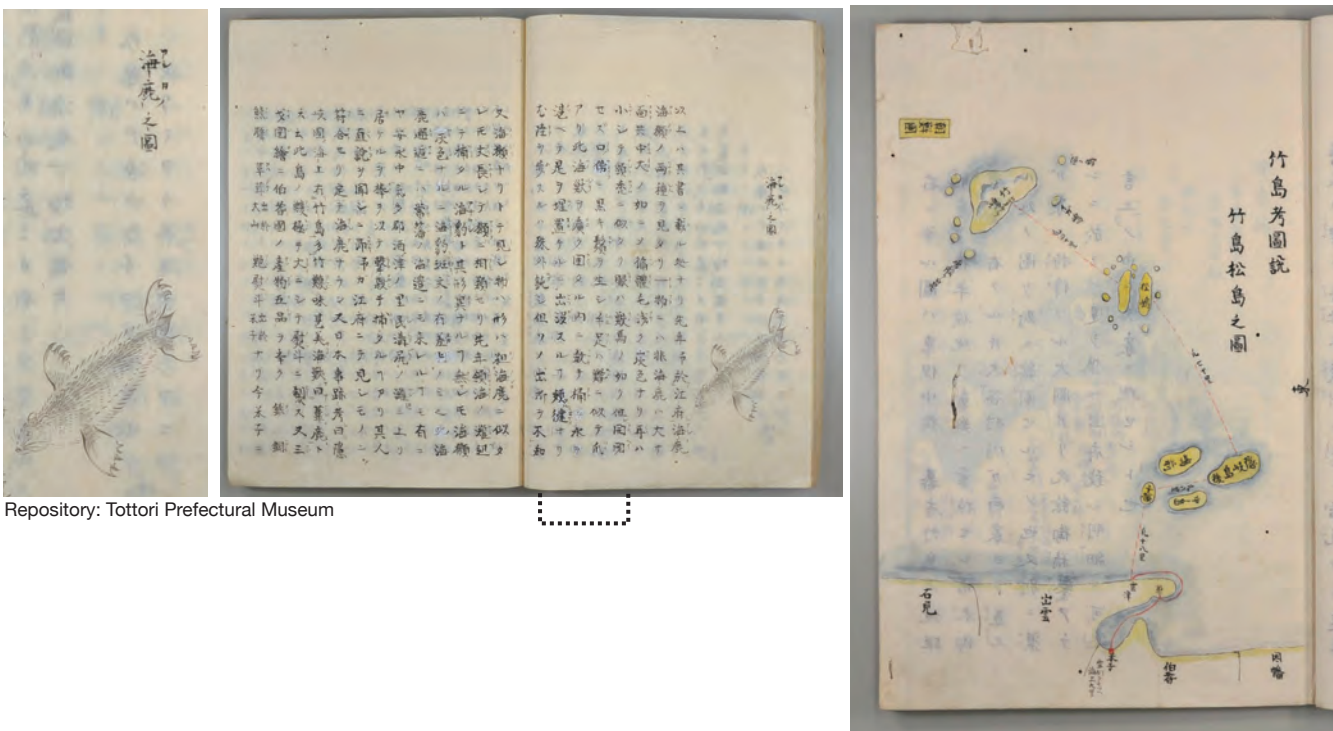
|                         |   |
|-------------------------|---|
| Date Created            | 1679  |
| Author(s) & Editor(s)   | -   |
| Publisher               | -   |
| Name of Publication     | -(OYA family's documents 1-17)                              |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Closed  |
| Repository              | Shimane Prefecture Takeshima Reference Room                 |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room |

Period I (1)-ii. Documents showing the particulars of the passage to the islands

A book compiled in later years on the passage to Utsuryo Island and Takeshima

No.4 Takeshima Study  
NEW 1828

4 Period I



Repository: Tottori Prefectural Museum

Overview

This is a book on the businesses of the OYA and MURAKAWA families, compiled in later years by Masayoshi OKAJIMA, a samurai who held an important position in the Tottori Domain. It is a record of information on the particulars of the passage to and geography of Utsuryo Island and Takeshima, and products such as sea lion. The first volume includes an illustrated map of the route for the passage to Utsuryo Island, as well as explanations on the geography of Utsuryo Island and Takeshima.

In this book, “Takeshima” means Utsuryo Island, while “Matsushima” means present-day Takeshima.

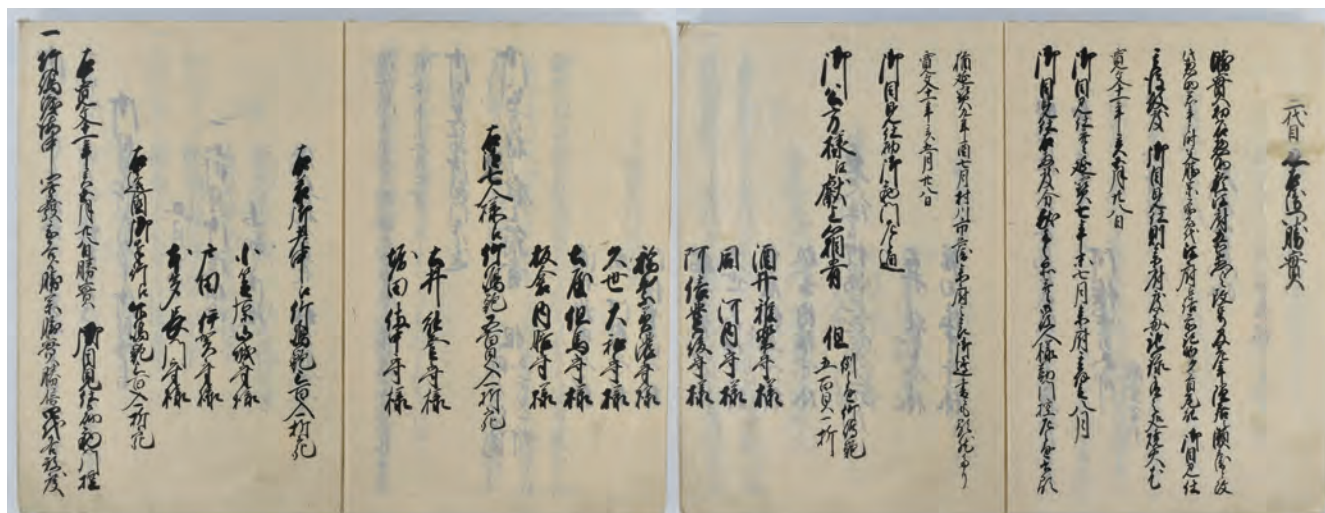
Excerpt [English translation]

Those who made the passage left Yonago around February or March every year, moored the ship at Oki Province, and departed in early April. First, they stopped off at a small island called Matsushima (present-day Takeshima) and commenced fishing and hunting. After that, they crossed the sea to Takeshima (present-day Ulleungdo), went fishing and hunting, and then returned in the autumn.

|                         |   |
|-------------------------|---|
| Date Created            | 1828  |
| Author(s) & Editor(s)   | Masayoshi OKAJIMA   |
| Publisher               | -   |
| Name of Publication     | -   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Tottori Prefectural Museum  |
| Reference & Information | Follow the instructions at Tottori Prefectural Museum (documents of the OKAJIMA family) |

## Period I (1)-ii. Documents showing the particulars of the passage to the islands

## Documents showing purchases of abalone by the Tottori Domain

**No.5** Copy of *Takeshima Tokai Yurai-ki Nukigaki*  
 NEW (Excerpts from the Record of Origins of Sailing for Takeshima)  
 (Record of audience and presentation of products)


Repository: Shimane Prefecture Takeshima Reference Room

## Overview

This is a record compiled by the OYA family in later years, and contains information related to the audience with the Shogun and presentation of products to the Shogun by the second generation Kyuemon Katsuzane. The audience was held many times including this one in 1671, but it also states that some records were lost due to fire. It mentions that the MURAKAWA family also had audiences with the Shogun.

There are also records relating to the recipients and contents during the audiences held in 1671, when they presented products to officials of the shogunate. "Takeshima" in the text refers to Utsuryo Island.

\*1 The visit to Edo and audience in 1679 were actually carried out by the third generation Katsunobu as the representative.

## Excerpt [English translation]

Second generation Kyuemon Katsuzane  
 Katsuzane's childhood name was Sosuke. When he visited Edo, he took the name of Kyuemon. In his old age, he retired and changed his name to Sebee. When he was young, Sosuke stayed in Edo as a representative of his father Katsumune. As recorded previously, he had an audience with the Shogun successfully, and thereafter, was entrusted with attending the audiences several times. Although each visit to Edo was recorded, some records were lost due to fire. He had an audience on May 28, 1671, visited Edo in July 1679, and had an audience in August the same year (\*1). The items presented to the Shogun on both these occasions and other items presented to officials and their families are stated clearly on the left. These are also clearly stated in the notification received when Ichibee MURAKAWA visited Edo in July 1681.

May 28, 1671

The names and designations of the respective shogunate officials, as well as the items presented, after the presentation of gifts at the audience with the Shogun, are shown on the left.

Boxed delicacies presented to the Shogun, Takeshima abalone as usual.

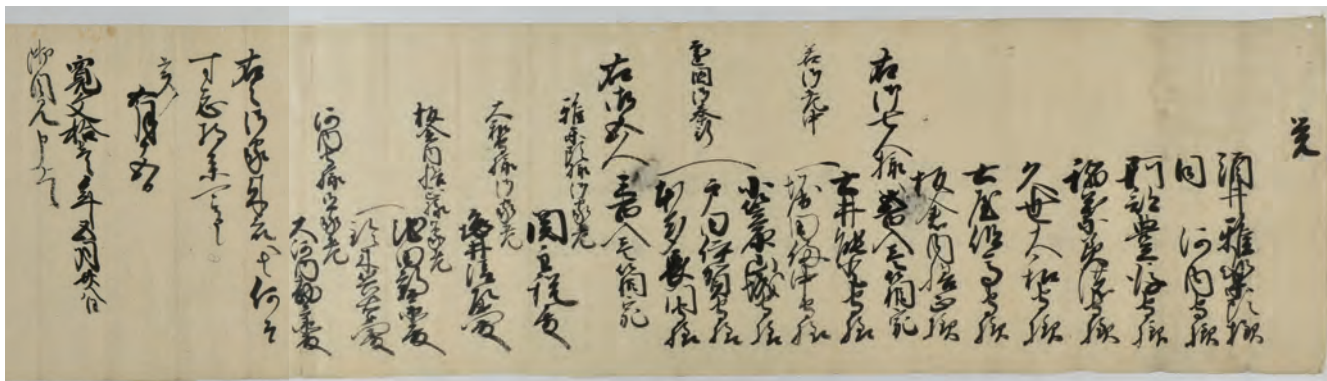
500 shells

Tadakiyo SAKAI  
 (text omitted)

|                         |   |
|-------------------------|---|
| Date Created            | -   |
| Author(s) & Editor(s)   | -   |
| Publisher               | -   |
| Name of Publication     | -(OYA family's documents 1-3)                               |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Closed  |
| Repository              | Shimane Prefecture Takeshima Reference Room                 |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room |

Period I (1)-iii. Documents about an audience with the Shogun and presenting of products

## Record of products presented by the OYA family to the senior officials of the shogunate

No. 6  
NEW Memorandum of the presenting of dried abalone to shogunate senior officials on the occasion of the audience and attendance with the Shogun 1671

Repository: Shimane Prefecture Takeshima Reference Room

## Overview

A record of the recipients who were presented with dried abalone on the occasion of the audience with the Shogun in 1671. The quantity presented varied by recipient, at 500 pieces, 300 pieces and so on.

OYA and MURAKAWA had an audience with the Shogun once every few years, and presented abalone and other gifts to senior officials of the shogunate on these occasions. In addition, it is said that they also presented timber from Utsuryo Island to produce shelves for a study in Edo Castle, and sometimes accommodated samurai families with products from Utsuryo Island at their request.

|                         |   |
|-------------------------|---|
| Date Created            | 1671  |
| Author(s) & Editor(s)   | -   |
| Publisher               | -   |
| Name of Publication     | -(OYA family's document 1-14)                               |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Closed  |
| Repository              | Shimane Prefecture Takeshima Reference Room                 |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room |

## Excerpt [English translation]

## Memorandum

SAKAI Uta-no-kami  
 SAKAI Kawachi-no-kami  
 ABE Bungo-no-kami  
 INABA Mino-no-kami  
 KUZE Yamato-no-kami  
 TSUCHIYA Tajima-no-kami  
 ITAKURA Naizen-no-kami

One box of 500 pieces

to each of the following seven people

Junior councilors DOI Noto-no-kami

HOTTA Bicchu-no-kami

*Ongoku-bugyo*

(magistrates assigned to important areas)

OGASAWARA

Yamashiro-no-kami

TODA Iga-no-kami

HONDA Nagato-no-kami

One box of 300 pieces

to each of the following five people

Chief Retainer Uta-no-kami

SEKI Chikara

Chief Retainer Yamato-no-kami

KAMEI Seizaemon

Chief Retainer ITAKURA Naizen-no-kami

IKEDA Shinbee

SUZUKI Hyoemon

Chief Retainer Kawachi-no-kami

OKOCHI Kanbee

(text omitted)

May 15, Year of the Boar

May 28 of the 11th year of Kanbun

On the occasion of the audience with the Shogun

## Period I (1)-iii. Documents about an audience with the Shogun and presenting of products

## Record of products presented by the OYA family to the senior officials of the shogunate

## No.7 Memorandum of the presenting of products by Kyuemon Katsunobu on his visit to Edo for an audience with the shogunate

NEW



Repository: Shimane Prefecture Takeshima Reference Room

## Overview

This is a record of the products presented by the third generation Kyuemon Katsunobu of the OYA family to senior officials of the shogunate in August 1679. It includes details of the quantities of abalone skewers presented: 300 pieces, 500 pieces, and 700 pieces.

|                         |   |
|-------------------------|---|
| Date Created            | -   |
| Author(s) & Editor(s)   | -   |
| Publisher               | -   |
| Name of Publication     | -(OYA family's documents 1-15)                              |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Closed  |
| Repository              | Shimane Prefecture Takeshima Reference Room                 |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room |

## Excerpt [English translation]

- Catalog of abalone skewers presented
- 500 pieces to the Shogun
  - 500 pieces to SAKAI Uta-no-kami
  - 500 pieces to SAKAI Kawachi-no-kami
  - 500 pieces to INABA Mino-no-kami
  - 500 pieces to OKUBO Kaga-no-kami
  - 500 pieces to DOI Noto-no-kami
  - 500 pieces to HOTTA Bicchu-no-kami

These samurais aforementioned on the right are *Roju* (member of the shogun's council of elders)

- 300 pieces to MATSUDAIRA Inaba-no-kami
- 300 pieces to ISHIKAWA Mimasaka-no-kami

These two samurais aforementioned are *Wakadosiyori* (Junior Councilor)

- 300 pieces to ITAKURA Iwami-no-kami
- 300 pieces to MATSUDAIRA Yamashiro-no-kami

These two gentlemen aforementioned are *Jishabugyo* (magistrate of temples and shrines) (text omitted)

- 700 pieces to ABE Shirogoro (text omitted)

- ABE Shirogoro
  - five *sarashi* (white cotton fabric)
  - Purple sword knots in large and small boxes
  - Premium Japanese cedar box with five fans
- One roll of white crepe for his wife
- One roll of colored crepe
- Gonpachiro, three *sarashi*
  - Three decorative horse saddle harnesses
  - Premium Japanese cedar box with five fans



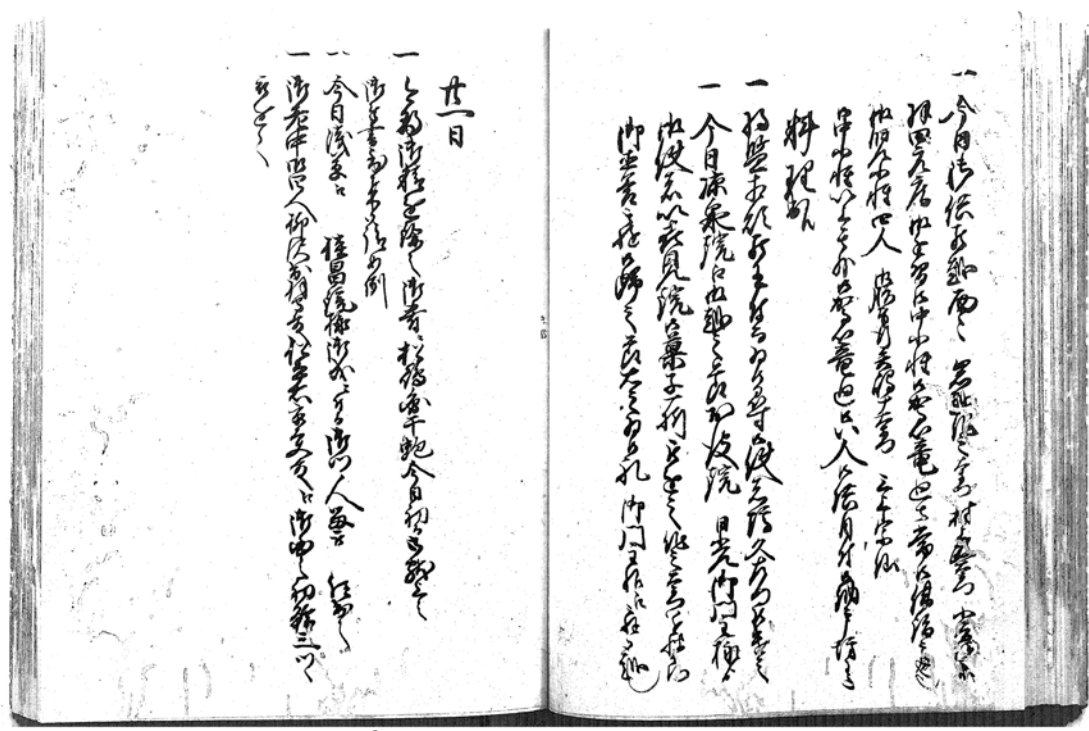
**Period I** (1)-iii. Documents on the audience with the Shogun (and) presenting of products

**Record showing that the Tottori Domain had presented abalone from Takeshima to the Shogun**

**No.8 Materials related to Takeshima and Matsushima found in the Tottori Domain Administration Documents "Goyonin Nikki (Diary)"**

FY2015/P9

Article of September 21, 1695 (Diary of a steward close to the lord of the Tottori Domain, *Goyonin Nikki*)



Repository: Tottori Prefectural Museum

**Overview**

This is a record from the Tottori Domain, showing that, on September 21, 1695, the Tottori Domain had presented what was believed to be dried whole abalone (Matsushima dried whole abalone) harvested from Takeshima (Matsushima at the time) to the Shogun as the first meal after a day of abstinence (\*1).

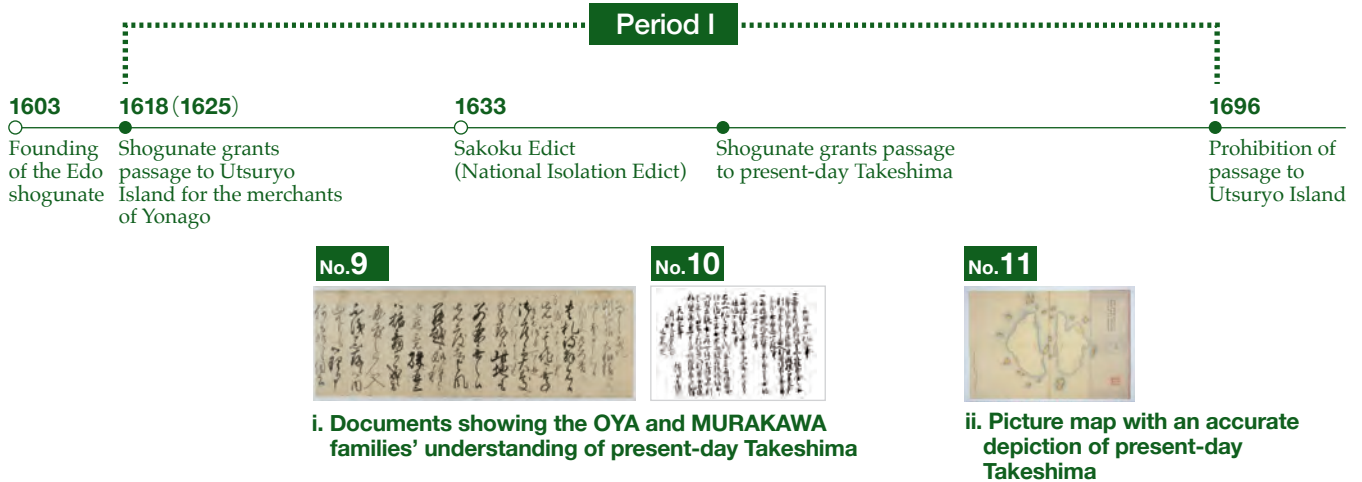
**Excerpt [English translation]**

- I received news that Matsushima dried whole abalone was presented to the Shogun for the first time, today in the morning, as the first meal. I replied as usual.

\*1 Days such as the anniversary of an ancestor's death were considered to be days of abstinence, and this meal was presented as the first meal on the following day. The 17th (Ieyasu), 20th (Iemitsu), 24th (Hidetada), and 8th (Ietsuna) of every month were days of abstinence, and the following day was shojin ake (the end of the mourning period). The presenting of Matsushima dried whole abalone took place on September 21, 1695, which would mark the day after the anniversary of the death of Iemitsu, the Shogun two generations before then Shogun Tsunayoshi. (Refer to Yoichi OSHIMA, "Tottori-han no Zotohin 'Takeshima Awabi'" (Takeshima Abalone, Gifts from the Tottori Domain).)

|                         |  |
|-------------------------|--|
| Date Created            | September 21, 1695   |
| Author(s) & Editor(s)   | Tottori Domain   |
| Publisher               | -  |
| Name of Publication     | 1695 Diary of Residence in Edo From July 1st to December 29th  |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Tottori Prefectural Museum   |
| Reference & Information | Follow the instructions at Tottori Prefectural Museum. "Tottori Hansei Shiryo Mokuuroku" Document No. 3725, Document Name "Goyonin Nikki Genroku 8-Nen 7-Gatsu - 12-Gatsu" |

## (2) Understanding of Takeshima



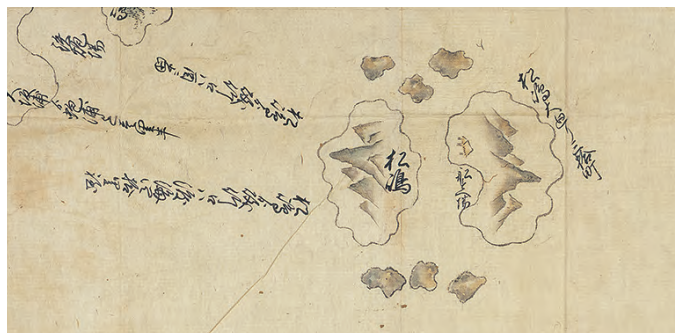
Various documents, including the OYA family's documents and the records of local history compiled in later years, contained descriptions about how the OYA family and MURAKAWA family stopped off at Takeshima on their passage to Utsuryo Island. These demonstrate that there had been accurate understanding of Takeshima in Japan during the Edo era.

Among the documents of the OYA family, there was a letter addressed to Doki OYA from a merchant named Soetsu ISHII. According to this letter, if Ichibee MURAKAWA were to shoot sea lions on Takeshima with a gun, they might possibly flee to Utsuryo Island (→No.9).

In prohibiting passage to Utsuryo Island in 1696, the Edo shogunate inquired of the Tottori Domain as to the situation on and around the island. For its response, the Tottori Domain prepared a picture map that included Takeshima (known as Matsushima at the time) (shown in the figure on the right). The contents shown in this picture map suggest that they had obtained accurate understanding of the island.

The Map of Matsushima (which was the name of Takeshima during the Edo era) is held in the repository of the Historiographical Institute of the University of Tokyo. We researched this map in FY2015. This was a copy made in 1895 based on the picture map produced by the MURAKAWA family (\*1), and it is a rare map in the sense that it is a map focused only on present-day Takeshima (→ No.11).

\*1 Takeshima Archives Portal (Reference no.: T1600000000103)



**“Illustrative map of Takeshima submitted by Ihe-e Kotani”**

Takeshima (shown as Matsushima in the picture map) is depicted as two islands, east and west. The beach of the east island shows the text “Funasueba” (berth) and an illustration of a hut.

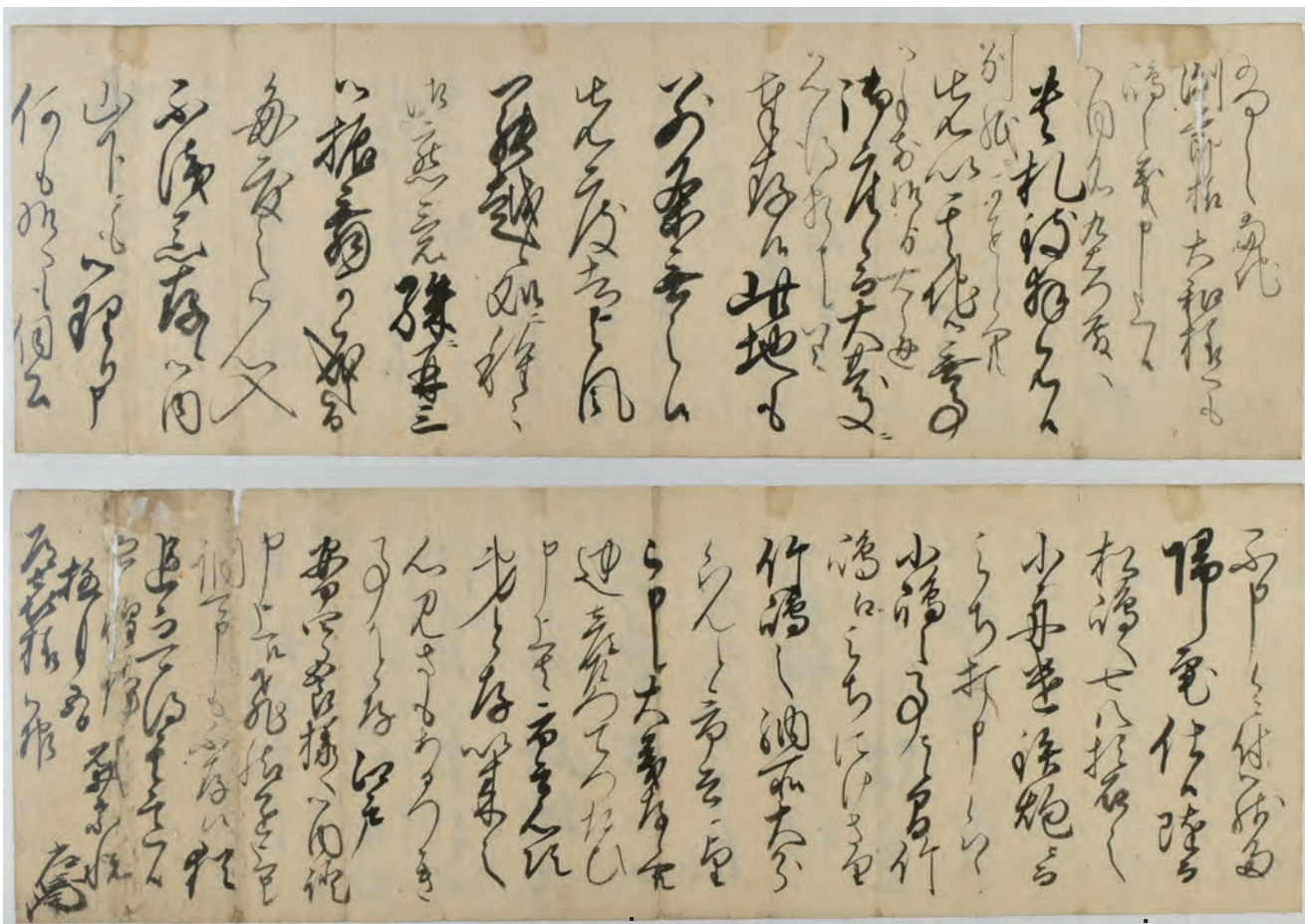
Repository: Tottori Prefectural Museum

## Period I (2)-i. Documents showing the OYA and MURAKAWA families' understanding of Takeshima

## A letter showing that they had accurate understanding of Takeshima

## No.9 A letter from Soetsu ISHII to Doki (Kyuemon Katsumune OYA)

NEW Dated December 5 (year unknown)



Repository: Shimane Prefecture Takeshima Reference Room

## Overview

This letter from a merchant named Soetsu ISHII, addressed to Doki OYA (the fourth generation of the OYA family, Kyuemon Katsumune), mentions present-day Takeshima.

In the letter, Soetsu ISHII communicates to Doki OYA that Ichibee MURAKAWA, who had been traveling to Utsuryo Island and Takeshima, had said that, “Matsushima (present-day Takeshima) is so small that the sea lions on the island might possibly flee to Utsuryo Island if they were shot at with a gun.”

## Excerpt [English translation]

(Text omitted) Ichibee said, “If we went to Takeshima on a small boat of 70 or 80 *koku*, and shot at the sea lions on the island with a gun, they might flee to Utsuryo Island as Takeshima is a small island. This could then increase their catch from Utsuryo Island.” (text omitted)

\* In the original text, Takeshima is referred to as “Matsushima,” and Utsuryo Island as “Takeshima.”

|                         |   |
|-------------------------|---|
| Date Created            | Dated December 5 (year unknown)                             |
| Author(s) & Editor(s)   | Doki OYA  |
| Publisher               | -   |
| Name of Publication     | -(OYA family's documents 1-10)                              |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Closed  |
| Repository              | Shimane Prefecture Takeshima Reference Room                 |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room |

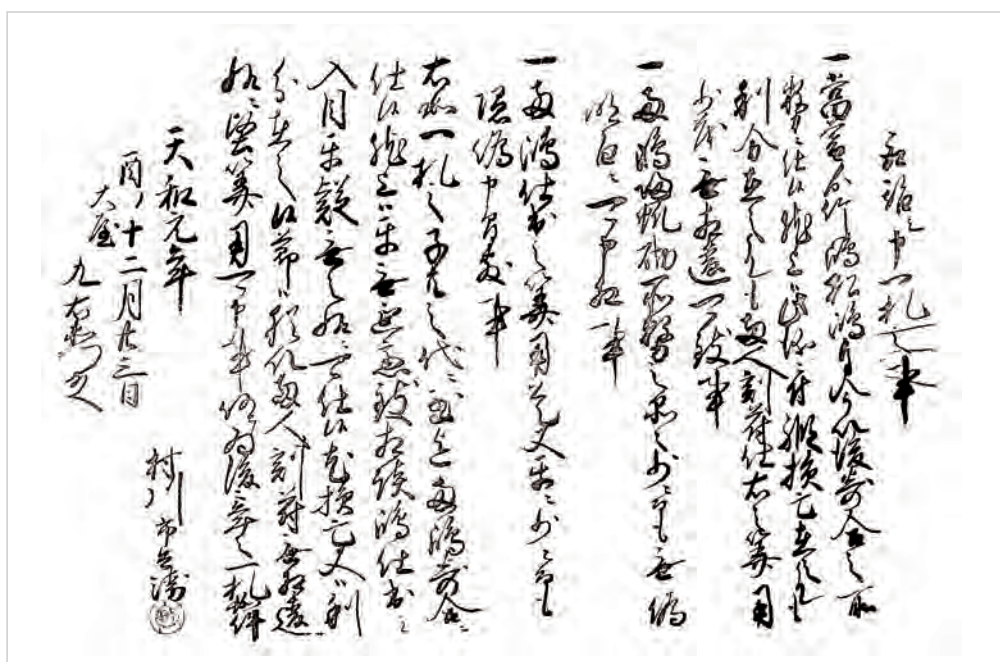
## Period I (2)-i. Documents showing the OYA and MURAKAWA families' understanding of Takeshima

## Arrangements about earnings from Utsuryo and Takeshima Islands concluded between the OYA family and MURAKAWA family

## No. 10 On the matter of documents exchanged (Copy)

NEW

December 23, 1681

Repository: Shimane Prefecture  
Takeshima Reference Room

## Overview

The OYA family and MURAKAWA family, who continued to travel to the Utsuryo and Takeshima Islands for more than 50 years, concluded an arrangement to divide the profits and losses proportionately because their earnings were unstable due to the weather and other factors.

|                         |   |
|-------------------------|---|
| Date Created            | December 23, 1681   |
| Author(s) & Editor(s)   | Ichibee MURAKAWA  |
| Publisher               | -   |
| Name of Publication     | -   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Closed  |
| Repository              | Shimane Prefecture Takeshima Reference Room                 |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room |

## Excerpt [English translation]

- As we will carry on our business based on mutual consultations and decisions concerning Takeshima and Matsushima from the end of the present year, any losses or profits shall be divided at a ratio agreed upon without miscalculation.
- All products harvested and brought back from Takeshima and Matsushima shall be made known without any deceit.
- There shall be no concealment of any matters related to the calculation of earnings and profits from Takeshima and Matsushima.

This bond for the said arrangements shall remain effective until the generation of our children.

\* In the original text, Takeshima is referred to as "Matsushima," and Utsuryo Island as "Takeshima."

Period I (2)-ii. Picture map with an accurate depiction of Takeshima

## A copy of a picture map of Takeshima from the Meiji era owned by the MURAKAWA family

## No. 11 Map of Matsushima

FY2015/P10 1895



Repository: Historiographical Institute The University of Tokyo

## Overview

A copy of a picture map of Matsushima kept by the Murakawa family of Yonago-cho. A picture map solely of Matsushima (now Takeshima).

|                         |  |
|-------------------------|--|
| Date Created            | 1895   |
| Author(s) & Editor(s)   | -  |
| Publisher               | -  |
| Name of Publication     | -  |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Historiographical Institute The University of Tokyo                                |
| Reference & Information | Follow the instructions at the Historiographical Institute The University of Tokyo |

## Excerpt [English translation]

Quote:

A picture map of Matsushima (present-day Takeshima). Its circumference is less than 3.9km/2.4miles. It is approximately 118 km / 73 miles from Oki Province to Matsushima to cross the ocean, and it is approximately 39 km / 24 miles from Matsushima to Takeshima (present-day Utsuryo Island (Ulleungdo))

\* In the original text, Takeshima is denoted as "Matsushima."

## Period II

— From around 1905 when Takeshima was incorporated into Shimane Prefecture until the end of WWII (Meiji era to -1945)

# (1) Request for the lease of Takeshima and its incorporation into Shimane Prefecture

## Increase in sea lion hunting around Takeshima

The existence of Takeshima had long been known among fishermen of the Oki Islands. In 1849, a French whaling ship (“Le Liancourt”) gave the name of “Liancourt Rocks” to Takeshima, after which it came to be known locally also as “Lyanko” and “Lanko.”

Around 1903, sea lion hunting became increasingly active on present-day Takeshima (the same shall apply hereinafter). In May the same year, Yozaburo NAKAI (\*1), who operated a business on the Oki Islands, dispatched more than 10 people to Takeshima in view of the business potential of hunting sea lions (→No.13). In April the following year, NAKAI also visited Takeshima with Yujiro HASHIOKA and others to engage in sea lion hunting (→No.12).

However, around the same period, Matsutarō ISHIBASHI, Ryuta IGUCHI and Shigezo KATO were also engaging in sea lion hunting around Takeshima, resulting in overhunting.

## Submission of request from Yozaburo NAKAI to the central government for the lease of Takeshima

NAKAI, who was concerned about the overhunting, appealed to the Minister for Foreign Affairs, the Minister of Home Affairs, and the Minister of Agriculture and Commerce on the need for sea lion hunting around Takeshima to be controlled, and submitted a request for a ten-year lease of Takeshima in this regard.

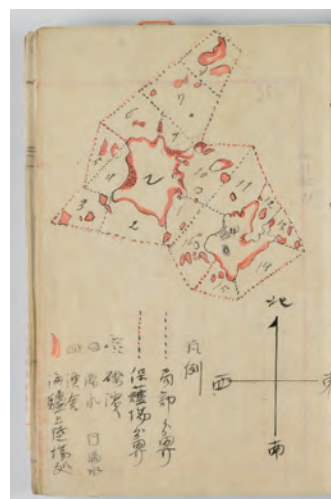
In his request for the lease, NAKAI attached a rough map indicating the locations of areas where sea lions came onshore, a fishing hut, a berth, and other facilities on Takeshima, as well as other documents providing supplementary explanations in which he explained the current situation of indiscriminate hunting of sea lions and its impact, and proposed measures to protect resources and manage the hunting of sea lions. In addition, at the end of the request, he attached a rough map showing the areas where the sea lions came onshore in red and the boundaries dividing the island into 16 protected areas in dotted lines (shown on the right).

## Incorporation of Takeshima into Shimane Prefecture by a Cabinet decision

In response to NAKAI’s request, the central government conducted a hearing of opinions with Shimane Prefecture. Based on this, it reached a Cabinet decision on January 28, 1905 to name the island “Takeshima” and place it under the jurisdiction of the Director of Oki Islands branch office, Shimane Prefecture. (→No. 14).

The series of events leading to this decision is set out on the following page. After the Cabinet decision to incorporate Takeshima into Shimane Prefecture, on February 22 the same year, the Governor of Shimane Prefecture issued an official notice to name the island “Takeshima” and put it under the jurisdiction of the the Director of Oki Islands branch office, Shimane Prefecture (→No.18), based on the instruction of the Home Ministry to issue the notice (→No.17).

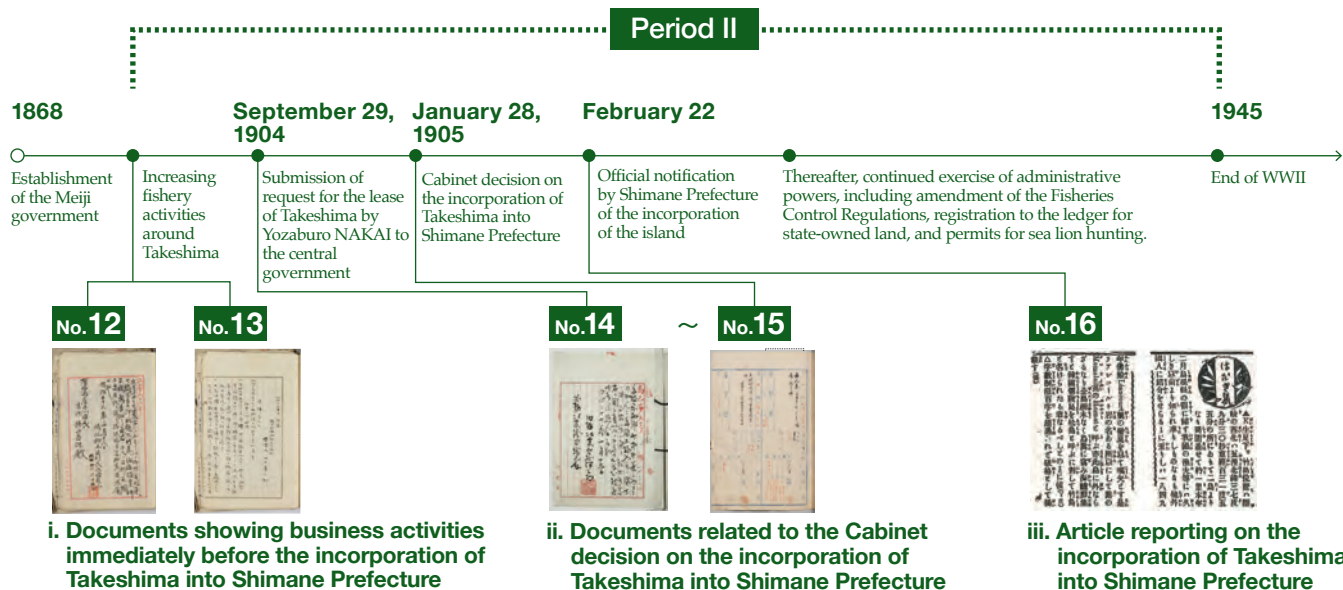
In our research, it has been confirmed that the abovementioned Cabinet decision was included in the Kenmei-roku (Record of Items) of Cabinet decisions at the time (→No.15). A newspaper article (dated July 10, 1905) reporting on the incorporation of the island known as “Liancourt Rocks” into Shimane Prefecture has been also confirmed. The article also reported that the island had been named “Takeshima” (→No.16).



Map (copy) attached to the request for the lease of Takeshima, submitted by Yozaburo NAKAI

Repository: Shimane Prefecture Public Records Center

\*1 Born in Ogamo Village, Tohaku County of Tottori Prefecture in 1864. Resided in various parts of Japan including Kyushu, San'in, and Hokuriku, and traveled to countries such as Russia (Vladivostok) and Korea, engaging in the development of fisheries business such as sea cucumber and abalone fisheries. Commissioned by the Oki Fisheries Association to promote a fishery experiment project.



**Chronology with respect to the incorporation of Takeshima into Shimane Prefecture, and the decision on the jurisdiction over it**

**September 29, 1904**  
**Submission of a request to the central government for the lease of Takeshima by Yozaburo NAKAI**

Yozaburo NAKAI submitted a request for the lease of Takeshima to the Minister of Home Affairs, the Minister for Foreign Affairs, and the Minister of Agriculture and Commerce, with a view to protecting resources and preserving the stock of sea lions in the waters adjacent to the uninhabited island known as Lyanko (i.e. Takeshima) located to the northwest of the Oki Islands.

**Review of the lease request within the government**

The Shimane Prefectural Government sought the views of the Oki Island branch office (refer to p.37) on the placement of Lyanko Island (Takeshima) under the jurisdiction of the Director of the Oki Island branch office and on the name of this island (November 15, 1904). In response, the Oki Island branch office indicated its approval of the proposal for jurisdiction over the island. It also explained that, originally, there were said to be two islands named Matsushima and Takeshima in this area. While Utsuryo Island had been known as Takeshima, the nautical charts at the time clearly showed Utsuryo Island as Matsushima. Hence, it replied that Takeshima would be the appropriate name for this island (Lyanko Island) (November 30, 1904) (\*1).

**Commencement of the procedure for a Cabinet decision (January 10, 1905)**

A request was submitted to the Cabinet for the deliberation on naming Lyanko Island “Takeshima,” and placing it under the jurisdiction of the Director of the Oki Island branch office, Shimane Prefecture. The document was titled “The Matter of the Jurisdiction over an Uninhabited Island” and submitted by the Minister of Home Affairs to the Prime Minister (\*2).

**Cabinet decision (January 28, 1905)**

It was decided that the island would be named “Takeshima” and placed under the jurisdiction of the Director of Oki Island branch office (refer to p.37).

**February 22, 1905**  
**Official notice issued by the Governor of Shimane Prefecture**

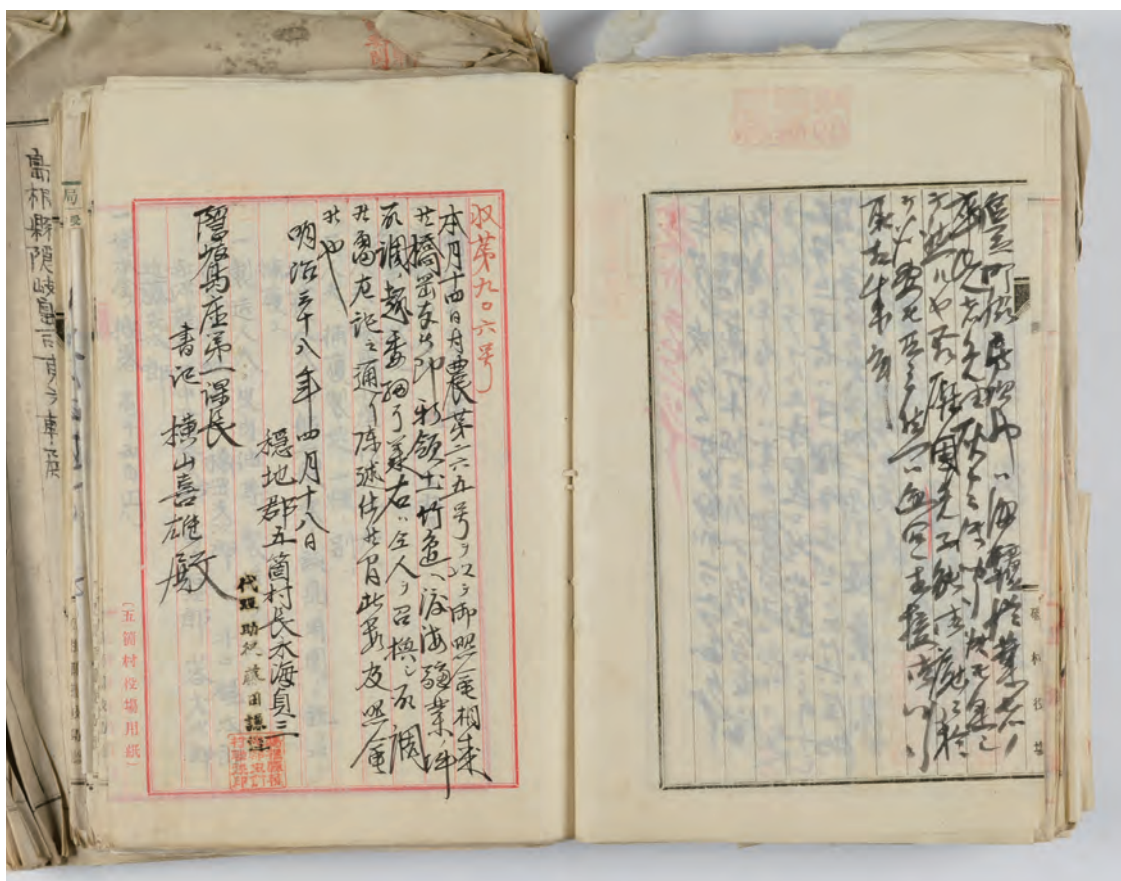
The Governor of Shimane Prefecture issued instructions to the Oki Islands branch office to establish the name of Takeshima, as well as to place Takeshima under the jurisdiction of the Director of Oki Islands branch office. The Governor of Shimane Prefecture also issued an official notice in the same vein.

\*1 “Otsu General Affairs No. 152” Compilation of Shimane Prefectural Documents, “Takeshima”  
 \*2 “Part of 37 Hibetsu No. 337, The Matter of the Jurisdiction over of the an Uninhabited Island,” Kobun Ruishu

**Period II** (1)-i. Documents showing business activities immediately before the incorporation of Takeshima into Shimane Prefecture

**Results of the sea lion hunting in 1903 and 1904 (Yujiro HASHIOKA)**
**No.12 Official document No. 906**

FY2014/P17 April 18, 1905



Repository: Shimane Prefecture Public Records Center

**Overview**

Official documents by Goka Village office made in response to the inquiry from Oki Islands branch office. In this document, the records of Mr. Tomojiro HASHIOKA's passage to Takeshima and sea lion hunting activities there in 1903 and 1904 were reported. Reported items included the dates of his passage to Takeshima, business activities, capital, the sales of the catch, and its total value.

**Excerpt [English translation]**

"In response to your inquiry No. 265 (Agriculture) dated the 14th of this month, we summoned Mr. Tomojiro HASHIOKA to inquire about his passage to Takeshima and sea lions hunting activities. The following are his statements....."

|                         |   |
|-------------------------|---|
| Date Created            | 1679  |
| Author(s) & Editor(s)   | Kenzo FUJITA (Assistant Village Master)   |
| Publisher               | Suki County Goka Village office   |
| Name of Publication     | Documents on the Takeshima Lease and Sea Lion Hunting                           |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Shimane Prefectural Government Public Records Center                            |
| Reference & Information | Follow the instructions at Shimane Prefectural Government Public Records Center |

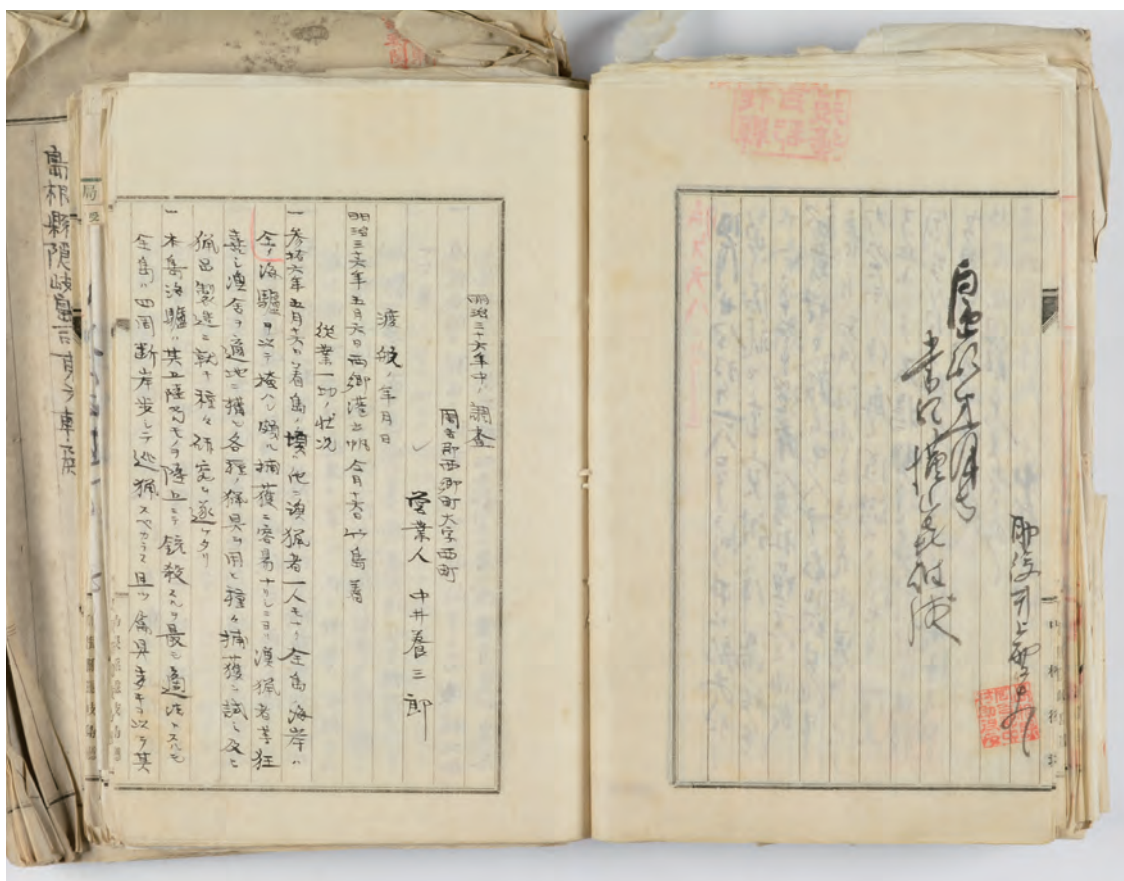


Period II (1)-i. Documents showing business activities immediately before the incorporation of Takeshima into Shimane Prefecture

## Results of the sea lion hunting in 1903 (Yozaburo NAKAI)

## No. 13 Surveys in 1903 (Sea Lion Hunters Survey)

FY2014/P18 1905



Repository: Shimane Prefecture Public Records Center

## Overview

A survey regarding Yozaburo NAKAI, a sea lion hunter from Saigo Town, conducted during 1903. The topics surveyed are the dates of travel to and from Takeshima, the state of business activities, the names of workers employed, capital, the sales of the catch, and its total value.

|                         |   |
|-------------------------|---|
| Date Created            | 1905  |
| Author(s) & Editor(s)   | -   |
| Publisher               | -   |
| Name of Publication     | Documents on the Takeshima Lease and Sea Lion Hunting                           |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Shimane Prefectural Government Public Records Center                            |
| Reference & Information | Follow the instructions at Shimane Prefectural Government Public Records Center |

## Excerpt [English translation]

Nishimachi, Saigo, Suki County Operator: Yozaburo NAKAI

Travel dates:

May 6th, 1903: Departed from Saigo Port, May 16th: Arrived at Takeshima

State of all business activities:

- We arrived in Takeshima on May 16, 1903. We found no one there. Sea lions were found everywhere on the island and seemed easy to catch. Every fisherman was happy. We installed a makeshift site for hunting and attempted to catch sea lions using various hunting equipment. We also researched how to manufacture the equipment."

**Period II** (1)-ii. Documents related to the Cabinet decision on the incorporation of Takeshima into Shimane Prefecture

**A document recording a Cabinet decision that Takeshima would be brought under the jurisdiction of the Director of the Oki Islands branch office in Shimane Prefecture**
**No. 14** The uninhabited island, located 85 nautical miles northwest of the Oki Islands, is to be named Takeshima and is to come under the jurisdiction of the Director of the Oki Islands branch office of the Shimane Prefectural Government  
 January 28, 1905  
 FY2015/P15


Repository: National Archives of Japan

**Overview**

A document recording a Cabinet decision that, following a proposal tabled by Akimasa Yoshikawa (Minister of Home Affairs), the uninhabited islands would be called Takeshima and would be brought under the jurisdiction of the Director of the Oki Island branch office in Shimane Prefecture.

|                         |   |
|-------------------------|---|
| Date Created            | January 28, 1905  |
| Author(s) & Editor(s)   | Cabinet   |
| Publisher               | Cabinet   |
| Name of Publication     | Public Documents Edition No. 29, 1905, Vol. 1, Policies / Imperial Diet / Administrative Districts / Local Autonomy / Miscellaneous |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | National Archives of Japan  |
| Reference & Information | Follow the instructions at the National Archives of Japan   |

**Excerpt [English translation]**

The matter of the jurisdiction over an 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), a Japanese man named Yozaburo NAKAI constructed a fishing hut, transferred laborers, provided hunting equipment and started to undertake the hunting of sea lions there. On this occasion, he has submitted a request for the island's incorporation into Japanese territory and for a lease, and for this reason it became necessary to decide on the jurisdiction over the island and on its name. He requested that it be named "Takeshima" and that it come under the jurisdiction of the Director of the Oki Islands branch office of Shimane Prefecture.

Then, having examined (the request), it is clear from the related documents that this person, named Yozaburo NAKAI, since 1903, has moved to the island and engaged in fishery activities. We recognize the fact of its occupation under international law, and therefore we consider that there would be no obstacle to regard the island as belonging to Japan and to bring it under the jurisdiction of the Director of the Oki Islands branch office of the Shimane Prefectural Government.

Consequently, it can be considered to be appropriate that a Cabinet decision be made as requested.

## “Record of Items” showing the Cabinet decision on the incorporation of Takeshima into Shimane Prefecture under its administrative jurisdiction

### No. 15 “The matter of the jurisdiction over an uninhabited island (located 85 nautical miles to the northwest of the Oki Islands)” found in the “Record of Items” 1905

#### Overview

This “Record of Items” is a compilation of items such as the titles of official documents sent out by all government ministries and agencies. It is compiled and registered by the Cabinet Secretariat, which has jurisdiction over administrative matters such as the organizing of Cabinet matters. Among the “Record of Items” for 1905, No.1 for the Ministry of Home Affairs shows records concerning the administrative processes for the Cabinet decisions pertaining to the incorporation of Takeshima into Shimane Prefecture and the prefecture’s jurisdiction over the island. The flow of events as shown in the document is as follows.

January 10: The Cabinet Secretariat received the request for a Cabinet meeting from the Ministry of Home Affairs

January 11: Circulation to the Cabinet Legislation Bureau (Relevant documents sent on January 13)

January 28: Cabinet decision (signing of the agenda item by the respective ministers)

February 2: Notification of approval from the Cabinet Legislation Bureau to the Cabinet Secretariat (approval by the Emperor). Issuance of the circular concerning this approval from the Cabinet Secretariat to the Ministry of Home Affairs. Return of the relevant documents to the Ministry of Home Affairs.

#### Excerpt [English translation]

No. 1 37 Hi (SECRET) Otsu No. 337

“The matter of the jurisdiction over an uninhabited island (located 85 nautical miles to the northwest of the Oki Islands)”

Received: January 10

Cabinet Legislation Bureau

January 11

February 2

Report January 28

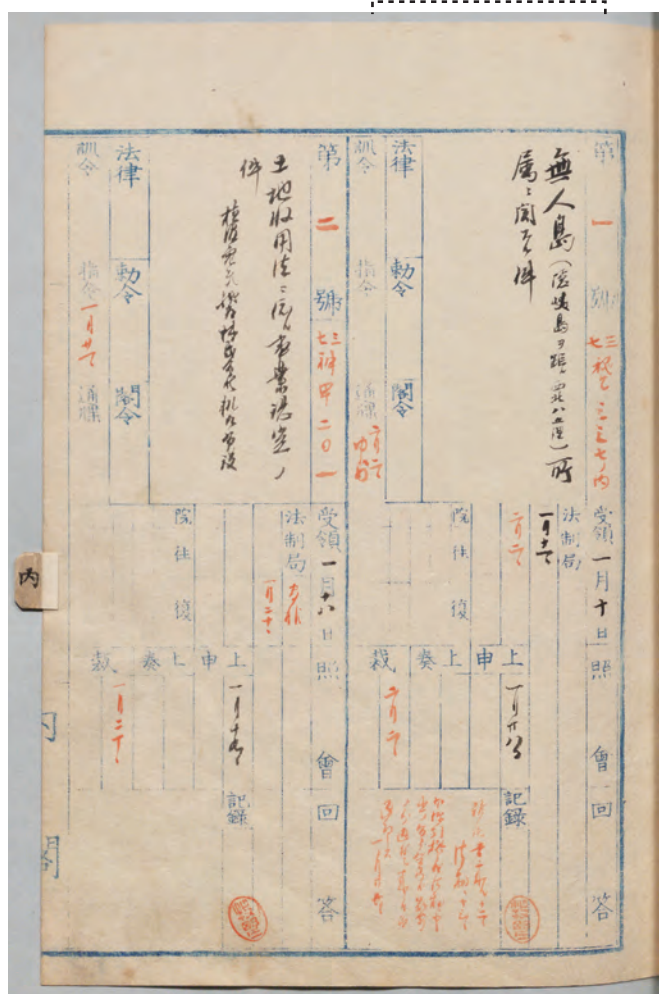
Approval February 2

Record (Seal)

Letter of request, 12th

To Legislation Bureau, 13th

As this was a special case, the relevant documents submitted by the Ministry of Home Affairs to the Legislation Bureau were returned from the Bureau, and these were then returned to the Chief Cabinet Secretary.  
January 26



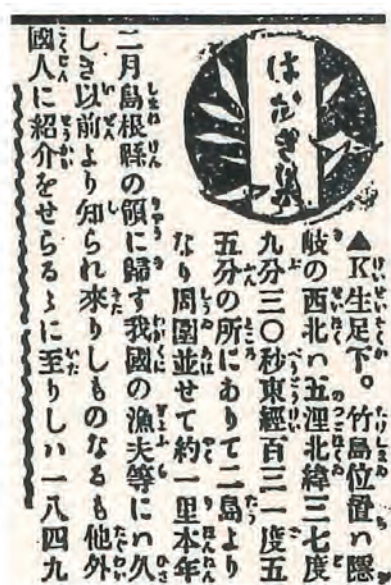
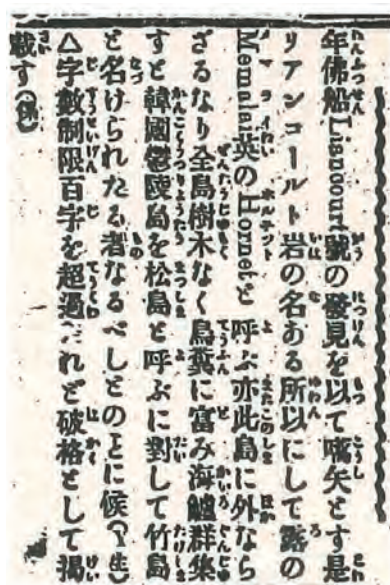
Repository: National Archives of Japan

|                         |   |
|-------------------------|---|
| Date Created            | 1905  |
| Author(s) & Editor(s)   | [Cabinet Secretariat]   |
| Publisher               | [Cabinet Secretariat]   |
| Name of Publication     | Record of Items, Ko I<br>(From January 1905 to December 1905) |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | National Archives of Japan                                    |
| Reference & Information | Follow the instructions at National Archives of Japan         |

**Period II** (1)-iii. Article reporting on the incorporation of Takeshima into Shimane Prefecture

**Editorial from the Yomiuri Shimbun (newspaper) regarding the name “Takeshima” (July 1905)**
**No.16 Postcard Collection**

FY2016/P10 July 10, 1905 (Editorial from Yomiuri Shimbun)



This image is taken from the original repositied in the “YOMIDAS REKISHIKAN” of the Yomiuri Shimbunsha database.

Repository: Yomiuri Shimbunsha

**Overview**

Takeshima was called “Matsushima” during the Edo Period and “Liancourt Island” in the early Meiji Period. This is an editor’s reply to the question from a reader regarding the island being officially named “Takeshima” after its incorporation into Shimane Prefecture in 1905 (dated July 10, 1905).

In the late 18th century, European explorers had made a mistake when measuring the latitude and longitude of Utsuryo Island, resulting in the appearance of a phantom island west of the actual Utsuryo Island in European maps. This caused confusion over the name of the islands: the phantom island was considered to be “Takeshima”, the name of Utsuryo Island during the Edo period, the actual Utsuryo island has come to be named “Matsushima” (the name from the Edo period of the current Takeshima), and the current Takeshima was sometimes called “Liancourt Rocks” (“Lyanko/Lanco Island”) after a ship named “Le Liancourt” passed nearby in 1849. Based on this historical background, this material shows that Utsuryo Island – which is called Dagelet Island in English – was called “Matsushima,” and the island, which was called “Liancourt Rocks” at that time, and known to Japanese fishermen for a long time, was officially named “Takeshima”. (By around 1880, it had become widely known that the phantom island did not exist)

Except for one typo (the Russian name “Memalai” should be spelled “Menelai”), this article reflects the exact content of the Shimane Prefecture Notice No. 40 of February 1905, including the latitude and longitude measurements “37° 9’ 30” N, 131° 55’ 0” E.”

**Excerpt [English translation]**
**Postcard Collection**

(Text omitted) Takeshima is located 85 nautical miles (157 km) northwest of Oki at 37° 9’ 30” N, 131° 55’ 0” E. Takeshima consists of two islands, and the circumference is approximately 4km. It was incorporated into Shimane Prefecture in February of this year. Takeshima has been known to fishermen in our country for a long time, but Takeshima became known to foreigners when it was found by a French ship named “Le Liancourt” in 1849. This is the reason why Takeshima has been called “Liancourt Rocks.” “Liancourt Rocks” has been also known as “Memalai” in Russian, and “Hornet” in English as well. There are no trees on the island, there are many bird droppings, and sea lions gather there. While the Korean Utsuryo Island is called “Matsushima,” “Liancourt Rocks” is named “Takeshima.” (text omitted)

|                         |  |
|-------------------------|--|
| Date Created            | July 10, 1905  |
| Author(s) & Editor(s)   | -  |
| Publisher               | Yomiuri Shimbunsha   |
| Name of Publication     | Yomiuri Shimbun  |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | the National Diet Library  |
| Reference & Information | Follow the instructions at the National Diet Library (or access “YOMIDAS REKISHIKAN” online) |



## (2) Peaceful and continuous exercise of administrative powers over Takeshima

### Jurisdiction

Based on the Cabinet decision made on January 28, 1905, the uninhabited island was named “Takeshima” and incorporated into the jurisdiction of Shimane Prefecture, specifically under the Director of the Oki Islands branch office.

Thereafter, the Oki Islands branch office conducted a survey on the area of Takeshima at the instruction of the Shimane Prefectural Government (\*1), and submitted a report with an attached rough map (\*2). The Shimane Prefectural Government recorded the contents of the report in the ledger of state-owned land (bottom figure), in which it was noted that the area of the island was 23 *cho*, 3 *dan*, and 3 *sebu*.

Takeshima was placed under the jurisdiction of the Director of the Oki Islands branch office in accordance with the aforementioned Cabinet decision. This was also confirmed with the inclusion of Takeshima within the area of jurisdiction of the Oki Islands branch office by Imperial Edict No.54 of 1909, which designated islands where island branch offices were placed (→ No. 19).

### Registration

Yozaburo NAKAI, together with Tadashige HASHIOKA and others, established the Takeshima Fishing and Hunting Limited Partnership Company with himself as its representative (→ No.23), and commenced sea lion hunting on Takeshima. The commercial registration section of the Official Gazette dated June 15, 1905 mentioned that the Takeshima Fishing and Hunting Limited Partnership Company was registered (→ No.20).

### Taxation and other matters

On March 1, 1906, the Shimane Prefectural Government amended the Regulations on the Assessment of Prefectural

#### About the Oki Islands branch office (overseen by the Director of the Oki Islands branch office)

Islands branch office was an organization that presided over the administrative matters of the islands which came under its jurisdiction, and one of the systems of local governance at the time. Pursuant to Cabinet Ordinance No.3 of 1888, the Director of the Oki Islands branch office was appointed in Shimane Prefecture, and the branch office of the Oki Islands was set up in accordance with Shimane Prefectural Ordinance No.51 of the same year. Thereafter, the establishment of the branch office was stipulated once again in accordance with Imperial Edict No.225 of 1890, an ordinance of a higher level than the Cabinet Ordinance.

Furthermore, pursuant to Imperial Edict No.54 of 1909, the Oki Islands were officially designated as islands with a government branch office. (Takeshima was mentioned expressly in the area of jurisdiction of the Oki Islands branch office. Refer to p.30 for the background)

The Oki Islands branch office was abolished pursuant to the revision of the local bureaucratic system by Imperial Edict No.147 of 1926, and replaced by the Oki branch office of Shimane Prefecture.

Taxes (1901 Shimane Prefectural Ordinance No. 11), established a taxation level for the sea lion hunting, and added it as a new taxation item (\*3).

Yozaburo NAKAI submitted a request for permission to use state-owned land and obtained the necessary permit. This permit request was submitted every five years (example in the bottom figure). Users of state-owned land paid a rental fee every year to the national treasury. The Shimane Prefecture Public Records Center holds a ledger with records of tax collection, which shows that payments (4 *yen* 70 *sen*) were made to the Bank of Japan (\*4).

### Control, permission and authorization of industries

The Shimane Prefectural Government amended the Fisheries Control Regulations (1902 Shimane Prefectural Ordinance No. 130) on April 14, 1905, established the sea lion hunting on Takeshima as a licensed fishery activity (→No.21), granted permission to Yozaburo NAKAI and three others to engage in sea lion hunting, and issued one license (→No.22, 26). In July the same year, the Oki Islands branch office issued a warning to sea lion hunting operators who had a hygiene problem (→ No.24).

Later, on April 1, 1912, the Shimane Prefectural Government authorized only sea lion hunting operators to harvest seaweed and shellfish in certain areas of Takeshima (→No.25).

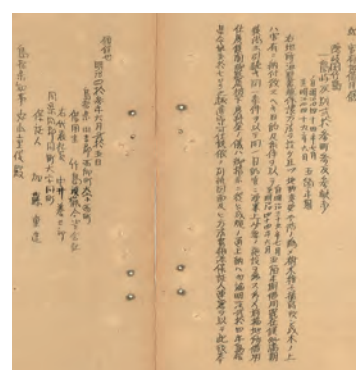
In May 1935, a request for rock phosphate prospecting around Takeshima was submitted to the Osaka Mining Inspection Bureau. On June 6, 1939, permission was granted to carry out phosphate ore prospecting around Takeshima. This was announced by the Ministry of Commerce and Industry in the Official Gazette (No.3813) dated September 19 the same year (→No.27).

As shown above, the series of actions representing the exercise of administrative powers over Takeshima was taken peacefully and continuously, without protest from any foreign country.



“Ledger of State-owned Land / Takeshima,”  
Geographical Section,  
Shimane Prefecture

May 17, 1905.  
Repository:  
Shimane Prefecture Public  
Records Center



Request for the lease of state-owned  
land (copy) from the representative of  
the Takeshima Fishing and Hunting  
Limited Partnership Company (Yozaburo  
NAKAI) addressed to the Governor of  
Shimane Prefecture

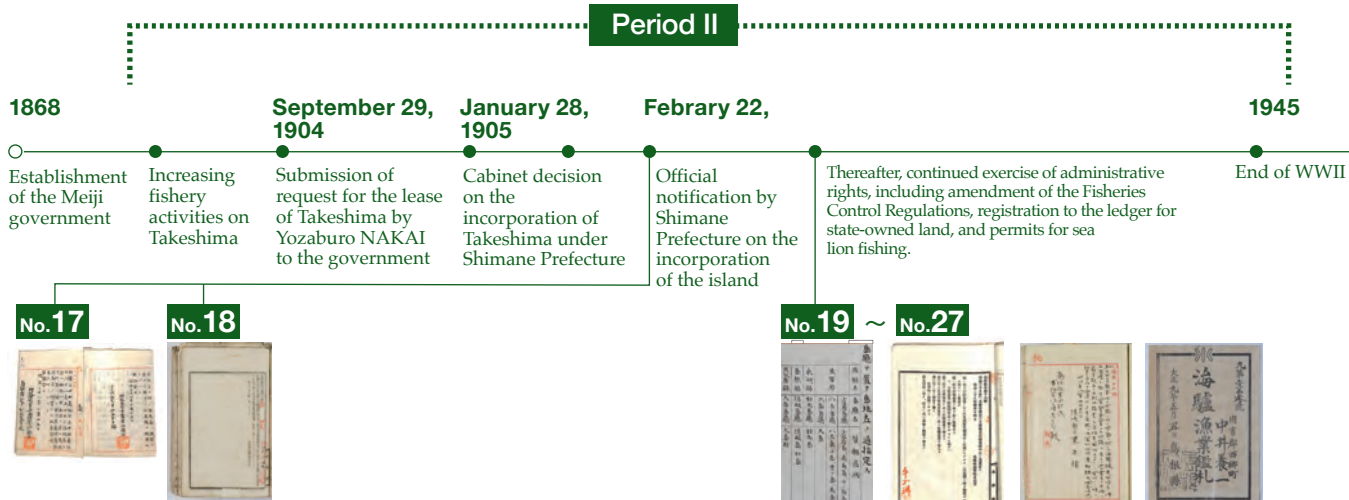
(Duration: July 1911-June 1916)  
Repository: Shimane Prefecture Takeshima  
Reference Room

\*1 “Shimane Prefecture Land No. 90” “Takeshima” (Repository: Shimane Prefecture Public Records Center)

\*2 “Ko Land No. 4 (Report on the Area of Takeshima)” “Takeshima” (Repository: Shimane Prefecture Public Records Center)

\*3 “Shimane Prefectural Ordinance No. 8 [Regulations on the Assessment of Prefectural Taxes]” (Published on the Takeshima Archives Portal, Reference No.: T1906030100101)

\*4 “Rental Fees for State-owned Property (Land Use Fees)” (Published on the Takeshima Archives Portal, Reference No.: T1925051400101)



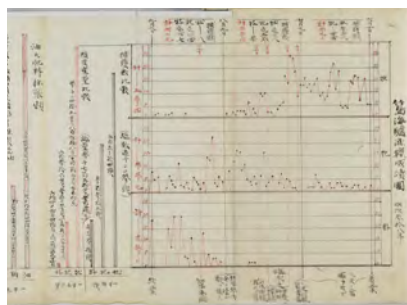
(1) Documents on the notice of the incorporation of Takeshima into Shimane Prefecture

(2) Documents showing the continuous exercise of administrative powers over Takeshima

**Fishery administration related to Takeshima**

**April 14, 1905**  
**Addition of sea lion hunting as a licensed fishery activity**

The Shimane Prefectural Government amended the Fisheries Control Regulations enacted in 1902 under Shimane Prefectural Ordinance No. 130, and added sea lion hunting to the fishery activities under the license of the Governor of Shimane Prefecture (→No.21).



Repository: Shimane Prefecture Public Records Center

**June 5, 1905**  
**Yozaburo NAKAI and three others were granted permission by the Governor of Shimane Prefecture to engage in sea lion hunting**

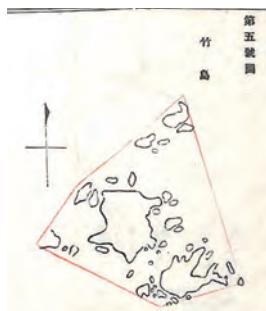
Yozaburo NAKAI and three others submitted a request to the Governor of Shimane Prefecture on May 20 for permission to engage in sea lion hunting. The Governor granted such permission on June 5, and a license was issued to NAKAI and the others (→No.26). On March 1, 1906, sea lion hunting was designated as being subject to prefectural tax in Shimane Prefecture.

**Takeshima Fishing and Hunting Limited Partnership Company "Takeshima Sea Lion Hunting Business Performance Charts, 1905" "Takeshima"**

Yozaburo NAKAI and others established the Takeshima Fishing and Hunting Limited Partnership Company to engage in sea lion hunting. The company's records of the numbers caught have been preserved.

**June 30, 1908**  
**Prohibition of fishery activities other than sea lion hunting, and of harvesting of aquatic animals and plants**

To prevent unauthorized harvesting of seaweed and shellfish from Takeshima and its neighboring area, the Shimane Prefectural Government prohibited fishery activities other than sea lion hunting and the harvesting of aquatic animals and plants (\*3).



**Prohibited areas for harvesting (Areas in which sea lion hunting is permitted) Shimane Prefectural Ordinance No. 54, 1911**

Repository: Shimane Prefecture Public Records Center

**April 1, 1921**  
**Permission granted only to the sea lion hunting operators to harvest seaweed and shellfish in Takeshima and other designated areas.**

The Shimane Prefectural Government amended the Fisheries Control Regulations, and permitted the sea lion fishery operators to harvest tengusa seaweed, laver, wakame seaweed, turban shell, abalone, etc., from Takeshima and other designated areas (→No.25).



Repository: Shimane Prefecture Takeshima Reference Room

**Photographs related to Takeshima**

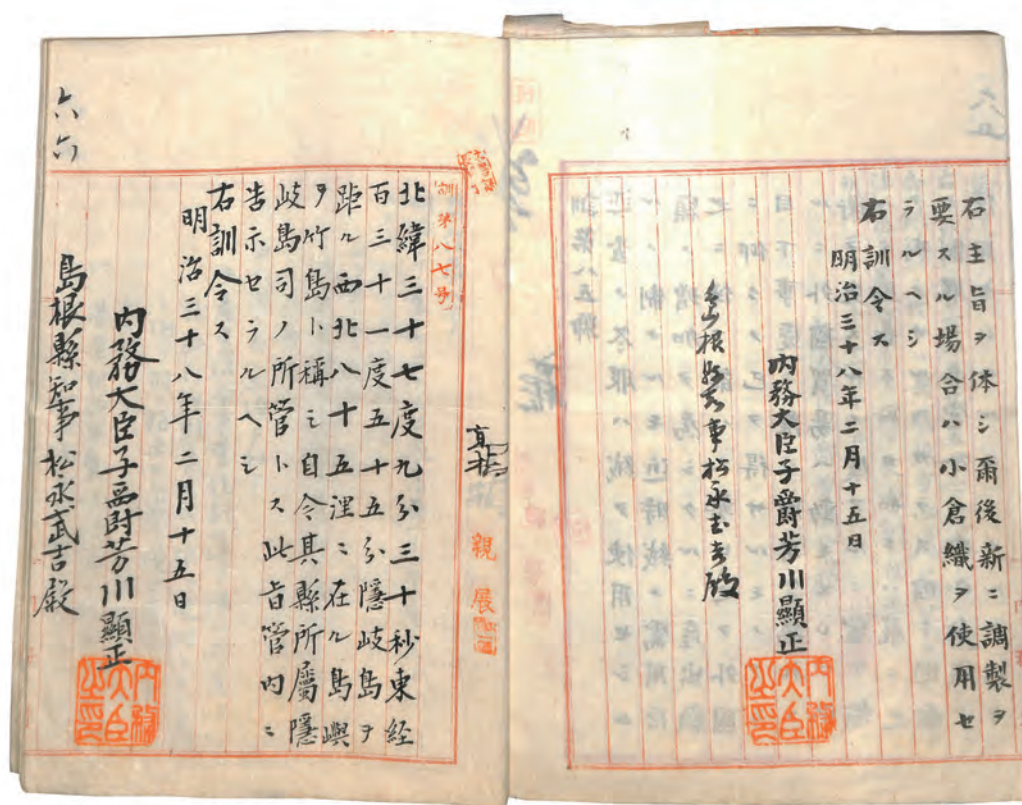
Fishery activities were carried out continuously around Takeshima in the pre-WWII era, and a photograph above in 1934 records such activities.

\*3 "Shimane Prefectural Ordinance No.48 [Fisheries Control Regulations]" (Published on the Takeshima Archives Portal, Reference No.T190806000101)

**Period II** (2)-i. Documents on the notice of the incorporation of Takeshima into Shimane Prefecture

**Instruction from the Minister of Home Affairs to the Governor of Shimane Prefecture to issue a notification on the jurisdiction of Takeshima**
**No. 17 Instruction No.87**

FY2014/P7 February 15, 1905



Repository: Shimane Prefectural Government Public Records Center

**Overview**

The Governor of Shimane Prefecture was instructed by the Minister of Home Affairs to make a public announcement about the name of the territory (Takeshima), and the fact that Takeshima was incorporated under the jurisdiction of the Director of Oki Islands branch office, Shimane Prefecture.

|                         |  |
|-------------------------|--|
| Date Created            | February 15, 1905  |
| Author(s) & Editor(s)   | Akimasa YOSHIKAWA (Minister of Home Affairs)   |
| Publisher               | Ministry of Home Affairs   |
| Name of Publication     | Instructions 1901-05 (Final)   |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Shimane Prefectural Government Public Records Center   |
| Reference & Information | Follow the instructions at Shimane Prefecture Public Records Center. A reproduction may be viewed in Shimane Prefecture Takeshima Reference Room |

**Excerpt [English translation]**

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 Director of Oki Islands branch office, Shimane Prefecture. You are instructed to proclaim this matter in your jurisdiction.



## Notification on the jurisdiction of Takeshima by the Governor of Shimane Prefecture

## No.18 Public Notice No.40 by the Shimane Prefectural Government

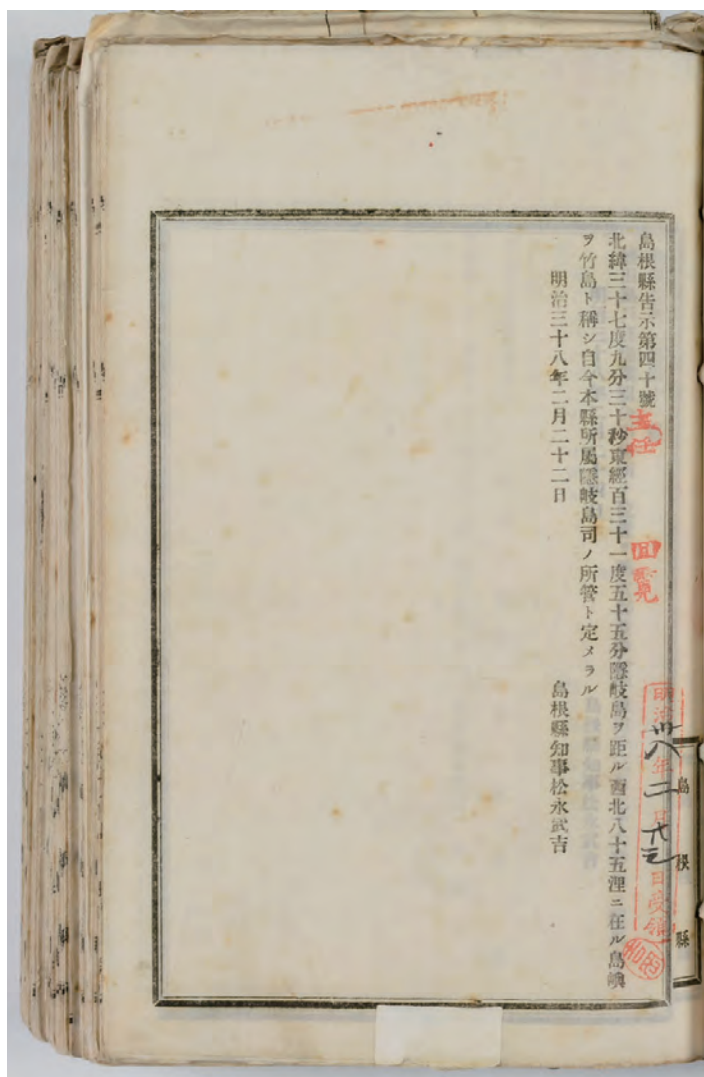
FY2015/P8 February 22, 1905

## Overview

The name of Takeshima and its jurisdiction was announced by the Governor of Shimane Prefecture in accordance with the instruction of the Minister of Home Affairs.

## Excerpt [English translation]

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 Director of Oki Islands branch office of this prefecture.



Repository: Shimane Prefectural Government Public Records Center

|                         |   |
|-------------------------|---|
| Date Created            | February 22, 1905   |
| Author(s) & Editor(s)   | Takekichi MATSUNAGA<br>(Governor of Shimane Prefecture)   |
| Publisher               | Shimane Prefecture  |
| Name of Publication     | Shimane Prefectural Notice 1905   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Shimane Prefectural Government<br>Public Records Center   |
| Reference & Information | Follow the instructions at<br>Shimane Prefecture Public Records Center.<br>A reproduction may be viewed in Shimane<br>Prefecture Takeshima Reference Room |

**Period II** (2)-i. Documents on the notice of the incorporation of Takeshima into Shimane Prefecture

**Imperial Edict establishing a branch office on the Oki Islands and re-designating Takeshima as an area under the jurisdiction of the Oki Islands branch office**
**No. 19 Imperial Edict No.54**

FY2018/P7 March 29, 1909

**Overview**

This Imperial Edict issued in 1909 designated the Oki Islands as an island with a government branch office, and re-designated the Oki Islands and Takeshima as coming under the jurisdiction of the Oki Islands branch office.

Prior to this, the Oki Islands branch office had been established in Saigo-cho (Town), Suki County of Oki Province pursuant to Shimane Prefectural Ordinance No.51 dated May 7, 1888. Thereafter, with revisions made to the local bureaucratic system that defines the structure of prefectures, Article 52 of the Local Bureaucratic System under Imperial Edict No.225 of 1890 stipulated that a government branch office be established on the island designated by Imperial Edict (refer to p.37).

Accordingly, in 1909, the Oki Islands were officially designated as islands with a government branch office by the Imperial Edict, and it was clearly stated that Takeshima was a part of the area under the jurisdiction of this branch office.

**Excerpt [English translation]**

I hereby approve the matter of the designation of these islands as islands with government branch offices, and cause the same to be promulgated.

(Imperial Seal)

March 29, 1909

(text omitted)

Imperial Edict No.54

The following islands are designated as islands with government branch offices

Name of prefecture

Name of branch office

Area under jurisdiction

(text omitted)

Shimane Prefecture

Oki Islands branch office

Oki Islands

Takeshima

(text omitted)

|      |        |      |      |               |               |      |        |
|------|--------|------|------|---------------|---------------|------|--------|
|      |        |      |      |               |               |      | 島廳     |
| 鹿兒島縣 | 島根縣    | 長崎縣  | 東京府  |               | 府縣名           |      | ヲ置ク    |
| 大島島廳 | 隱岐島廳   | 對馬島廳 | 大島島廳 | 八丈島廳          | 小笠原島廳         | 島廳名  | 島地     |
| 大島郡  | 隱岐島、竹島 | 對馬島  | 大島   | 八丈島、小島、青ヶ島、鳥島 | 小笠原島、南鳥島、中ノ鳥島 | 管轄區域 | 左ノ通指定ス |

Repository: National Archives Japan Center

Enlarged applicable part

|                         |   |
|-------------------------|---|
| Date Created            | March 29, 1909  |
| Author(s) & Editor(s)   | Cabinet   |
| Publisher               | Cabinet   |
| Name of Publication     | -   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | National Archives of Japan  |
| Reference & Information | Access the website of the Japan Center for Asian Historical Records, National Archives of Japan |

内閣總理大臣 桂 大 臣  
法華院 桂 大 臣  
 平 田 東 助  
平 田 東 助

朕島廳ヲ置ク島地指定ノ件ヲ裁可シ茲ニ之ヲ公布セシム

睦 仁

明治四十二年三月二十九日

附 則  
 八重山島廳 八重山郡  
 本令ハ明治四十二年四月一日ヨリ之ヲ施行ス  
 明治二十九年勅令第十四號ハ之ヲ廢止ス

勅令第五十四號  
 島廳ヲ置ク島地左ノ通指定ス

| 府縣名  | 島廳名  | 管轄區域          |
|------|------|---------------|
| 東京府  | 八丈島廳 | 八丈島、小島、青ヶ島、鳥島 |
| 長崎縣  | 對馬島廳 | 對馬島           |
| 島根縣  | 隱岐島廳 | 隱岐島、竹島        |
| 鹿兒島縣 | 大島島廳 | 大島郡           |
| 沖繩縣  | 宮古島廳 | 宮古郡           |

Original signatures (Document image created with the permission of the National Archives of Japan)

## Period II (2)-ii. Documents showing the continuous exercise of administrative powers over Takeshima (Registration)

## Notification of the registration of the Takeshima Fishing and Hunting Limited Partnership Company

## No.20 Official Gazette (No.6586)

NEW June 15, 1905

## Overview

A notification of the registration of the Takeshima Fishing and Hunting Limited Partnership Company which was set up in 1905 with Yozaburo NAKAI as its representative (Official Gazette).

## Excerpt [English translation]

Commercial registration

Trade name: Takeshima Fishing and Hunting Limited Partnership Company

Head office: Saigo Town, Suki County, Shimane Prefecture...

Purpose: Capture, processing, and sale of sea lions from Takeshima

Representative: Yozaburo NAKAI

Date of establishment: June 3, 1905

Registered on June 6, 1905

合資會社登記簿第一册第一號  
一商號 竹島漁獵合資會社 本店島根縣周吉郡西郷町大字西町字指向二十三番地 目的竹島海國捕獲  
製造販賣 代表社員ノ氏名中非養三郎 社員ノ氏名住所出資ノ種類償額及責任 金一千二百圓無限島  
根縣周吉郡西郷町大字西町字指向二十三番地中非養三郎金四百二十圓有限同縣同郡同町同大字字八尾  
ノ二七番地加藤重藏金六百九十圓有限同縣同郡中村大字湊七百四十番地井口龍太金六百九十圓有限同  
縣地郡五箇村大字久見二百七十四番地橋岡友次郎 設立ノ年月日 明治三十八年六月三日  
右明治三十八年六月六日登記 西郷區裁判所

|                         |   |
|-------------------------|---|
| Date Created            | June 6, 1905 (Registration)<br>June 15, 1905 (Official Gazette) |
| Author(s) & Editor(s)   | Saigo District Court  |
| Publisher               | Printing Bureau, Ministry of Finance<br>[Editor]                |
| Name of Publication     | Official Gazette (No. 6586)                                     |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | National Diet Library (Digital Collection)                      |
| Reference & Information | Follow the instructions at National Diet Library                |

## Period II

(2)-ii. Documents showing the continuous exercise of administrative powers over Takeshima  
(Control of industries, permission and authorization)

## Amendment of fishery regulations to allow sea lion hunting

No.21 Shimane Prefectural Ordinance No.18  
(Fisheries Control Regulations)

FY2014/P8

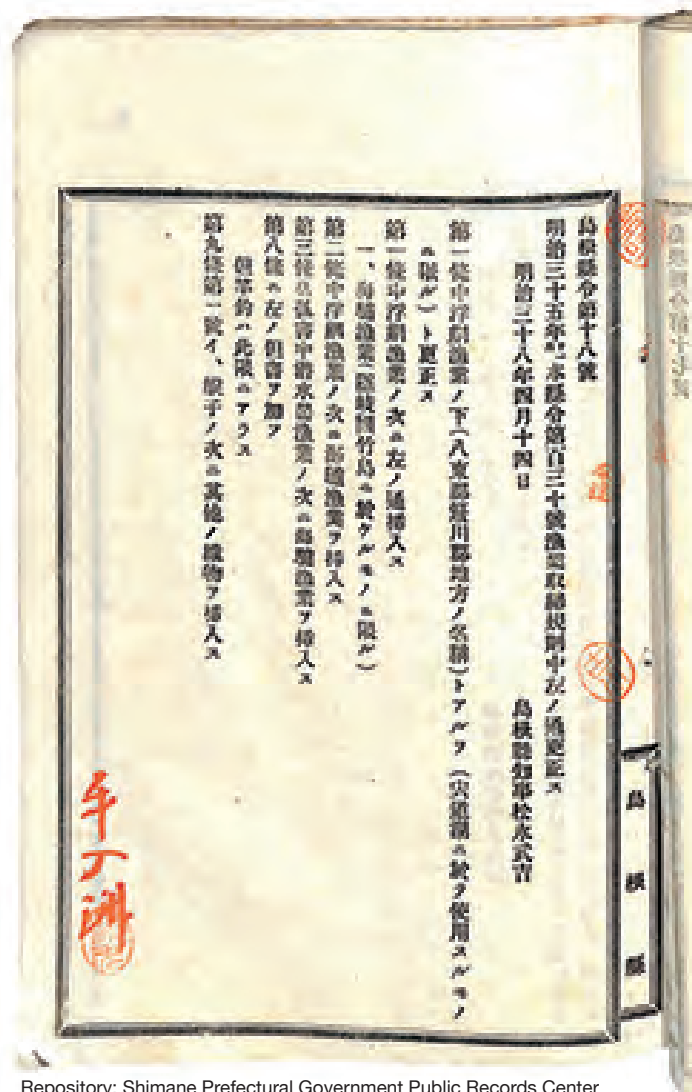
April 14, 1905

## Overview

Shimane Prefectural Ordinance: The fishing and hunting activities on and around Takeshima were added to the fishing activities requiring Governor's permits.

## Excerpt [English translation]

Fisheries Control Regulations under Prefectural Ordinance No.130 of November 1902 shall be amended as follows.



Repository: Shimane Prefectural Government Public Records Center

|                         |   |
|-------------------------|---|
| Date Created            | April 14, 1905  |
| Author(s) & Editor(s)   | Takekichi MATSUNAGA<br>(Governor of Shimane Prefecture)   |
| Publisher               | Shimane Prefecture  |
| Name of Publication     | Shimane Prefectural Ordinances 1905   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Shimane Prefectural Government<br>Public Records Center   |
| Reference & Information | Follow the instructions at<br>Shimane Prefecture Public Records Center.<br>A reproduction may be viewed in Shimane<br>Prefecture Takeshima Reference Room |

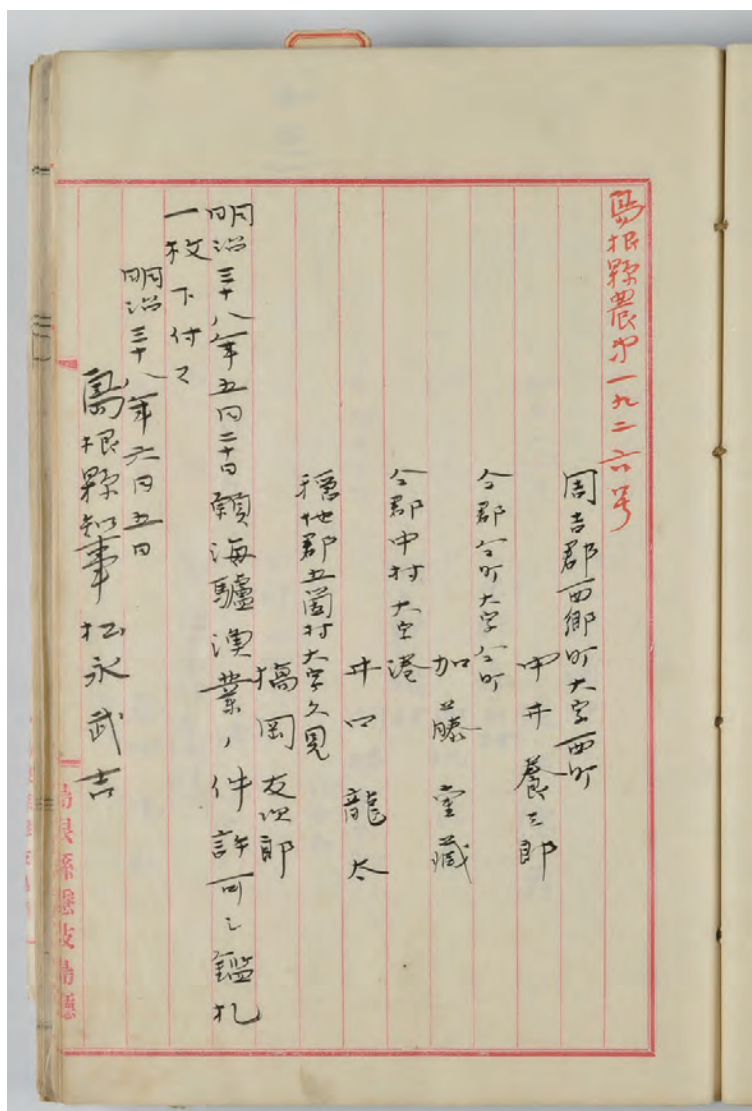
## Period II

(2)-ii. Documents showing the continuous exercise of administrative powers over Takeshima  
(Control of industries, permission and authorization)

## Authorization by Shimane Prefecture of sea lion hunting and notification of the issuance of licenses

## No.22 Shimane Prefecture Agriculture No.1926

FY2014/P8 June 5, 1905



Repository: Shimane Prefectural Government Public Records Center

## Overview

Copy of a document notifying the issuance of a sea lion hunting permit to Yozaburo NAKAI, Shigezo KATO, Ryuta IGUCHI and Tomojiro HASHIOKA, together with one license tag.

## Excerpt [English translation]

Nishimachi, Saigo Town, Suki County

Yozaburo NAKAI

Nishimachi, Saigo Town, Suki County

Shigezo KATO

Minato, Naka Village, Suki County

Ryuta IGUCHI

Kumi, Goka Village, Ochi County

Tomojiro HASHIOKA

With regard to sea lion hunting under the application dated May 20, 1905, permission is granted and one license tag is attached.

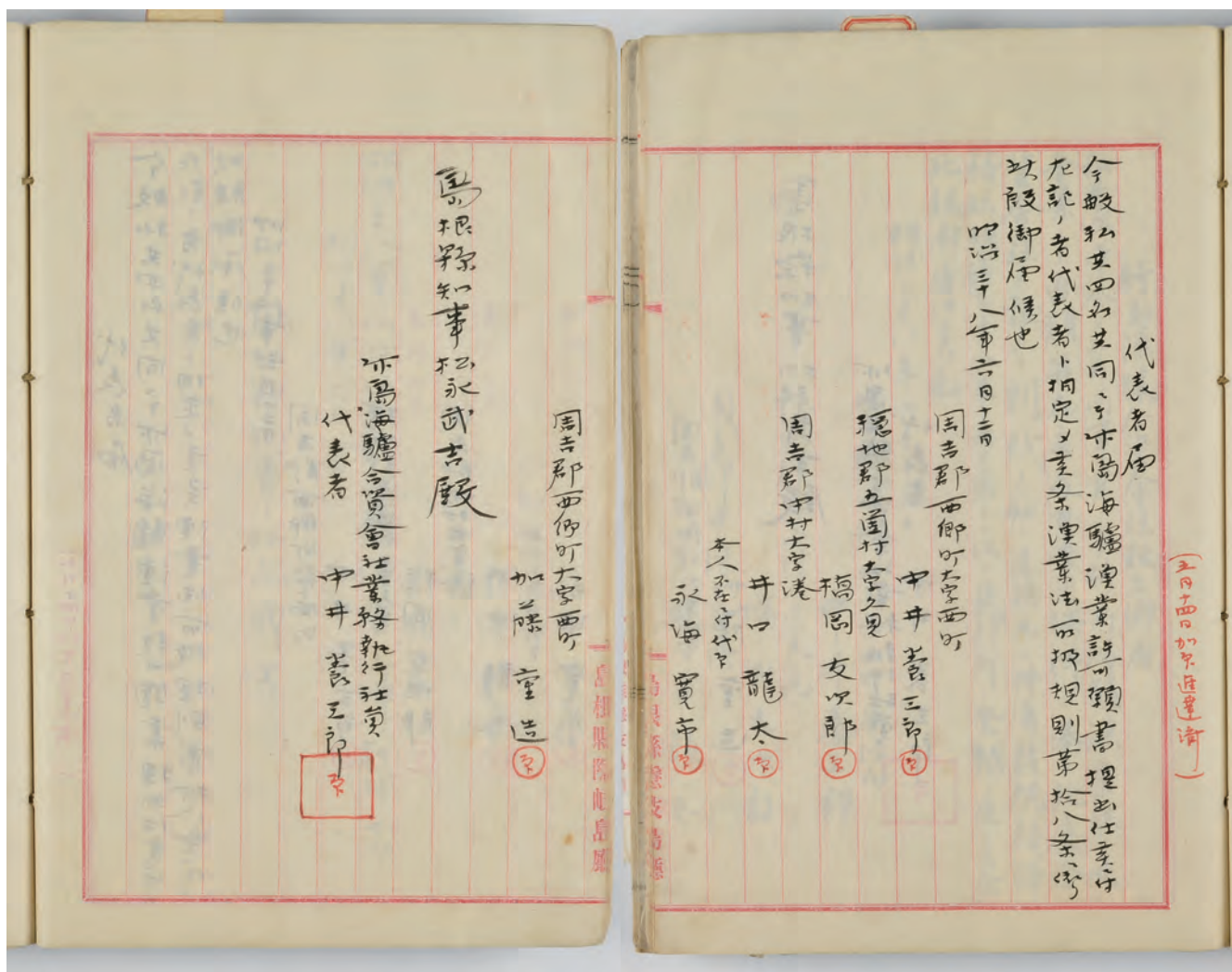
|                         |   |
|-------------------------|---|
| Date Created            | June 5, 1905  |
| Author(s) & Editor(s)   | Takekichi MATSUNAGA<br>(Governor of Shimane Prefecture)   |
| Publisher               | Shimane Prefecture  |
| Name of Publication     | Takeshima   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Shimane Prefectural Government Public Records Center  |
| Reference & Information | Follow the instructions at Shimane Prefecture Public Records Center. A reproduction may be viewed in the Takeshima Reference Room |

Period II (2)-ii. Documents showing the continuous exercise of administrative powers over Takeshima (Control of industries, permission and authorization)

## Notification of a company representative from the Takeshima Fishing and Hunting Limited Partnership Company to Shimane Prefecture

### No.23 Notification of Representative

FY2014/P9 June 12, 1905



Repository: Shimane Prefecture Public Records Center

|                         |  |
|-------------------------|--|
| Date Created            | June 12, 1905  |
| Author(s) & Editor(s)   | Yozaburo NAKAI, Tomojiro HASHIOKA, Ryuta IGUCHI, Shigezo KATO  |
| Publisher               | Yozaburo NAKAI, Tomojiro HASHIOKA, Ryuta IGUCHI, Shigezo KATO  |
| Name of Publication     | Takeshima  |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Shimane Prefectural Government Public Records Center   |
| Reference & Information | Follow the instructions at Shimane Prefecture Public Records Center. A reproduction may be viewed in Shimane Prefecture Takeshima Reference Room |

#### Overview

A copy of a document notifying Shimane Prefecture that Yozaburo NAKAI has been appointed as the representative of the Takeshima Fishing and Hunting Limited Partnership Company, with signatures of four individuals involved.

#### Excerpt [English translation]

In connection with the application for a sea lion hunting permit in Takeshima that was recently submitted jointly by the four undersigned, we hereby give notice that the person listed below is our representative, pursuant to Fishery Act Enforcement Regulations Article 18.

## Period II

(2)-ii. Documents showing the continuous exercise of administrative powers over Takeshima  
(Control of industries, permission and authorization)

## Document reporting to Shimane Prefecture that the Director of the Oki Islands branch office has provided hygiene guidance to sea lion fishery operators

## No.24 (Otsu) Public Health No.26

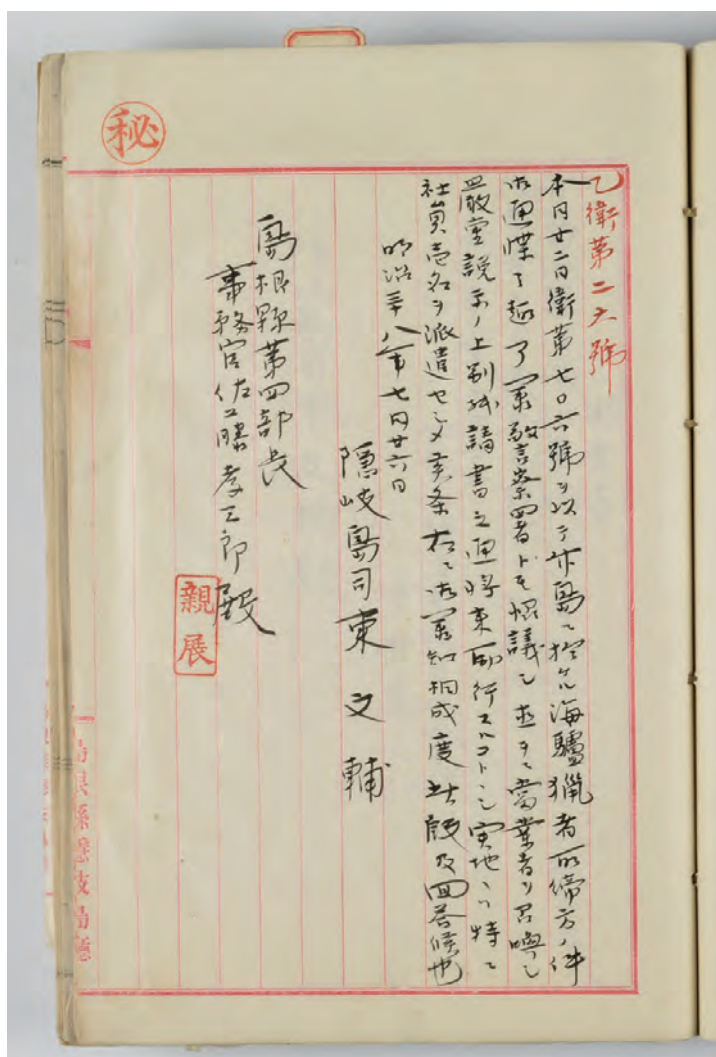
FY2014/P9 July 26, 1905

## Overview

A copy of a document in which the Director of the Oki Islands branch office reports to Shimane Prefecture that he has instructed the relevant operators in accordance with the notice regarding control of sea lion hunters and asked them to write an acknowledgement with a view to implementing it.

## Excerpt [English translation]

I hereby reply that I acknowledge your notice regarding measures to control sea lion hunters in Takeshima based on Public Health No.706 dated the 22nd of this month, and that, following discussions with the police department, I immediately summoned the business operators and gave strict instructions, and moreover the operators promised to follow the instructions in future, as shown in the attached confirmation, in particular by committing to send one employee to the work site to ensure that the above is complied with.



Repository: Shimane Prefectural Government Public Records Center

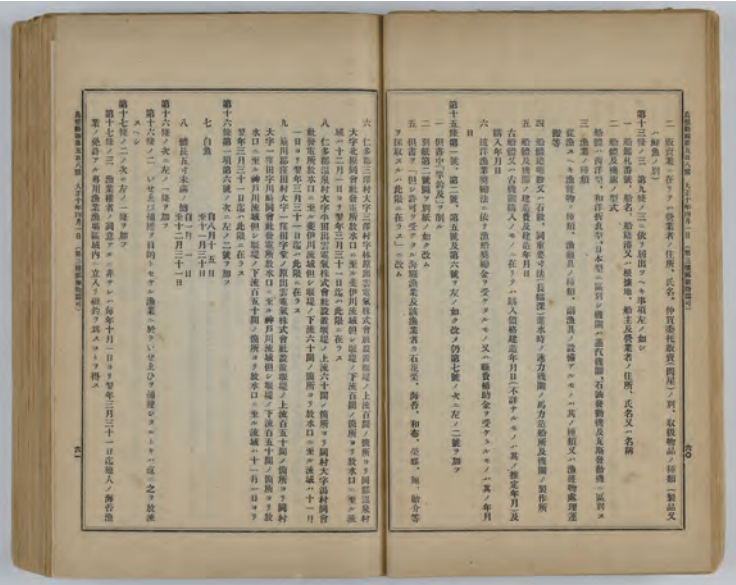
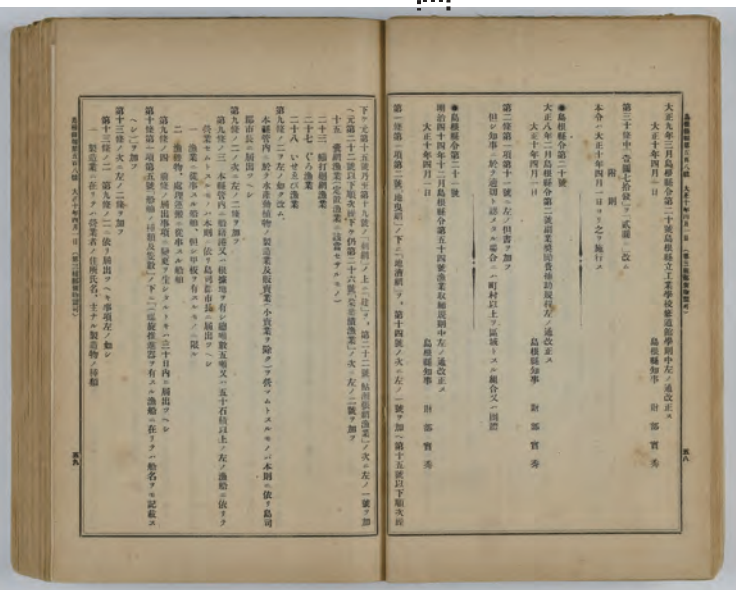
|                         |  |
|-------------------------|--|
| Date Created            | July 26, 1905  |
| Author(s) & Editor(s)   | Bunsuke HIGASHI<br>(Director of the Oki Islands branch office)   |
| Publisher               | Oki Islands branch office  |
| Name of Publication     | Takeshima  |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Shimane Prefectural Government Public Records Center   |
| Reference & Information | Follow the instructions at Shimane Prefecture Public Records Center. A reproduction may be viewed in Shimane Prefecture Takeshima Reference Room |



**Period II** (2)-ii. Documents showing the continuous exercise of administrative powers over Takeshima (Control of industries, permission and authorization)

**Amendment to the Fisheries Control Regulations to permit only sea lion hunting operators to harvest seaweed and shellfish from the surface of the sea around Takeshima**

**No.25 Shimane Prefectural Ordinance No.21 (Amendment to the Fisheries Control Regulations)**  
NEW  
April 1, 1921



Repository: Shimane Prefectural Library

|                         |  |
|-------------------------|--|
| Date Created            | April 1, 1921  |
| Author(s) & Editor(s)   | Governor of Shimane Prefecture                         |
| Publisher               | Shimane Prefecture                                     |
| Name of Publication     | Shimane Kenpo No.508                                   |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Shimane Prefectural Library                            |
| Reference & Information | Follow the instructions at Shimane Prefectural Library |

**Overview**

In April 1921, Shimane Prefecture amended Shimane Prefectural Ordinance No.54 of 1911 (Shimane Prefecture Fisheries Control Regulations) to allow sea lion hunting operators to harvest seaweed and shellfish in the authorized waters (refer to the figure below). This document shows that the above was reported in the Shimane Kenpo (Shimane Prefectural Bulletin). Article 15 of Shimane Prefectural Ordinance No.54, 1911, had prohibited the capture of aquatic plants and animals on Takeshima and its environs, but had permitted sea lion hunting in designated zones (refer to the figure below). This amendment authorized only sea lion hunting operators to harvest tengusa seaweed, laver, wakame seaweed, turban shell, abalone, mussels, etc., in these designated zones.

**Excerpt [English translation]**

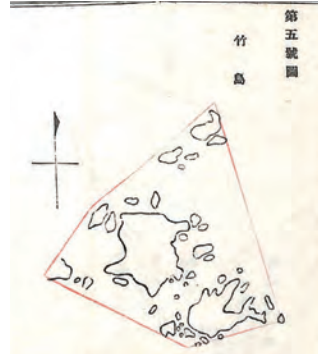
Shimane Prefectural Ordinance No.54 of December 1911 on the Fisheries Control Regulations is amended as follows.

April 1, 1921, Governor of Shimane Prefecture, Sanehide TAKARABE (text omitted)  
Article 15 (text omitted)

5. Proviso should read “However, authorized fisheries and the harvesting of tengusa seaweed, laver, wakame seaweed, turban shell, abalone, mussels, etc., by authorized sea lion hunting operators are excepted.”

**Shimane Prefectural Ordinance No.54 of 1911 [Excerpt]**

5. Takeshima (Shimane Prefectural Notification No.40, February 1905) and other areas designated within the red lines shown in the attached Map 5, with the exception of sea lion hunting.



**Shimane Prefectural Ordinance No.21 of 1921 [Excerpt]**  
However, authorized fisheries and the harvesting of tengusa seaweed, laver, wakame seaweed, turban shell, abalone, mussels, etc., by authorized sea lion hunting operators are excepted.

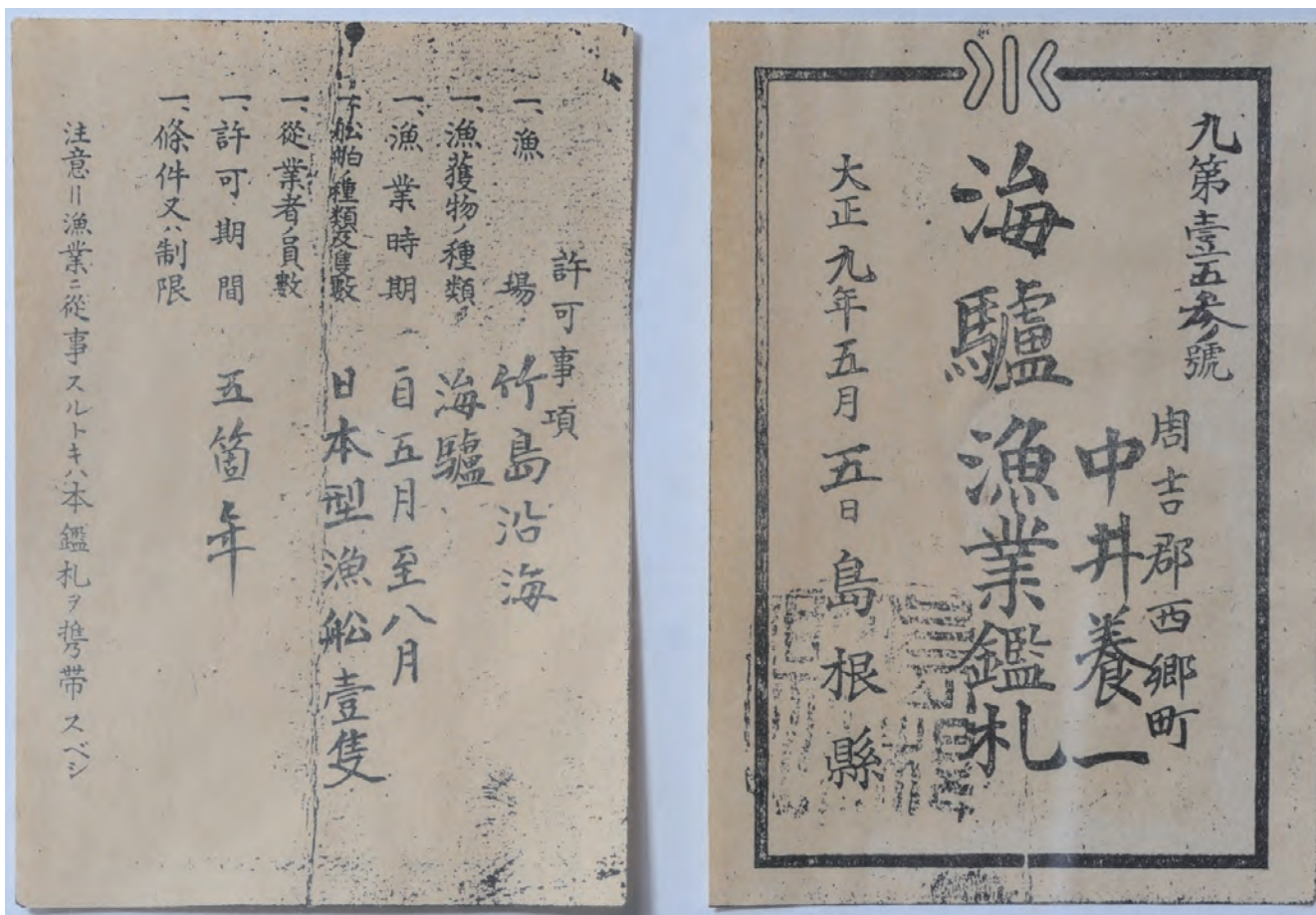
This section is amended as follows.

## Period II

(2)-ii. Documents showing the continuous exercise of administrative powers over Takeshima  
(Control of industries, permission and authorization)Certificate of permission to engage in the sea lion hunting around Takeshima  
(fishery license)

## No.26 Sea lion hunting license

FY2014/P12 May 5, 1920



Repository: Oki Kyodo-Kan

## Overview

Fishery license (1920, 1929, 1934, 1943), fishery permit (copy; June 10th, 1953), "Maizuru Naval District No.1320-257-3" Takeshima land use permit (November 28th, 1941). All copies.

|                         |  |
|-------------------------|--|
| Date Created            | May 5, 1920/January 21, 1929<br>January 20, 1934/November 28, 1941<br>November 12, 1943/June 10, 1953  |
| Author(s) & Editor(s)   | -  |
| Publisher               | Shimane Prefecture   |
| Name of Publication     | -  |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Oki Kyodo-Kan  |
| Reference & Information | Available at the Oki Kyodo-Kan<br>(Contact the Takeshima Measures Office, General Affairs Section of the Okinoshima Town Council for permission to use photographs published on the website) |

## Excerpt [English translation]

9 No.153  
Saigo Town, Suki County  
Yoichi NAKAI  
Sea lion hunting license  
May 5, 1920  
Shimane Prefecture

Matters for permission  
Area: Waters around Takeshima  
Type of catch: Sea lions  
Season: May to August  
Types and number of vessels: 1 Japanese type fishing boat  
Number of employees:  
Duration of permit: 5 years  
Conditions or restrictions:  
Note: The license shall be carried when engaged in hunting

**Period II** (2)-ii. Documents showing the continuous exercise of administrative powers over Takeshima  
(Control of industries, permission and authorization)

## Notification from the Osaka Mining Inspection Bureau under the Ministry of Commerce and Industry concerning permission to carry out phosphate prospecting around Takeshima

### No.27 Permission for phosphate ore prospecting

FY2016/P13 June 6, 1939

#### Overview

There are a great number of black-tailed gulls living around Takeshima; therefore, guano has accumulated over the years and has formed guano phosphate rocks. In June 1934, an application for prospecting for phosphate around Takeshima was submitted to the Osaka Mining Inspection Bureau, and permission was given to the applicants on June 6, 1939.

The Ministry of Commerce and Industry announced this in the "Kampo" (official gazette) dated September 19.

#### Excerpt [English translation]

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

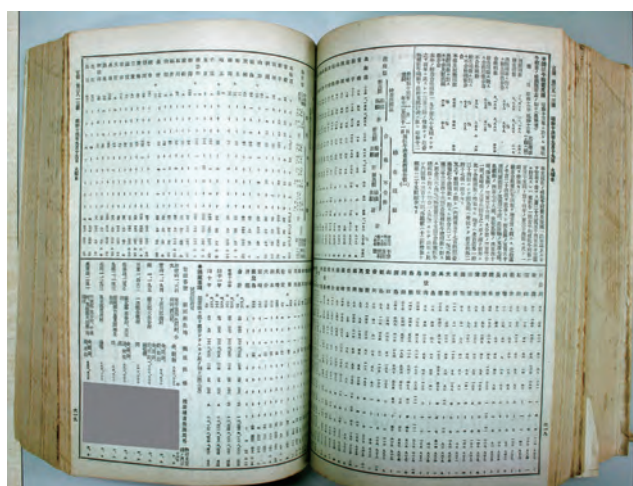
Location of mining area: Takeshima, Oki and the surface of the surrounding sea area

Kind of mineral: Phosphate

Area: 83,800 tsubo (0.28 sq. km)

Right holder and address: Tottori Prefecture (text omitted)

Date of permission and registration: June 6, (Showa) 14 (i.e. 1939)



Repository: Shimane Prefectural Library

| 登録番號    | 鑛區所在地                | 鑛種         | 面積       |
|---------|----------------------|------------|----------|
| 九       | 和歌山一、六四<br>川村、高池町    | 金、銀、銅      | 八五二、〇〇〇坪 |
| 富山一、一九四 | 下新川郡境村               | 金、銀、銅      | 七七、五〇〇   |
| 同 一、一九五 | 婦負郡大長谷村              | 金、銀、銅      | 〇〇〇、〇〇〇  |
| 三重一、四六一 | 一志郡多氣村               | 硫化鐵        | 九六一、〇〇〇  |
| 兵庫四、二五〇 | 養父郡南谷村、大屋村           | 金、銀、銅、鐵、硫化 | 五九、〇〇〇   |
| 島根二、四三  | 隱岐國竹島及同地先海面          | 燐          | 八三八、〇〇〇  |
| 石川一、二九三 | 鳳至郡鷺川村               | 滿掩         | 七五、〇〇〇   |
| 兵庫四、二五一 | 宍粟郡奥谷村、千種村、鳥取縣八頭郡池田村 | 金、銀、銅、鉛、亞鉛 | 九五〇、五〇〇  |

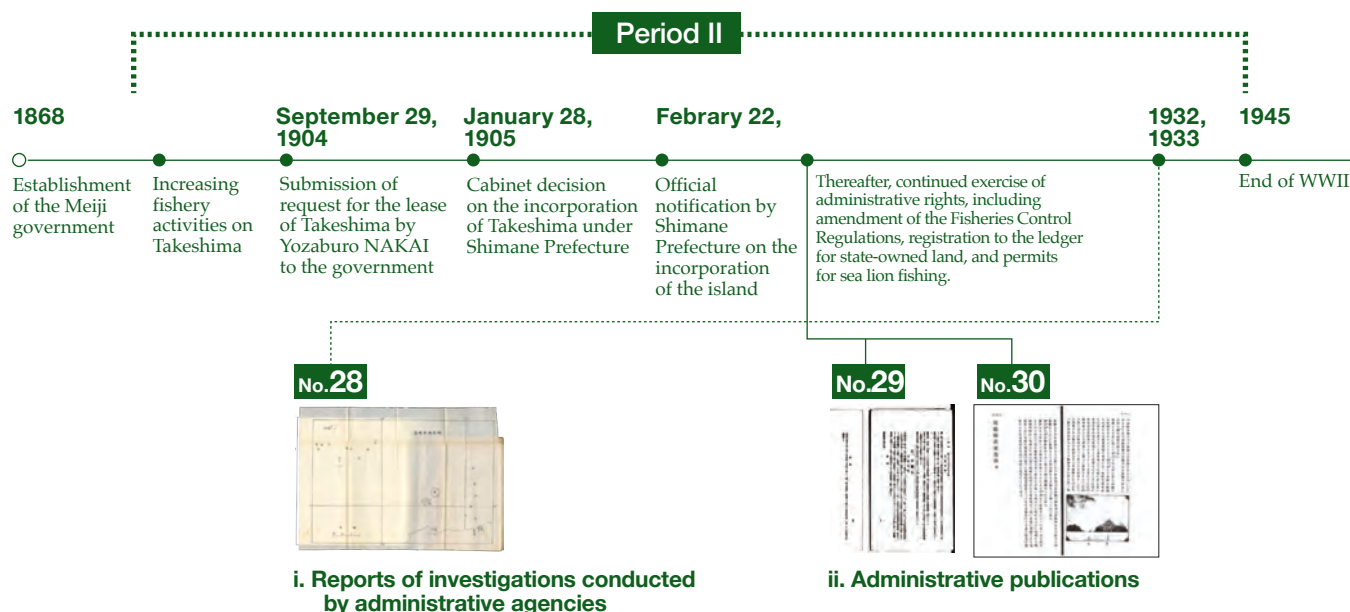
鑛業事項 鑛業法ニ依リ處分シタルモノ左ノ如シ(商工省)  
試掘願許可  
鑛業權者住所氏名  
許可及登録ノ月日  
十四年六月六日

六一九

Enlarged applicable part

|                         |  |
|-------------------------|--|
| Date Created            | September 19, 1939                                     |
| Author(s) & Editor(s)   | Ministry of Commerce and Industry                      |
| Publisher               | Ministry of Finance Printing Bureau                    |
| Name of Publication     | "Kampo" (official gazette) No.3813                     |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Shimane Prefectural Library                            |
| Reference & Information | Follow the instructions at Shimane Prefectural Library |

### (3) Investigations and administrative publications on Takeshima



#### Investigations conducted by administrative agencies

In 1905, after Takeshima came under the jurisdiction of Shimane Prefecture, the Governor of Shimane Prefecture (Takekichi MATSUNAGA) issued instructions (dated May 3, 1905) to the Oki Islands branch office to conduct a survey of the area of Takeshima. The Director of the Oki Islands branch office (Bunsuke HIGASHI) reported to the Governor of Shimane Prefecture on May 17. On August 18 the same year, the Governor of Shimane Prefecture visited Takeshima to conduct an inspection, and the Governor's activities in this visit were reported in a newspaper article (\*1).

In 1906, the head of the third department of Shimane Prefectural Government (Yutaro JINZAI) led a team of 44 members under the Director of the Oki Islands branch office, including experts in fisheries, agriculture, hygiene, and measurement, and landed on Takeshima on March 27 to conduct a field survey there. After that, the results of the survey, including subjects such as geography, climate, biology, and fisheries, were compiled and published in a book (\*2).

If we take a wider view of the waters around Takeshima, investigations were conducted by the Tottori Prefecture Fisheries Research Institute (\*3) and the Shimane Prefecture Fisheries Research Institute (\*4) before WWII, and reports were compiled for the respective investigations (→No.28).

As described above, the Shimane Prefectural Government and various other agencies conducted investigations on Takeshima and its surrounding waters since Takeshima's incorporation into Shimane Prefecture until the end of WWII.

#### Administrative publications

As more people were beginning to know about Takeshima through reports on its developments by administrative agencies conducting investigations of the island, information about Takeshima came to be included in publications by Shimane Prefecture. These publications include overviews of prefectural administration, statistical documentation, catalogs of industries, and information on the forestry industry. The *Shimane-ken Annai* ("Guide to Shimane Prefecture") (\*5), published in 1924, contains photographs as well as descriptions of Takeshima in the sightseeing guide.

Through our research, we were able to obtain copies of the administrative publications that mention Takeshima. This was achieved with the cooperation of the National Diet Library, Shimane Prefectural Library, and individual collectors of such documents and materials. Of these documents and materials, this report takes up a document produced in 1910 showing that Shimane Prefecture had managed the sea lion hunting of Takeshima (→No.29), and the tourism guide produced in 1912 (→No.30).

\*1 Article in San'in Shimbun about Governor MATSUNAGA's research visit to Takeshima (dated August 22, 1905) (Published on the Takeshima Archives Portal, Reference No.: T1905082200102)

\*2 Hekiun OKUHARA, *Takeshima oyobi Utsuryoshima* ("Takeshima and Utsuryo Island") (1907)

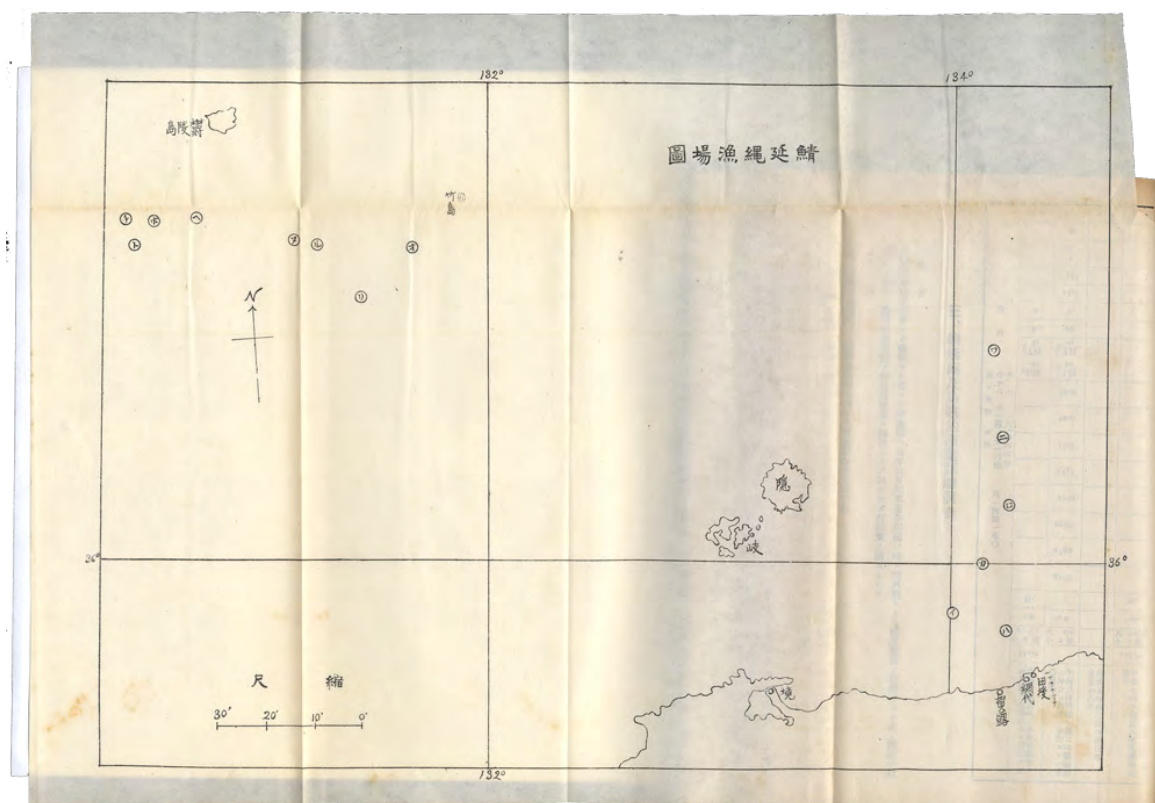
\*3 Shimane Prefecture Fisheries Research Institute, *Showa Junendo Shimaneken Suisan Shikenjo Gyomu Yoko* (1935 Outline of Operations of the Shimane Prefecture Fisheries Research Institute) (1935) (Repository: Shimane Prefectural Fisheries Technology Center)

\*4 Tottori Prefecture Fisheries Research Institute, *Showa Shichinendo Showa Hachinendo Tottoriken Suisan Shikenjo Gyomu Yoko* (Tottori Prefecture Fisheries Research Institute Operations for FY1932 & FY1933) (Repository: Tokyo University of Marine Science and Technology Library, Shinagawa Campus)

\*5 Repository: Shimane Prefectural Library

## Period II (3)-i. Reports of investigations conducted by administrative agencies

## Report on mackerel longline fishing trials conducted in the waters between Utsuryo Island and Takeshima

No.28 Tottori Prefecture Fisheries Research Institute Operations  
for FY1932 & FY1933 August 20, 1934

Repository: Tokyo University of Marine Science and Technology Library (Shinagawa Campus)

## Overview

A report on mackerel longline fishing trials conducted in the waters between Utsuryo Island and Takeshima in June-July 1932 and May-June 1933.

## Excerpt [English translation]

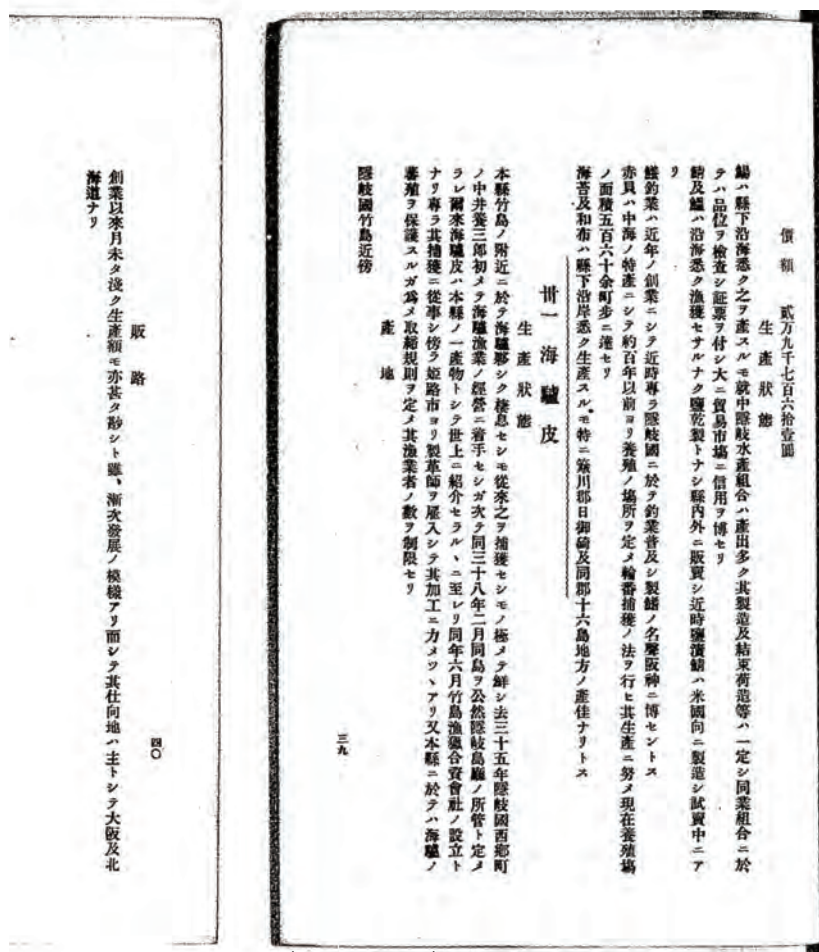
The uninhabited island, Takeshima (Lanko Island) is located approximately 80 nautical miles northwest of Oki Province. Its circumference is approximately 4 km, and when an easterly or westerly wind blows, at least several boats of less than 30 tons can drop their anchors. In addition, it is the most appropriate place for Shimane Prefecture to use as a base to go fishing in the waters off Utsuryo Island. The survey concerning the above was thus conducted.

|                         |   |
|-------------------------|---|
| Date Created            | August 20, 1934   |
| Author(s) & Editor(s)   | Tottori Prefecture Fisheries Research Institute   |
| Publisher               | Tottori Prefecture Fisheries Research Institute   |
| Name of Publication     | -   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Tokyo University of Marine Science and Technology Library (Shinagawa Campus)                            |
| Reference & Information | Follow the instructions at Tokyo University of Marine Science and Technology Library (Shinagawa Campus) |

## Shimane Prefectural publication that mentions Takeshima as the place of production for sea lion hides

## No.29 Commerce and Industry Overview of Shimane Prefecture

FY2016/P11 September 7, 1910



Repository: National Diet Library (digital collection)

## Overview

This material introduces the commerce and industry of Shimane Prefecture and it mentions Takeshima under "Place of Production" for "Sea Lion Hides" in the section on "Marine Products." Also, under "Production State," there is an explanation about "the Takeshima Fishing and Hunting Limited Partnership Company," the company established by Yozaburo NAKAI. This material also describes that Shimane Prefecture had controlled the fishing and hunting around Takeshima as follows: "This prefecture established rules in order to protect sea lion breeding, and the number of fishermen who are allowed to hunt sea lions is controlled by the rules of this prefecture."

## Excerpt [English translation]

## Sea lion hides

Production State: There are so many sea lions living around Takeshima in this prefecture, but only a small number of them have been caught. Yozaburo NAKAI of Saigo-cho, Oki District, began his sea lion hunting in 1902. Since Takeshima officially came under the jurisdiction of the Oki Islands Branch Office in February, 1905, sea lion hides are being introduced to the public as a product of this prefecture. In June of the same year (1905), the Takeshima Fishing and Hunting Limited Partnership Company was established. While the major role of this company is hunting sea lions, it also employed a tanner from Himeji City for processing the caught sea lions. This prefecture established rules in order to protect sea lion breeding, and the number of fishermen who are allowed to hunt sea lions is controlled by the rules of this prefecture. Place of Production: Surrounding Areas of Takeshima, Oki District  
Market: Not much time has passed since the company's establishment, and the amount of production is still low, but it appears that the business is growing. The main markets for the products are Osaka and Hokkaido.

|                         |   |
|-------------------------|---|
| Date Created            | September 7, 1910   |
| Author(s) & Editor(s)   | Shimane Prefecture Department of the Interior   |
| Publisher               | Shimane Prefecture Department of the Interior   |
| Name of Publication     | -   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Tokyo Main Library or Kansai-kan of the National Diet Library   |
| Reference & Information | Follow the instructions at the National Diet Library<br>(Or access the National Diet Library Digital Collection online) |

## Industry guide published by Shimane Prefecture that mentions the Takeshima Fishing and Hunting Limited Partnership Company

## No.30 Industry Guide for Shimane Prefecture

FY2016/P11 May 22, 1912



Repository: National Diet Library (digital collection)

## Overview

This book provides an outline of and a guide to the geography and industry of Shimane Prefecture.

The book was produced alongside the opening of the San-in railway line between Kyoto and Izumo on March 1, 1912, and provides information on the specificities and historic sites of Shimane Prefecture. Takeshima is mentioned in the “specificities and historic sites” section, and there is also a description of the Takeshima Fishing and Hunting Limited Partnership Company.

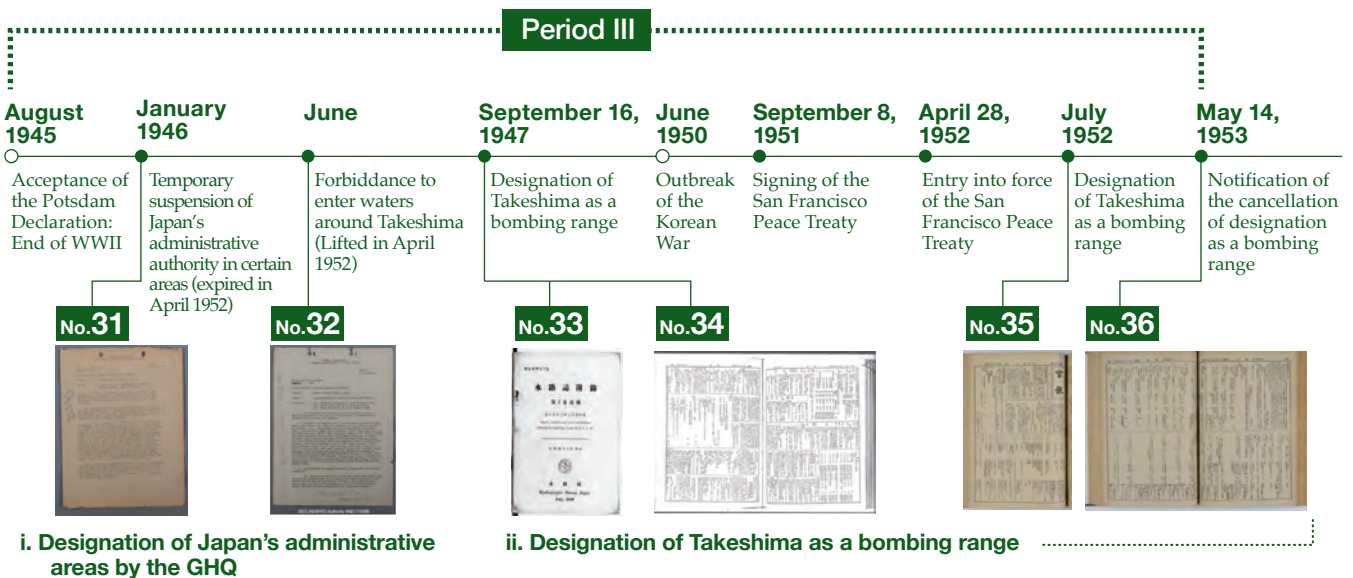
|                         |   |
|-------------------------|---|
| Date Created            | May 22, 1912  |
| Author(s) & Editor(s)   | Shimane Prefecture Department of the Interior   |
| Publisher               | Shimane Prefecture Department of the Interior   |
| Name of Publication     | -   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Tokyo Main Library or Kansai-kan of the National Diet Library   |
| Reference & Information | Follow the instructions at the National Diet Library<br>(Or access the National Diet Library Digital Collection online) |

## Excerpt [English translation]

Takeshima is located approximately 85 nautical miles (157 km) northwest of Oki in the middle of Sea of Japan. Its name became widely known after the Russo-Japanese War. Takeshima consists of two rocky islands with elevations of a few hundred “shaku.” (One-hundred “shaku” is approximately 30 m.) With no trees and no drinking water, Takeshima is surrounded by high steep cliffs. Cold waves wash the bottoms of the cliffs, and there are cave entrances everywhere. The seabed is deep, and it is hard to cast anchor. Together with Kaiba-to (Moneron Island), Takeshima is a place where sea lions breed, and it is very noisy with several thousands of sea lions roaring. Yozaburo NAKAI of Saigo-cho manages the Takeshima Fishing and Hunting Limited Partnership Company and engages in sea lion hunting.

## Period III — Post WWII, before and after the San Francisco Peace Treaty entered into force (1945-1952)

### (1) GHQ's measures relating to Takeshima



After World War II, the General Headquarters of the Supreme Commander for the Allied Powers (GHQ/SCAP, hereinafter "GHQ") included Takeshima within the region where the Government of Japan should suspend the exercise of its political or administrative authority (→No.31) by SCAPIN-677, and further, prohibited close approach to and contact with Takeshima by Japanese when the areas where Japan was permitted to carry out fishing and whaling activities (the so-called "MacArthur Line") were designated by SCAPIN-1033 (→No.32).

However, paragraph 6 of SCAPIN-677 states that "[n]othing 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." Moreover, paragraph 5 of SCAPIN-1033 provides that "[t]he present authorization is not an expression of allied [sic] policy relative to [the] ultimate determination of national jurisdiction, international boundaries or fishing rights in the area concerned

or in any other area." After WWII, what legally determined Japan's territory was the San Francisco Peace Treaty (entered into force in 1952).

In September 1947, GHQ designated Takeshima as a bombing range by SCAPIN-1778 (→No.33, 34). In July 1951, GHQ redesignated Takeshima as a bombing range by SCAPIN-2160.

In July 1952 immediately after the San Francisco Peace Treaty entered into force, Takeshima was designated as one of the bombing ranges to be used by the U.S. Forces in Japan, and the Ministry of Foreign Affairs issued a notification to that effect (→No.35). Thereafter, at a meeting of the Japan-U.S. Joint Committee which convened in March 1953, it was decided that Takeshima would be removed from the list of bombing ranges, and the Ministry of Foreign Affairs issued a notification to that effect in May of the same year (→No.36). This shows that the United States recognized Takeshima as a part of Japan's territory.



Directive from the General Headquarters on the temporary suspension of administrative rights in certain areas

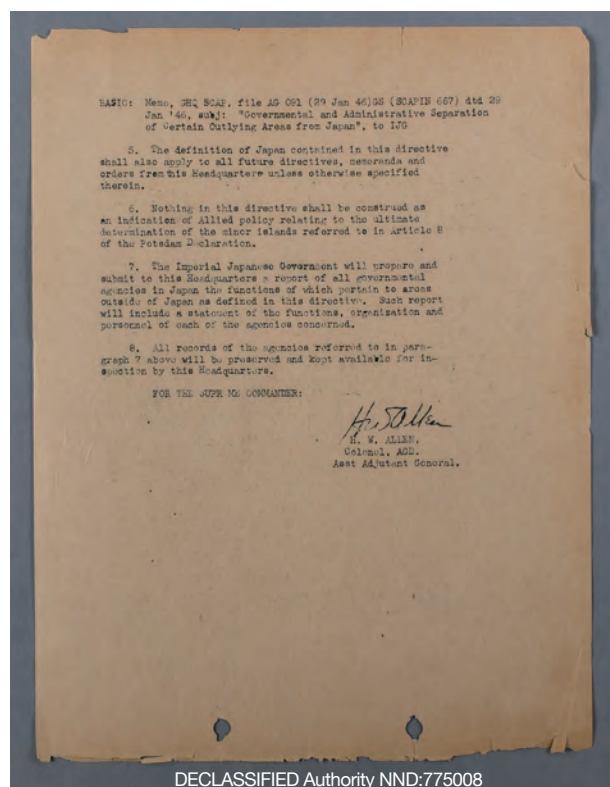
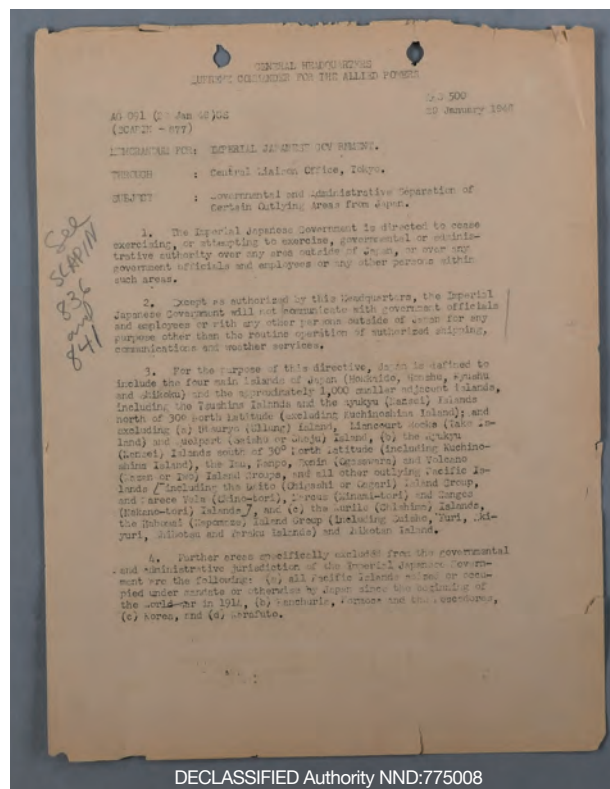
No.31 Governmental and Administrative Separation of Certain Outlying Areas from Japan (SCAPIN-677) January 29, 1946

Overview

The Supreme Commander for the Allied Powers (SCAP) ordered the Government of Japan to cease exerting political or administrative authority over certain areas, and including Takeshima (SCAPIN- 677). However, it clearly states in paragraph 6 of the Note that: “Nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration.”

Excerpt

- 1. The Imperial Japanese Government is directed to cease exercising, or attempting to exercise, governmental or administrative authority over any area outside of Japan, (text omitted).
- 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) and Quelpart (Saishu or Cheju) Island, (text omitted)
- 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.



|                         |   |
|-------------------------|---|
| Date Created            | January 29, 1946  |
| Author(s) & Editor(s)   | General Headquarters, Supreme Commander for the Allied Powers   |
| Publisher               | General Headquarters, Supreme Commander for the Allied Powers   |
| Name of Publication     | Materials on the Allied Occupation of Japan   |
| Language                | English   |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | National Diet Library (Original Repository); The U.S. National Archives and Records Administration (NARA)                     |
| Reference & Information | Access online via “the National Diet Library Digital Collection”(Or follow instructions for viewing microfilm at NARA: RG331) |

\*This image is taken from the original repositied in the NARA.

**Period III** (1)-i. Designation of Japan's administrative areas by the GHQ

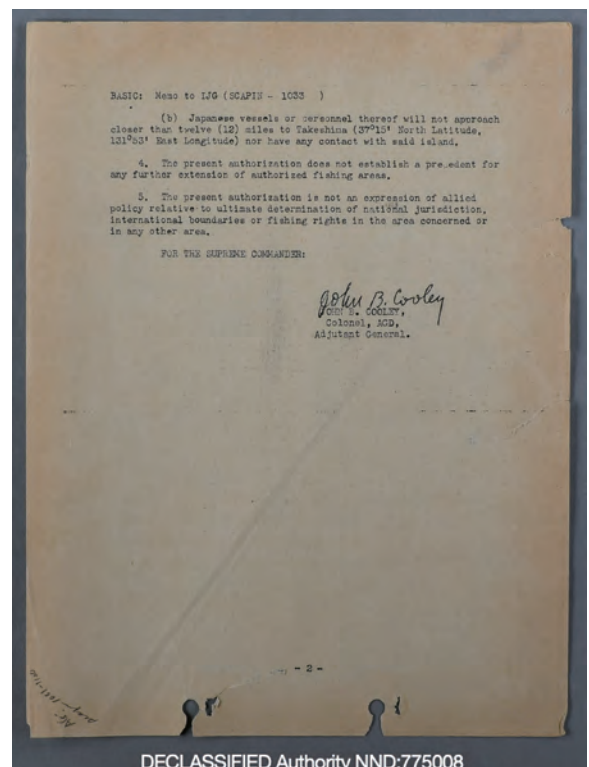
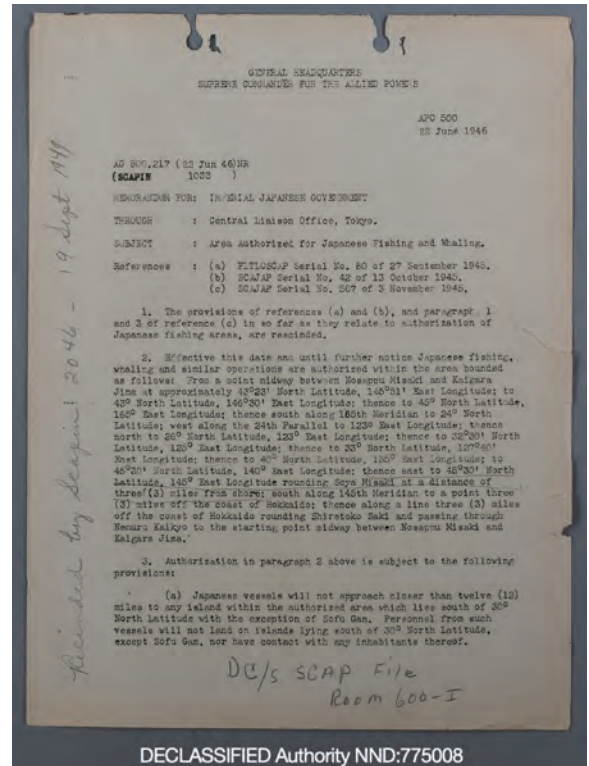
**Directive from the General Headquarters (GHQ) to prohibit Japanese fishing vessels from approaching closer than 12 nautical miles from Takeshima and from having any contact with Takeshima**
**No.32 On the Matter of the Area Authorized for Japanese Fishing and Whaling (SCAPIN-1033)** June 22, 1946

**Overview**

The directive issued to the Government of Japan by the General Headquarters, Supreme Commander for the Allied Powers (GHQ/SCAP), which revised the boundary lines for the operation of Japanese fishing ships (the so-called MacArthur Line stipulated on September 27, 1945). This directive placed Takeshima outside the MacArthur Line and prohibited Japanese ships and their crews from approaching closer than 12 nautical miles to Takeshima and from having any contact with Takeshima. However, Paragraph 5 of the directive clearly states that it is not an expression of the ultimate determination of international boundaries and fishery rights of Japan.

**Excerpt**

3. Authorization in paragraph 2 above is subject to the following provisions:  
(text omitted)
- b. Japanese vessels or personnel thereof will not approach closer than twelve (12) miles to Takeshima (37°15' North Latitude, 131°53' East Longitude) nor have any contact with said island.  
(text omitted)
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.



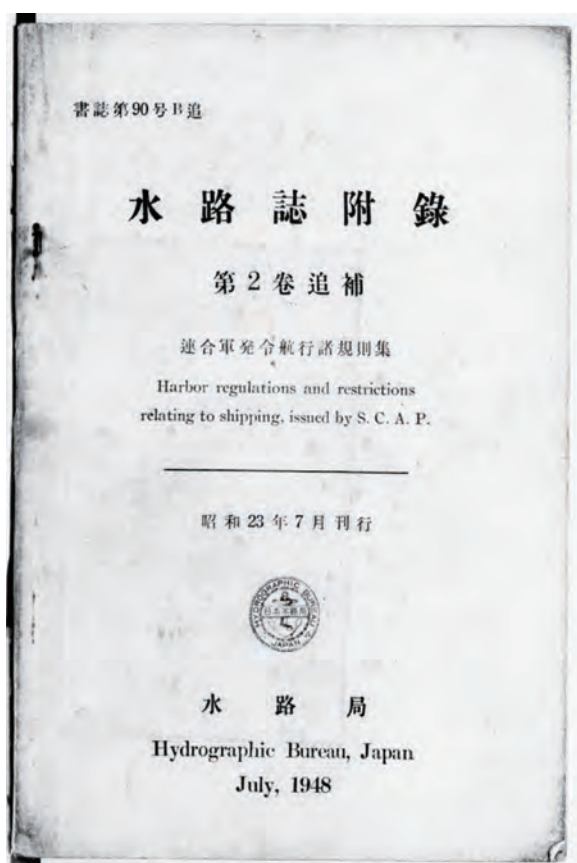
\*This image is taken from the original repositied in the NARA.

|                         |   |
|-------------------------|---|
| Date Created            | June 22, 1946   |
| Author(s) & Editor(s)   | General Headquarters, Supreme Commander for the Allied Powers                                   |
| Publisher               | General Headquarters, Supreme Commander for the Allied Powers                                   |
| Name of Publication     | Materials on the Allied Occupation of Japan   |
| Language                | English   |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | National Diet Library   |
| Reference & Information | Follow the instructions at National Archives and Records Administration to see microfilm: RG331 |

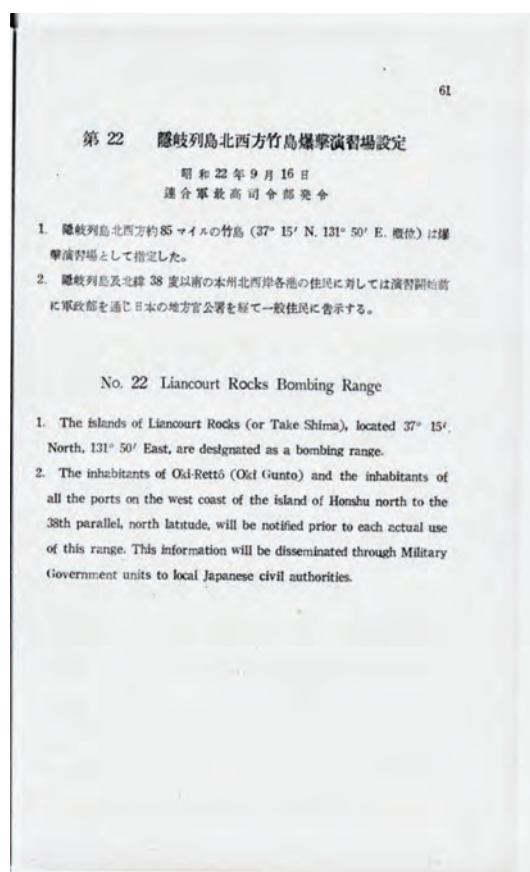
## Notification communicating to the public that Takeshima has been designated as a bombing range

## No.33 Takeshima, Northwest of the Oki Islands, Designated as a Bombing Range September 16, 1947

FY2016/P20



Repository: National Diet Library (Digital Collections)



## Overview

One of the orders issued by the Supreme Commander of the Allied Powers, designating Takeshima as a bombing range and notifying the public prior to each actual use.

|                         |  |
|-------------------------|--|
| Date Created            | September 16, 1947   |
| Author(s) & Editor(s)   | -  |
| Publisher               | Hydrographic Bureau  |
| Name of Publication     | Supplement of Hydrographic Book (*), Vol. 2 Supplement "Harbor regulations and restrictions relating to shipping, issued by S.C.A.P." (published in July 1948) |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Tokyo Main Library or Kansai-kan of the National Diet Library  |
| Reference & Information | Follow the instructions at the National Diet Library (Or access the National Diet Library Digital Collections online)  |

## Excerpt

No.22 Liancourt Rocks Bombing Range  
 [\*Takeshima, Northwest of Oki Islands, Designated as a Bombing Range]  
 [September 16, 1947]  
 [Issued by the Supreme Commander of the Allied Powers]

No.22 Liancourt Rocks Bombing Range

1. The islands of Liancourt Rocks (or Take Shima [sic]), located 37°15' North, 131°50' East, are designated as a bombing range.
2. The inhabitants of Oki-Rettō (Oki Gunto) and the inhabitants of all the ports on the west coast of the island 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 authority.

\* The "Hydrographic Book" contains detailed information about maritime meteorology, hydrographic phenomena, course determining methods, and the conditions of ports and coastlines. It should be used with nautical charts and act as a supplemental resource.

**Period III** (1)-ii. Designation of Takeshima as a bombing range

**Notification communicating the designation of Takeshima as a bombing range and that notice will be provided before exercises commence**
**No.34 Notification on Hydrographic No.38  
(Designation of Takeshima, on the northwestern coast of Honshu and northwest of the Oki Islands, as a bombing range)**

FY2016/P21

September 27, 1947

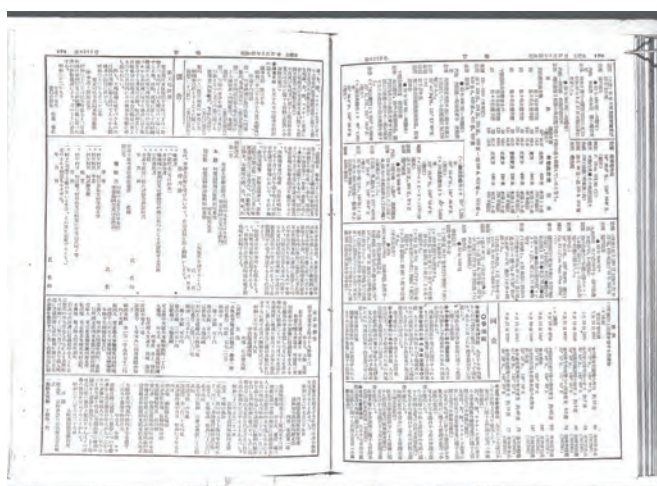
**Overview**

This material states that Takeshima was designated as a bombing range and that the general public would be notified before each use of the range.

**Excerpt [English translation]**

(161) Designation of Takeshima, on the northwestern coast of Honshu and northwest of the Oki Islands, as a bombing range.

Takeshima, located 85 nautical miles (157km) northwest of Oki-Rettō (Oki Islands) at approximately 37°15' North, 131°50' East, was designated as a bombing range. The inhabitants of Oki-Rettō (Oki Islands) and the inhabitants of all the ports on the northwestern coast of Honshu, at latitude 38° or lower, will be notified prior to each use of this range. The notification will be disseminated to the general public through local Japanese offices. (See Nautical Chart No. 162) (Headquarters of the Allied Powers)



Repository: National Diet Library (digital collection)

(161)本州北西岸 隠岐列島北西方一  
竹島・爆撃訓練場設定  
隠岐列島北西方約85哩の竹島(37°  
15' N, 131° 50' E. 概位)は爆撃訓練  
場に指定された。隠岐列島及び北緯  
38°以南の本州北西岸各港の住民に  
対しては訓練が行はれる前に日本の  
地方官公署を通じて告知される。(海  
図162号参照)(連合軍司令部)

Enlarged applicable part

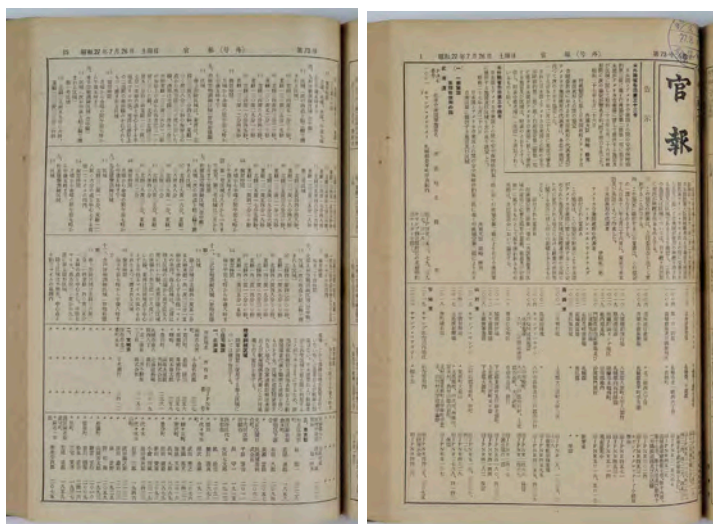
|                         |  |
|-------------------------|--|
| Date Created            | September 27, 1947   |
| Author(s) & Editor(s)   | -  |
| Publisher               | Ministry of Finance Printing Bureau                              |
| Name of Publication     | "Kampo" (official gazette) No. 6212                              |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | National Diet Library  |
| Reference & Information | Access online via "the National Diet Library Digital Collection" |

## Period III (1)-ii. Designation of Takeshima as a bombing range

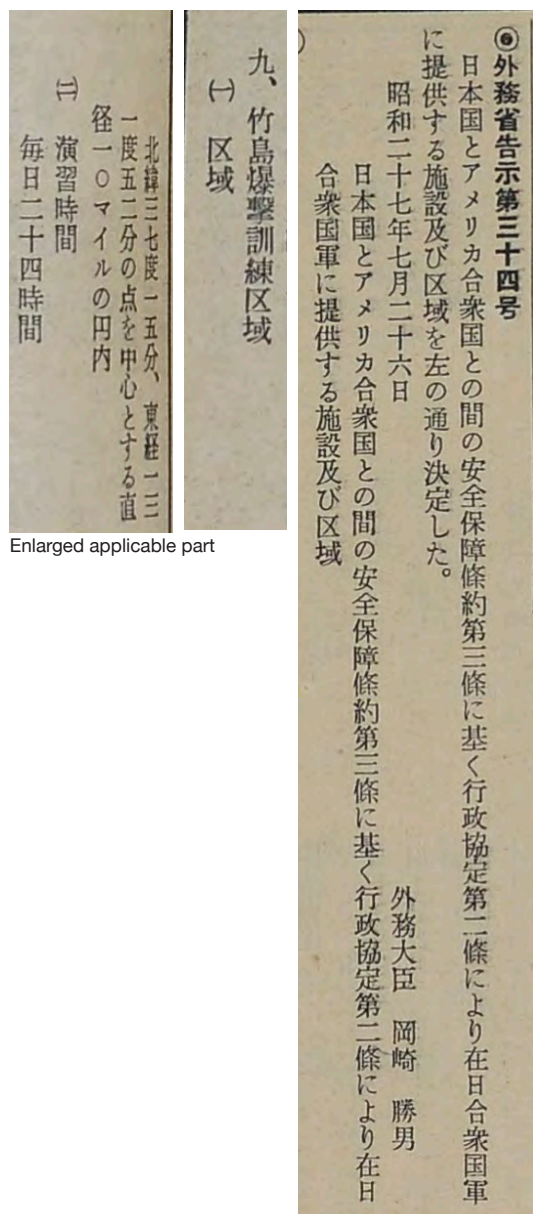
## Notification of the redesignation of Takeshima as a bombing range for the U.S. Air Forces

## No.35 Ministry of Foreign Affairs Notification No.34

FY2017/P29 July 26, 1952



Repository: Shimane Prefectural Library



Enlarged applicable part

## Overview

In July 1952, immediately after the abolishment of the MacArthur Line and the entry into force of the San Francisco Peace Treaty, Takeshima was designated as one of the bombing ranges for the U.S. Forces in Japan. This document is an announcement to that effect issued by the Ministry of Foreign Affairs.

## Excerpt [English translation]

## Ministry of Foreign Affairs Notification No.34

In accordance with Article 2 of the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, the facilities and areas to be provided for the U.S. Forces in Japan have been decided as follows:

July 26, 1952

(text omitted)

## 9. Takeshima bombing range for the U.S. Forces

## (1) Area

Within a circle with a diameter of 10 miles centering around the point at 37°15' N latitude and 131°52' E longitude

## (2) Exercise hours

24 hours daily

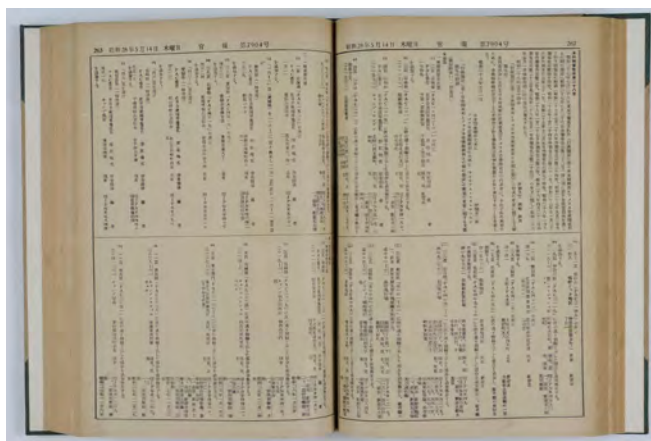
|                         |  |
|-------------------------|--|
| Date Created            | July 26, 1952  |
| Author(s) & Editor(s)   | -  |
| Publisher               | -  |
| Name of Publication     | "Kampo" (official gazette) extra edition No. 73        |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Shimane Prefectural Library                            |
| Reference & Information | Follow the instructions at Shimane Prefectural Library |

## Period III (1)-ii. Designation of Takeshima as a bombing range

## Notification of the removal of Takeshima from the list of the bombing ranges for the U.S. Air Force

## No.36 Ministry of Foreign Affairs Notification No.28

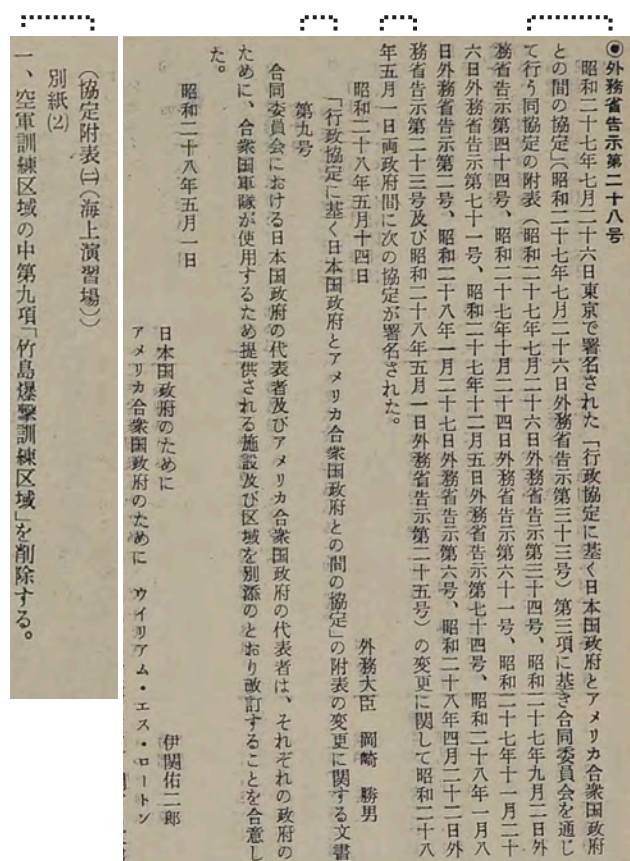
FY2017/P31 May 14, 1953



## Overview

In the Ministry of Foreign Affairs Notification No. 34 (refer to No.35) issued on July 26, 1952, it was announced that Takeshima was designated as a bombing range for the U.S. Forces in Japan. However, due to the strong request from the local residents in the Oki Islands for resuming sea lion hunting, abalone and seaweed harvesting in the waters around Takeshima, and also due to the circumstance that the U.S. Forces had discontinued the use of Takeshima as a bombing range from the winter of 1952, a proposal to remove Takeshima from the list of bombing ranges for the U.S. Air Force was approved by the Japan-U.S. Joint Committee on March 19, 1953. On May 1, 1953, representatives of the Japanese and U.S. Governments at the Japan-U.S. Joint Committee agreed to remove Takeshima from the list of bombing ranges of the U.S. Air Force. This document is a notification to that effect issued by the Ministry of Foreign Affairs on May 14, 1953.

|                         |  |
|-------------------------|--|
| Date Created            | May 14, 1953   |
| Author(s) & Editor(s)   | Katsuo OKAZAKI, Minister of Foreign Affairs                |
| Publisher               | Ministry of Foreign Affairs                                |
| Name of Publication     | "Kampo" (official gazette) No. 7904                        |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Shimane Prefectural Library                                |
| Reference & Information | Follow the instructions at the Shimane Prefectural Library |



Enlarged applicable part

## Excerpt [English translation]

Ministry of Foreign Affairs Notification No. 28

With regard to the amendment to the attached table (Ministry of Foreign Affairs Notification No. 34 issued on July 26, 1952\*2, (text omitted)) to the "Agreement between the Government of Japan and the Government of the U.S. based on the Administrative Agreement" signed in Tokyo on July 26, 1952, to be made through the Japan-U.S. Joint Committee based on paragraph 3 of the Agreement, the following agreement was signed between the two governments on May 1, 1953. (text omitted)

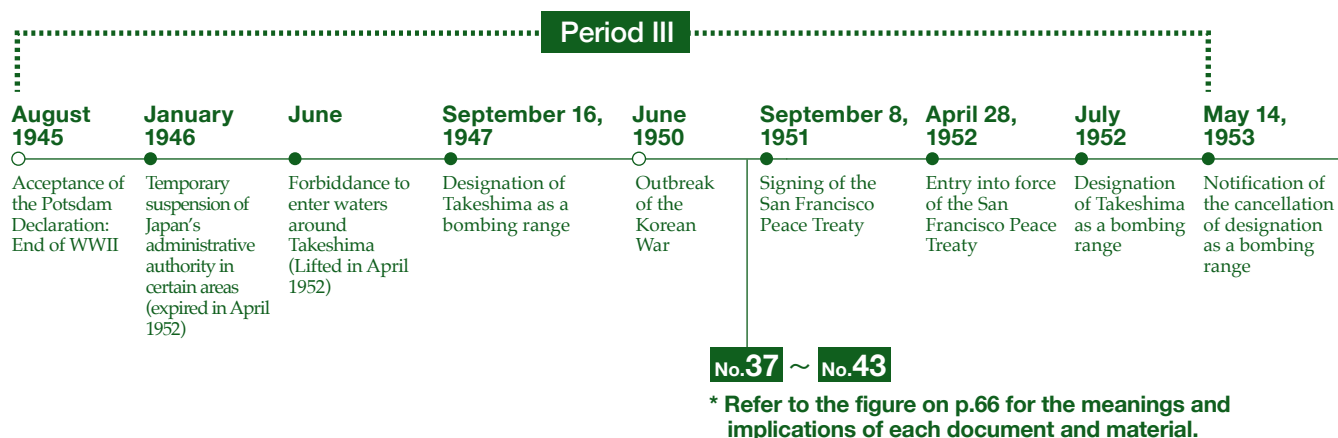
Document No. 9 regarding the amendment to the attached table to the "Agreement between the Government of Japan and the Government of the U.S. based on the Administrative Agreement."

(text omitted)  
(Attached table to the Agreement (2) (Naval exercise ranges))  
Attachment (2)

1. Deletion of paragraph 9 "Takeshima bombing range" in the bombing range for the U.S. Air Force.  
(text omitted)



## (2) Details of the drafting of the San Francisco Peace Treaty



After World War II, the San Francisco Peace Treaty which brought the state of war between Japan and the Allied Nations to an end, stipulated that “Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet” (refer to the boxed section on p.65). Examination of the details of the drafting history of this provision shows that Takeshima was intentionally excluded from the text.

It is known that in the process of drafting the San Francisco Peace Treaty, the Republic of Korea had requested for Takeshima to be included within the regions that Japan would renounce its right to (→No.42). However the United States had rejected that request (→No.43) based on its recognition of Takeshima as Japan’s territory. Diplomatic documents disclosed by the United States before our research had already shown clearly that Takeshima was not included in the “Korea” that Japan was renouncing its right to. In our document research project since FY2016, while reconfirming the original sets of U.S. documents and materials that had been already **known**, we have also collaborated with The Japan Institute of International

Affairs since FY2018 to conduct investigations in the United Kingdom and Australia, among others, and have gathered documents and materials that shed light on how the United States coordinated opinions among the key countries involved and drafted provisions that could be agreed upon as a consensus of the parties signing the treaty.

As a result, we have confirmed once again that in drafting the San Francisco Peace Treaty, some Allied Nations, including the United Kingdom, Australia, and the Republic of Korea had great concerns about Chapter 2 (Territory), and that various opinions were exchanged in the process of coordination, and that the draft was revised multiple times. We have thus been able to clarify that the draft was finalized not solely from the perspective of the United States but was the result of a consultative process with these countries.

The following pages provide an explanation of the drafting process of the San Francisco Peace Treaty, and the meanings and implications of the documents and materials that were reconfirmed / found in our document research project.



### 1. Japan's defeat in WWII, and acceptance of the Potsdam Declaration

In August of 1945, Japan accepted the Potsdam Declaration and surrendered to the Allied Nations. Article 8 of the Potsdam Declaration states “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.” In other words, Japan’s territory apart from its four main islands were to be determined by “we” in the statement (the Declaration was signed by representatives of the United States, Republic of China, and the United Kingdom) (\*1). This determination was made under the San Francisco Peace Treaty, which was the treaty that legally ended the state of war.

### 2. Details of the drafting of the San Francisco Peace Treaty

The work of drafting the Treaty commenced with preparations within the United States Department of State in 1947, and coordination with other Allied Nations took place after 1950. After the end of WWII, the situation in East Asia became increasingly fluctuating with the growing momentum toward communism spurred by the establishment of the People’s Republic of China in October 1949 and the outbreak of the Korean War in June 1950. Amidst these developments, early peace with Japan was discussed at a U.S.-UK Foreign Ministers’ Conference held in September 1949. In April 1950, former Senator Dulles was appointed by President Truman as an adviser to the Secretary of State and commenced activities toward early peace with Japan.

#### (1) Draft prepared by the United States

In the first draft prepared by the U.S. Department of State in 1947, Takeshima was included as a part of the Korean territory to be renounced by Japan. However, upon gathering and analyzing relevant information, the U.S. Department of State included Takeshima in the islands constituting the territory of Japan in the draft they prepared at the end of 1949. Thereafter, the overall structure of the draft was reexamined in the summer of 1950. Instead of listing all the areas of Japan’s territory, the new version only stated the areas to be renounced by Japan. As a result, the text designating Takeshima as a part of Japan’s territory was removed.

#### (2) Coordination of views between the United States and other countries

Before proceeding to treaty negotiations with the countries concerned, the United States summarized and presented its basic stance in preparing the draft in the “Seven Points” Proposal on Japanese Peace Treaty” (→No.37), and sought the views of the member countries of the Far Eastern Commission.

In October 1950, the Department of Foreign Affairs of Australia submitted written questions and requested the United States to provide more detailed information about Japan’s territory. In response, the United States answered that Japan would continue to retain Takeshima as a part of its territory (→No.37). It was made clear that the United States’ policy of considering Takeshima as a part of Japan’s territory remained unchanged, even if provisions concerning the territories that Japan would retain had been removed.

Based on the series of exchanges with the countries concerned, the United States considered that it would be desirable to work in cooperation with the United Kingdom on peace with Japan. The United States and the United Kingdom moved forward with consultations from around January 1951 with the intention of preparing a joint draft of the peace treaty, and jointly call conference of peace with Japan.

The United States and the United Kingdom prepared their respective drafts for the joint draft. The U.S. draft became ready for circulation in March 1951, and the UK draft in April of the same year became ready and was shared with the United States (→No.38). At this point, the two countries had different opinions about the approach to provisions relating to territory. The U.S. draft set out only the territories that would be renounced by Japan, such as Korea and Taiwan, while the UK draft encircled Japan within lines and posited that Japan’s sovereignty would continue over the islands lying within these lines.

\*1 The Soviet Union also joined in the Potsdam Declaration when it participated in the war against Japan. The instrument of surrender stipulating that Japan will “carry out the provisions of the Potsdam Declaration in good faith,” was also signed by representatives of Australia, Canada, the Netherlands, and New Zealand.

### (3) Anglo-American Meetings on Japanese Peace Treaty

A U.S.-UK working-level consultation was held from April 25 to May 4, 1951, and the both countries agreed on many points and resulted in a joint draft (→No.40). At this consultation, the two countries concurred on provisions related to Japan's renouncement of its right to Korea, resulting in a compromise that reflected the intentions of both the United States and the United Kingdom.

That is to say, at the 7th meeting held on May 2, the two countries concurred in adopting the structure of the draft prepared by the United States in which not the areas that Japan retain its sovereignty but those that Japan would renounce are explicitly provided for. The United Kingdom asserted that the attribution of the islands lying between Japan and Korea should be clearly stated, as any ambiguity about this point would cause future disputes (→No.39). As a result, in the hopes of preventing such disputes from occurring, the words "including the islands of Quelpart, Port Hamilton and Dagelet" were added after the word "Korea" in the United States' draft that had originally only stated that Japan "renounces all right, title and claim to Korea" (→No.40).

This coordination process was reflected in the joint United States/United Kingdom draft of May 3 (→No.41). On June 14, a joint United States/United Kingdom draft was drawn up through further consultations, being finalized in substance.

### (4) Consultations with the countries concerned

The revised joint United States/United Kingdom draft was presented to the countries concerned for deliberation in July, 1951, and the provision in Article 2(a) that Japan renounce its right, title and claim to Korea remained unchanged from the joint draft on Jun 14, 1951.

### (5) Request for amendment from the Republic of Korea

The joint United States/United Kingdom draft was also presented to the Republic of Korea. In July 1951, The Republic of Korea sent a letter to the United States Secretary of State, requesting for amendments, including one to the effect that Takeshima be placed under the ownership of Korea (→No.42).

In response to this amendment request, the United States issued a letter (→No.43) rejecting Republic of Korea's request, due to its recognition of Takeshima as a part of Japan's territory (\*1).

### 3. San Francisco Peace Treaty as the grounds for Japan's claim over ownership of Takeshima

In light of the abovementioned drafting process of the treaty, it is crystal clear that the authors of the treaty drafted Article 2 (a) that Japan renounce its right to "Korea, including the islands of Quelpart, Port Hamilton and Dagelet," with the recognition that Takeshima belongs to Japan (\*2).

#### San Francisco Peace Treaty

##### 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.

\*The Japanese translation of the San Francisco Peace Treaty uses the characters "鬱陵島" for Utsuryo Island, but the characters "鬱陵島" are used more commonly. In the main text of this report, the character "鬱" is used only for excerpts of the articles, while the character "鬱" is used in other circumstances in principle.

\*1 Among the requests made by the Republic of Korea, except that on Takeshima, there were requests that were accepted, resulting in amendments to the draft (amendment to Article 4(a), and insertion of (b)). In short, the Republic of Korea was given the opportunity to present its views in the drafting process of the treaty, but the request concerning Takeshima was rejected upon a review of the individual requested items.

\*2 Under international law, "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose" (Vienna Convention on the Law of Treaties, Article 31, paragraph 1). To confirm the meaning resulting from the application of this method, or to determine the meaning if it is ambiguous based on an interpretation made through the application of this method, "Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion." (Article 32). Note that Article 22 of the San Francisco Peace Treaty provides that if "...there has arisen a dispute concerning the interpretation or execution of the Treaty, [...] the dispute shall, at the request of any party thereto, be referred for decision to the International Court of Justice." However, the Republic of Korea is not a party to this Treaty.

**Process of deliberation among the countries concerned in the drafting of the San Francisco Peace Treaty**

**Acceptance of the Potsdam Declaration**

\*Refer to p.64

The sovereignty of Japan was defined as being limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku, and “such minor islands as we determine.”



From around 1947, the United States and countries from the Commonwealth began independently preparing for the drafting of the treaty.

The People’s Republic of China was established in October 1949, and the Korean War broke out in June 1950.

From around the end of 1949, moves toward early peace with Japan started in the United States, the United Kingdom, and other countries (The United States Department of State drew up its own draft on the premise that Takeshima was a part of Japan’s territory)

**September 1950**

**“Seven Points’ Proposal on Japanese Peace Treaty”**

Presentation of the contents of the Treaty, summarized in seven simple points, to the countries concerned by the United States, followed by unofficial consultations

**October 19, 1950**

**Australia raises questions to the United States**

**October 1950**

**United States responds to Australia**

**No.37**



Around January 1951

The United States and the United Kingdom began to take steps toward preparing a joint draft of the peace treaty and jointly calling for a peace conference.

**March 23, 1951**

**The United States draft**

Presentation of the draft Treaty to the countries concerned.

**April 7, 1951**

**The UK draft**

United Kingdom presented its draft treaty to the United States (shared with the Commonwealth states and several other countries)

**No.38**

**No.39**

**April 25 – May 4, 1951**

**Working-level consultations between the United States and the United Kingdom**

Intensive talks in Washington resulted in a joint United States/United Kingdom draft (May 3, 1951)

**No.40**

**June 14, 1951**

**Revised joint United States/United Kingdom draft**

The United States and the United Kingdom finalized the draft in effect

**No.41**

**July 3, 1951**

**Consultations/discussions with the countries concerned on the joint United States/United Kingdom draft**

The joint United States/United Kingdom draft presented to Australia and other closely related countries. Thereafter, the draft presented to less interested Allied Nations, and shared with the press

**July 19, 1951**

**The Republic of Korea requested amendments to the draft**

**No.42**

**August 10, 1951**

**United States replied to the Republic of Korea**

Some of the Republic of Korea’s requests were accepted, but the request related to Takeshima was rejected

**No.43**

**September 8, 1951**

**San Francisco Peace Conference was held, and the Peace Treaty was signed**

Peace Treaty entered into force on April 28, 1952

**Period III** (2)-i. Preliminary negotiations with the relevant countries concerned on the “Seven Points” Proposal proposal on Japanese Peace Treaty Made made By by U.S .

**The United States communicated to Australia its understanding that Takeshima is included in Japan’s territory. Australia shared this American point of view with England**

**No.37 ANSWERS TO QUESTIONS SUBMITTED BY THE AUSTRALIAN GOVERNMENT ARISING OUT OF THE STATEMENT OF PRINCIPLES REGARDING A JAPANESE TREATY PREPARED BY THE UNITED STATES GOVERNMENT. THESE ANSWERS ARE INFORMAL AND WITHOUT COMMITMENT ON THE PART OF THE UNITED STATES GOVERNMENT.**  
October 1950

#### Overview

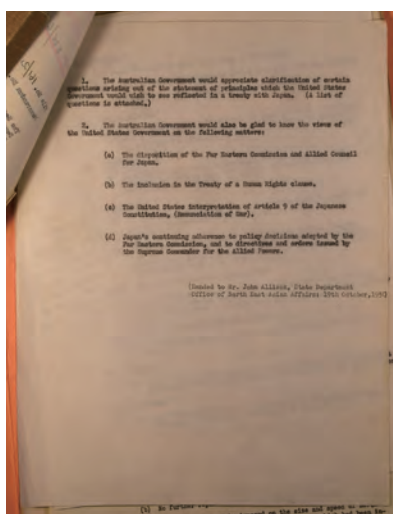
In September 1950, the United States presented to the respective member countries of the Far Eastern Commission what was known as the “Seven Points” Proposal on the Japanese Peace Treaty” (\*1), which summarized the key points of the U.S. peace treaty draft, and commenced unofficial discussions toward an early completion of the Treaty draft (refer to p.64). Among these Points, (3) Territory stated only briefly that “Japan, (a) recognizing the independence of Korea ...” and did not mention the minor islands in the Sea of Japan ((b) was related to Ryukyu and Ogasawara and (c) to Formosa, the Pescadores, South Sakhalin, and the Kurile Islands).

With regard to this lack of reference to some of minor islands, the Department of Foreign Affairs of Australia requested more detailed information. In response, the United States Department of State explained that Takeshima had long been recognized as Japanese territory, and would continue to be retained as one of Japan’s islands (\*2). It is also known that Australia shared a copy of this response with the United Kingdom.

After the summer of 1950, the draft Treaty drawn up by the United States was simplified, and its simple structure was maintained in the final adopted text. For this reason, the Treaty does not contain any provisions that refer directly to the affiliation of Takeshima (refer to p.64 for the background of events). However, in this structure, since December 1949 when the United States Department of States made a draft Treaty (refer to p.66), the United States’ policy that Japan should retain the ownership of Takeshima remained unchanged, as this document shows.

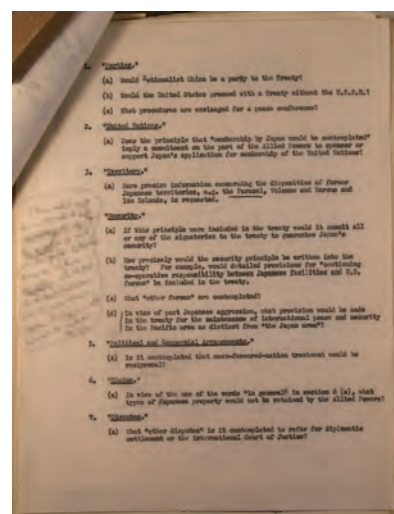
- \*1 Issued by the United States Department of State on November 24 the same year. It presented the key points relating to the drawing up of the draft treaty by the United States: (1) Parties; (2) United Nations; (3) Territory; (4) Security; (5) Political and Commercial Arrangements; (6) Claims; and, (7) Disputes. The original title was the “SEVEN POINTS” PROPOSAL ON JAPANESE PEACE TREATY MADE BY U.S.” The Japanese title is taken from the one in the “*Nihon Gaiko Bunsho San Francisco Heiwa Joyaku Taibei Kosho*” [Japan Diplomatic Documents: San Francisco Peace Treaty, Negotiations with the U.S.] (pp.94-98). This can be accessed through the Digital Collection of the Documents on the Japanese Foreign Policy website of the Diplomatic Archives of the Ministry of Foreign Affairs of Japan.
- \*2 RG59, Decimal File 1950-54, Box 3007, 694.001/10-2650 (U.S. National Archives and Records Administration), Foreign Relations of the United States (FRUS) 1950 edition (Volume.VI, p.1327-) (Website of the United States Department of State)

|                         |   |
|-------------------------|---|
| Date Created            | October 1950  |
| Author(s) & Editor(s)   | Department of Foreign Affairs, Australia                      |
| Publisher               | Department of Foreign Affairs, Australia                      |
| Name of Publication     | Japanese Peace Settlement<br>(Item Barcode: 140407)           |
| Language                | English   |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | National Archives of Australia                                |
| Reference & Information | Follow the instructions at the National Archives of Australia |



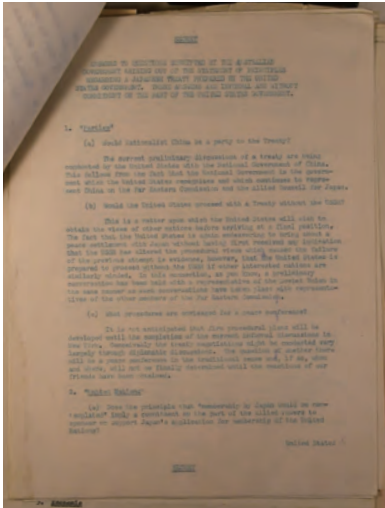
The Australian Government would appreciate clarification of certain questions arising out of the statement of principles which the United States Government would wish to see reflected in a treaty with Japan.

(Handed to Mr. John Allison, State Department Office of North East Asian Affairs: 19th October 1950)



### 3. “Territory”

(a) More precise information concerning the disposition of former Japanese territories, e.g. the Parcel, Volcano and Marcus and Izu Islands, is requested.

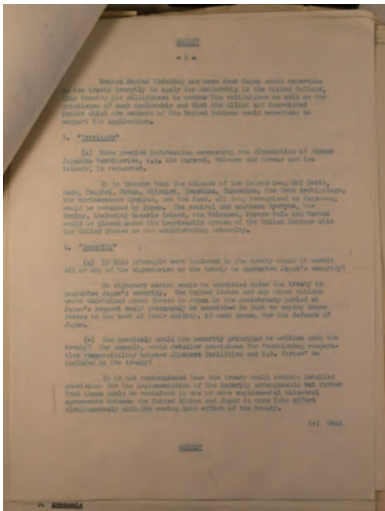


\*Previously "SECRET" but now available to the public

SECRET

ANSWERS TO QUESTIONS SUBMITTED BY THE AUSTRALIAN GOVERNMENT ARISING OUT OF THE STATEMENT OF PRINCIPLES REGARDING A JAPANESE TREATY PREPARED BY THE UNITED STATES GOVERNMENT. THESE ANSWERS ARE INFORMAL AND WITHOUT COMMITMENT ON THE PART OF THE UNITED STATES GOVERNMENT.

Title



3. "Territory"

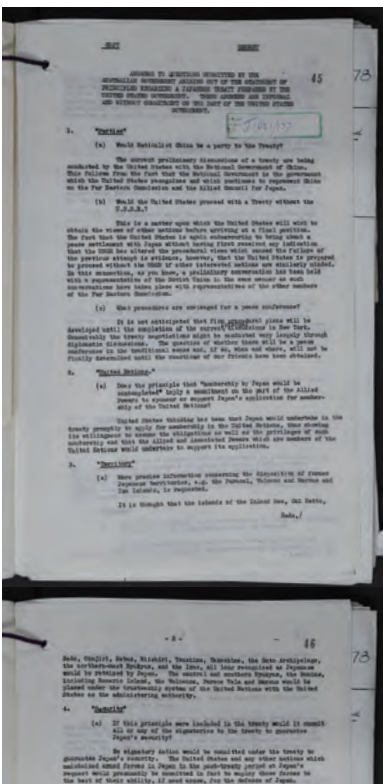
More precise information concerning the disposition of former Japanese territories, e.g. the Parcel, Volcano and Marcus and Izu Islands, is requested.

Question submitted by the Australian Government

It is thought that ..., Takeshima, ..., all long recognized as Japanese, would be retained by Japan. ...

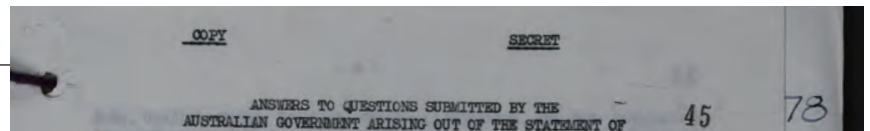
Answer by the United States

Repository: National Archives of Australia (Image provided by the Japan Institute of International Affairs)



[Reference] Copy shared with the United Kingdom (Questions submitted by the Department of Foreign Affairs of Australia and answers from the United States Department of State in response to those questions)

Documents believed to have been provided by the Australian embassy in the United States to the British embassy in the United States on November 2, 1950



\*Previously "SECRET" but now available to the public

Indicated as "COPY"

This section contains the same contents as the abovementioned "3. Territory" spread across two pages.

Japanese peace treaty: United States policy: declaration of terminating a formal state of war with Japan: formation of a Commonwealth working party: record of London meeting between Mr Bevin and Mr Acheson. Code FJ file 1021 (papers 168-197) (FO371/83835)

Repository: The National Archives (United Kingdom) (Image provided by the Japan Institute of International Affairs)

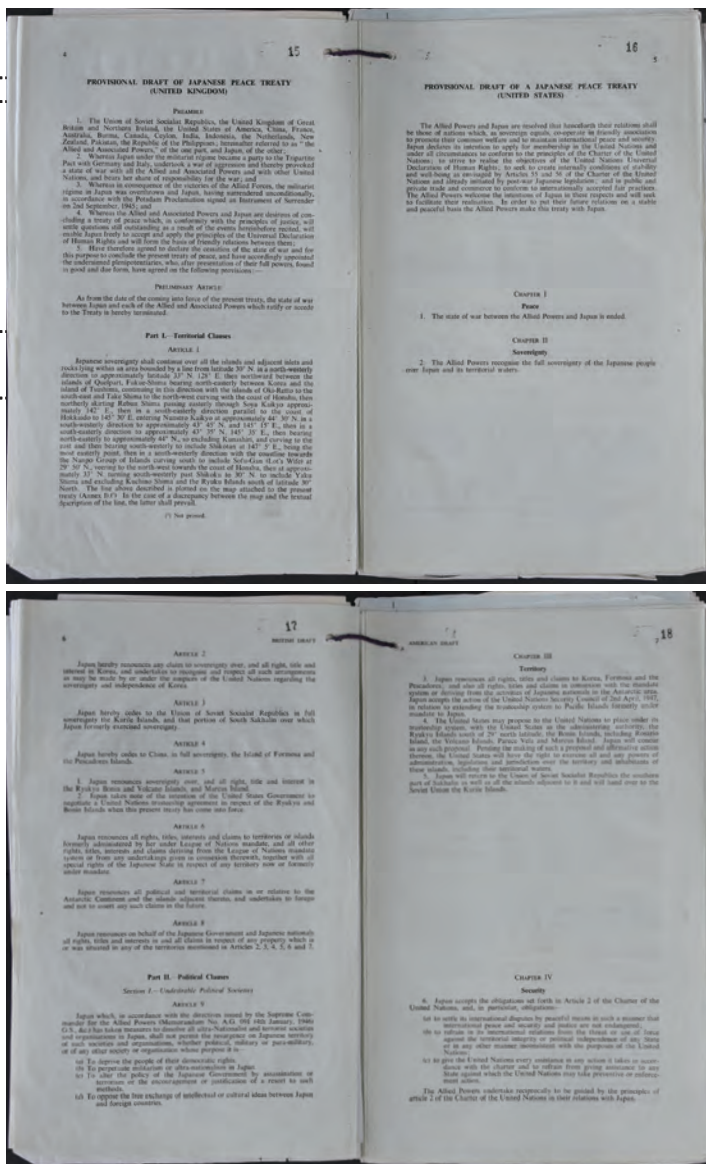
**Period III** (2)-ii. Provisions related to Japan's territory in the treaty drafts prepared by the U.S. and UK, as seen in the internal documents from the British government

**While the U.S. draft made no mention of the boundaries of Japan's territory, the UK draft proposed to prescribe Japan's territory with a series of lines, placing Takeshima outside of it**

## No.38 PROVISIONAL DRAFT OF JAPANESE PEACE TREATY (UNITED KINGDOM) NEW PROVISIONAL DRAFT OF A JAPANESE PEACE TREATY (UNITED STATES)

April 7, 1951 (United Kingdom draft)

March 23, 1951 (United States draft)



Repository: The National Archives (United Kingdom)  
(Image provided by the Japan Institute of International Affairs)

### Overview

Drafts of peace treaties prepared by the United States and the United Kingdom, compiled with the other internal documents of the British government (refer to the boxed section on p.70). The drafts have been laid out side by side for purposes of comparison, with the U.S. draft shown on the right and the U.K. draft on the left. Whereas the U.S. draft states only that "Japan renounces all rights, titles and claims to Korea" (Article 3), the U.K. draft states that "Japanese sovereignty shall continue over all the islands and adjacent islets and rocks lying within an area bounded by a line" and provides a specific definition of the line. This line is drawn in a way that passes between Takeshima and the Oki Islands.

|                         |  |
|-------------------------|--|
| Date Created            | March 23, 1951 (United States draft)<br>April 7, 1951 (United Kingdom draft)   |
| Author(s) & Editor(s)   | Foreign Office of the United Kingdom (Publication)   |
| Publisher               | -  |
| Name of Publication     | Japanese Peace Treaty: attached Provisional draft which is to be read to HM Ambassador at Washington, intended to serve as preliminary working document<br>TNA, FJ1022/222 (FO371/92538) |
| Language                | English  |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | The National Archives (United Kingdom)   |
| Reference & Information | Follow the instructions at the National Archives of the United Kingdom   |

Excerpt [English translation]

PROVISIONAL DRAFT OF JAPANESE PEACE TREATY (UNITED KINGDOM)

(text omitted)

Part I.—Territorial Clauses  
ARTICLE 1

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 curving with the coast of Honshu, (text omitted)

ARTICLE 2

Japan hereby renounces any claim to sovereignty over, and all right, title and interest in Korea, (text omitted)

PROVISIONAL DRAFT OF A JAPANESE PEACE TREATY (UNITED STATES)

(text omitted)

CHAPTER II  
Sovereignty

2. The Allied Powers recognise the full sovereignty of the Japanese people over Japan and its territorial waters.

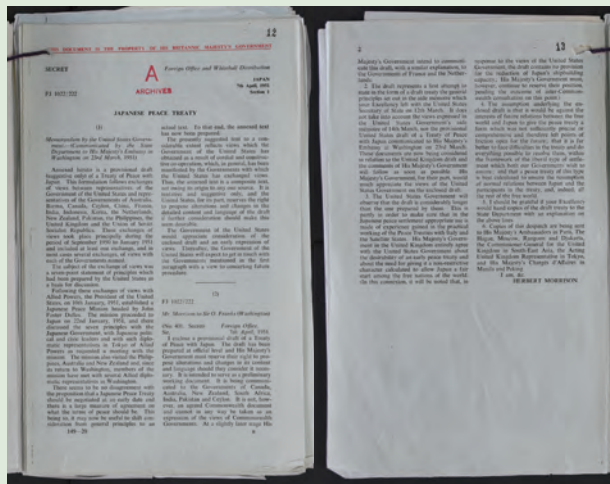
CHAPTER III  
Territory

3. Japan renounces all rights, titles and claims to Korea, Formosa and the Pescadores; (text omitted)

Column: the United Kingdom's position as seen in the internal materials of the British government

The photographs shown on the left page are those of the document prepared as a reference for use within the British government, concerning the peace treaty with Japan (dated April 7, 1951). The drafts prepared by the United States and the United Kingdom are set out along with explanations on their drafting processes and the views of the two countries reflected in their respective drafts.

The United Kingdom draft has an attached document (photograph shown on the right) with instructions from the British Foreign Secretary to Ambassador to the United States, to provide the U.S. Department of State with the U.K. draft, and to explain to the U.S. authorities the United Kingdom's views in preparing the U.K. draft. Here, the document mentions that the U.K. generally agrees with the U.S. on concluding a peace treaty at an early date and making the treaty non-restrictive so that Japan can take appropriate steps toward becoming a member of the free world. However, it also explains that the greater length of the U.K. draft is a result of its experience gained in the practical working of the Peace Treaties with Italy and the Satellite States, and based on its thought that the treaty should be sufficiently detailed and comprehensive to avoid possible friction in the future.



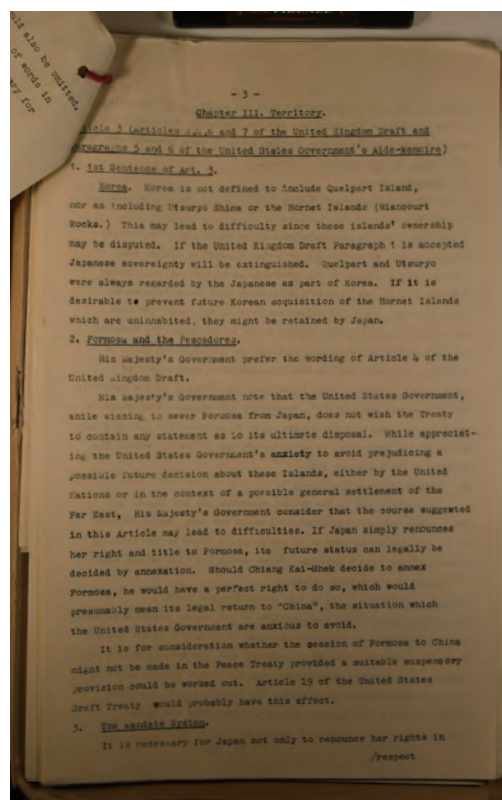
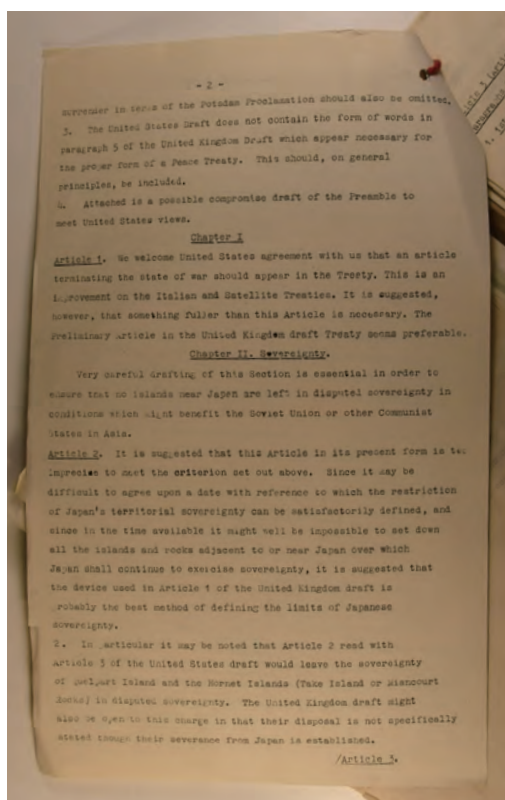
Foreign, Office of the United Kingdom "JAPANESE PEACE TREATY"

Japanese Peace Treaty: attached Provisional draft which is to be read to HM Ambassador at Washington, intended to serve as preliminary working document. TNA, FJ1022/222 (FO371/92538) April 7, 1951  
Repository: The National Archives (United Kingdom)  
(Image provided by the Japan Institute of International Affairs)

**Period III** (2)-ii. The UK's view of the provisions related to Japan's territory in the draft treaties, as seen in the internal documents from the British government

**In its comments towards the United States draft, the United Kingdom attached importance to delineating Japan's territory clearly by showing the borders on a map. With regard to Takeshima, it presented the view that it could possibly belong to either Japan or Korea**

**No.39** **Draft Brief on the United States Provisional Draft Peace Treaty with Japan** April 23, 1951  
**NEW**



Repository: National Archives of Australia  
 (Image provided by the Japan Institute of International Affairs)

|                         |   |
|-------------------------|---|
| Date Created            | April 23, 1951  |
| Author(s) & Editor(s)   | Foreign, Office of the United Kingdom   |
| Publisher               | -   |
| Name of Publication     | Japanese Peace Treaty [file containing papers and correspondence relating to the Treaty] NAA, Item barcode 11407163 |
| Language                | English   |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | National Archives of Australia  |
| Reference & Information | Follow the instructions at the National Archives of Australia   |



## Overview

This is a statement of the opinions on the United States draft by the Foreign Office of the United Kingdom that was made just before the working level discussions/conference with the United States in April-May, 1951. The document was shared by the British foreign office with the Australian foreign ministry on April 30, 1951. The same document dated April 23, 1951, is held in the National Archives of the United Kingdom (\*1), showing that Australia was aware of the United Kingdom's views on the United States draft.

This document first explains the reasons for adopting the method of marking out Japan's territory with lines. The United Kingdom explains that "Very careful drafting of this Section is essential in order to ensure that no islands near Japan are left in disputed sovereignty in conditions which might benefit the Soviet Union or other Communist States in Asia." On top of that, it points out that the United States draft "would leave the sovereignty of Quelpart Island and the Hornet Islands (Take Island or Liancourt Rocks) in disputed sovereignty."

On the other hand, with regard to the United Kingdom draft, it expresses concern that "The United Kingdom draft might also be open to this charge in that their disposal is not specifically stated though their severance from Japan is established." Even if Japan were to renounce its rights over the islands lying outside the lines round the areas under its sovereignty, these islands would not automatically be transferred to the ownership of any particular country; the same applied to the United Kingdom draft.

With regard to Takeshima, it states that "If it is desirable to prevent future Korean acquisition of the Hornet Islands (that is, Takeshima) which are uninhabited, they might be retained by Japan." In short, this document shows that while the United Kingdom draft placed Takeshima outside of the line surrounding Japan's territory, the United Kingdom attached importance not to the disposal of Takeshima as such but to the clear disposal of the islands lying between Japan and Korea by drawing the line; the line proposed by the United Kingdom was arbitrary and it did not have any concrete evidence to support their reasoning for putting Takeshima outside of the line.

## Excerpt

## Chapter II. Sovereignty.

Very careful drafting of this Section is essential in order to ensure that no islands near Japan are left in disputed sovereignty in conditions which might benefit the Soviet Union or other Communist States in Asia.

Article 2. It is suggested that this Article in its present form is too imprecise to meet the criterion set out above. Since it may be difficult to agree upon a date with reference to which the restriction of Japan's territorial sovereignty can be satisfactorily defined, and since in the time available it might well be impossible to set down all the islands and rocks adjacent to or near Japan over which Japan shall continue to exercise sovereignty, it is suggested that the device used in Article 1 of the United Kingdom draft is probably the best method of defining the limits of Japanese sovereignty.

2. In particular it may be noted that Article 2 read with Article 3 of the United States draft would leave the sovereignty of Quelpart Island and the Hornet Islands (Take Island or Miancourt Rocks) in disputed sovereignty. The United Kingdom draft might also be open to this charge in that their disposal is not specifically stated though their severance from Japan is established.

## Chapter III. Territory.

Article 3 (Articles 2,4,6 and 7 of the United Kingdom Draft and Paragraphs 5 and 6 of the United States Government's Aide-Memoire)

## 1. 1st Sentence of Art. 3.

Korea. Korea is not defined to include Quelpart Island, nor as including Utsuryo Shima or the Hornet Islands (Miancourt Rocks.) This may lead to difficulty since these islands' ownership may be disputed. If the United Kingdom Draft Paragraph 1 is accepted Japanese sovereignty will be extinguished. Quelpart and Utsuryo were always regarded by the Japanese as part of Korea. If it is desirable to prevent future Korean acquisition of the Hornet Islands which are uninhabited, they might be retained by Japan.

## 2. Formosa and the Pescadores.

His Majesty's Government prefer the wording of Article 4 of the United Kingdom Draft.

\*1 TNA, Attaches New Edition of draft Brief on US Provisional Draft Peace Treaty with Japan on which discussion will be held in Washington FJ1022/302, (FO371/92543)

**Period III** (2)-ii. Adjustment of opinions on territorial provisions in US-UK discussions

**The United States and the United Kingdom concurred on referring to the three islands of Quelpart, Port Hamilton, and Dagelet as a part of “Korea” to which Japan renounced rights to, and affirmed that Takeshima is a part of Japan’s territory**

**No.40 7th Meeting, Anglo-American Meetings on Japanese Peace Treaty**
**FY2017/P33** May 2, 1951

**Overview**

This document is a summary record (prepared by the United Kingdom) of the seventh Anglo-American Meeting held on May 2, 1951, at the final stage of the working level discussions between the two countries.

Concerning the Article on territory of the draft, it states that “Both Delegations [United States and United Kingdom] agreed that it would be preferable to specify only the territory over which Japan was renouncing sovereignty,” and that “United States Article 3 would require the insertion of the three islands: Quelpart, Port Hamilton, and Dagelet.”

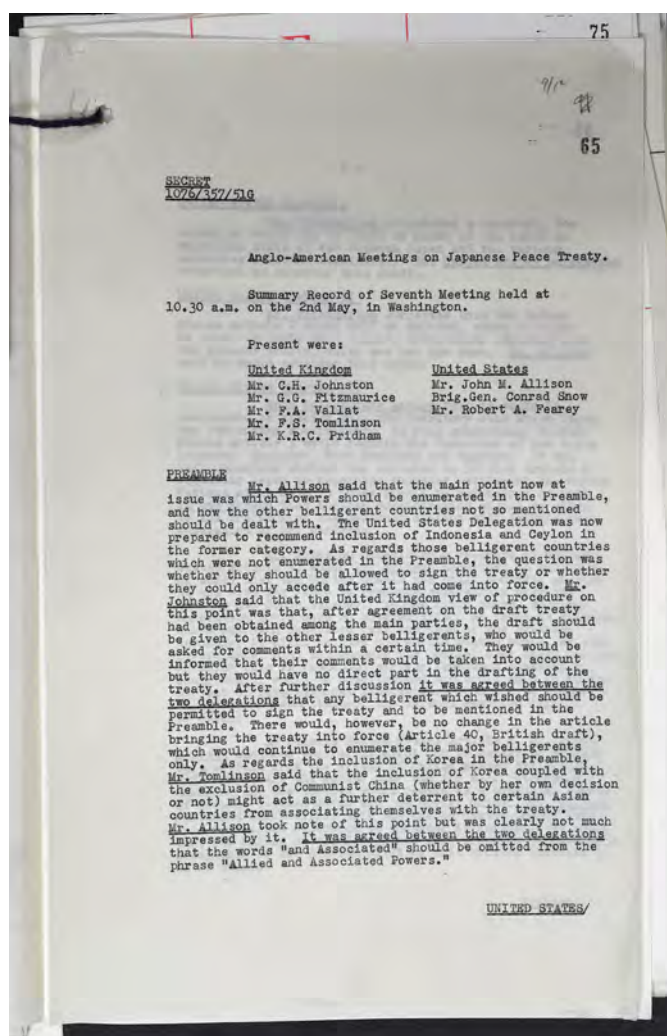
Based on this document, we can see that through the Anglo-American Meeting, the two countries agreed to adopt the structure of the United States draft that sets out only the territories that Japan would renounce, instead of the method pursued in the United Kingdom draft of prescribing the islands that would remain under Japanese rule.

Furthermore, based on this conclusion, we can see that the two countries came to a compromise with regard to the clarification of Japan’s territory as requested by the United Kingdom, by referring to the three islands of Quelpart, Port Hamilton, and Dagelet as part of the Republic of Korea that Japan would renounce.

The position of the United States was that Takeshima had long been a part of Japan’s territory (→No.38). The United Kingdom draft was withdrawn, clarifying that Takeshima would be retained by Japan.

**Excerpt**
**UNITED STATES CHAPTER III**

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. (text omitted)



Repository: The National Archives (United Kingdom)

|                         |  |
|-------------------------|--|
| Date Created            | May 2, 1951  |
| Author(s) & Editor(s)   | -  |
| Publisher               | -  |
| Name of Publication     | Foreign Office: Political Departments: General Correspondence from 1906-1966 (FO371/92547) |
| Language                | English  |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | The National Archives (United Kingdom)   |
| Reference & Information | Follow the instructions at The National Archives (United Kingdom)                          |

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- 2 -

UNITED STATES CHAPTER I

Mr. Fitzmaurice circulated a re-draft, the object of which was to leave no doubt of the dates on which the state of war between Japan and the various countries would be terminated. The United States Delegation undertook to consider this draft.

UNITED STATES CHAPTER II

Mr. Fitzmaurice suggested that the United States Article 2 might well be omitted, since it might be taken to imply that Japan's sovereignty depended upon the present treaty, which was not the case. Mr. Allison said he would consider this point.

UNITED STATES CHAPTER III

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 recognise 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.

Mr. Johnston circulated a re-draft of United States Article 4, which Mr. Allison undertook to consider. He added that the United States was still doubtful whether it was wise for Japan to renounce sovereignty over the Ryukyus and Bonin Islands. In the first place, such renunciation would have an adverse effect on Japanese opinion, which was much exercised over the fate of the Ryukyus; secondly, it might be that the United States would, at some future date, wish to renounce its control over these islands, in which case if Japan had already renounced sovereignty, their status would be undetermined and would have to be the subject of international discussion. It might be simpler if, in such circumstances, the islands reverted legally to Japan.

As regards United States Article 5, Mr. Fitzmaurice wondered whether it might not be better to exclude this article from the effect of United States Article 19, and thus settle the matter once and for all. Otherwise Sakhalin and the Kuriles would remain as a potential source of trouble between Japan and the Soviet Union. Mr. Allison mentioned difficulties with the United States Senate over this matter but undertook to consider it further. He added that the United States Delegation were prepared to recommend acceptance of the British draft of this article (Article 3) as it stood.

British/

**Period III** (2)-ii. Preparation of the draft by the United States and the United Kingdom

**The outcome of the discussion was reflected in the draft text, with the adoption of the simple structure set out in the United States draft, and the agreement to clearly refer to the three islands in response to the United Kingdom's emphasis on clarifying Japan's territory**

**No.41** **JOINT UNITED STATES/UNITED KINGDOM DRAFT OF A JAPANESE PEACE TREATY PREPARED DURING THE DISCUSSIONS IN WASHINGTON, APRIL-MAY 1951** May 3, 1951  
 FY2018/P20

**Overview**

The joint United States/United Kingdom draft (dated May 3) drawn up in the final stage of the discussions held between the two countries from April 25 to May 4, 1951. Attached to the memo drawn up by the British Foreign Secretary to report on the results of the discussion to the Cabinet (dated May 23).

In this document, the provisions based on the United Kingdom proposals are indicated by a single line drawn on the left margin, while the provisions based on the United States proposals are indicated by double lines drawn in the right margin. Furthermore, sections on which the United Kingdom reserved their position are indicated between square brackets [ ].

In their discussions, the United States and the United Kingdom concurred on adding reference to the three islands that Japan would renounce its right to (→No.41), as shown by the text in Article 2 of the joint draft produced in the discussions, stating that "Japan renounces all rights, titles and claims to Korea (including Quelpart, Port Hamilton, and Dagelet)."

Moreover, there are no square brackets enclosing the wording of Article 2 "Japan renounces all rights, titles, and claims to Korea (including Quelpart, Port Hamilton, and Dagelet)", which indicates that the United Kingdom did not reserve their position on this section.

**Excerpt**

ANNEX A  
 JOINT UNITED STATES/UNITED KINGDOM DRAFT OF A JAPANESE PEACE TREATY PREPARED DURING THE DISCUSSIONS IN WASHINGTON, APRIL-MAY 1951  
 [United Kingdom contributions are single sidelined; United States contributions are double sidelined.]  
 (text omitted)

 Chapter II. - Territory  
 ARTICLE 2

Japan renounces all rights, titles and claims to Korea (including Quelpart, Port Hamilton and Dagelet), [Formosa and the Pescadores]; and also all rights, titles and claims in connexion with the mandate system [or based on any past activity of Japanese nationals in the Antarctic area]. Japan accepts the action of the United Nations Security Council of 2nd April, 1947, in relation to extending the trusteeship system to Pacific Islands formerly under mandate to Japan.  
 (United Kingdom reserves position on passages between square brackets.)  
 (text omitted)

|                         |   |
|-------------------------|---|
| Date Created            | 1951  |
| Author(s) & Editor(s)   | Secretary of State for Foreign Affairs of the United Kingdom      |
| Publisher               | Foreign Office of the United Kingdom                              |
| Name of Publication     | Parts I-II: Peace Treaty (PREM8/1404)                             |
| Language                | English   |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | The National Archives (United Kingdom)                            |
| Reference & Information | Follow the instructions at The National Archives (United Kingdom) |

\*Previously "SECRET" but now available to the public

7

SECRET

## ANNEX A

**JOINT UNITED STATES/UNITED KINGDOM DRAFT OF A JAPANESE  
PEACE TREATY PREPARED DURING THE DISCUSSIONS IN  
WASHINGTON, APRIL–MAY 1951**

[United Kingdom contributions are single sidelined; United States contributions are double sidelined.]

## PREAMBLE

..... hereinafter referred to as "the Allied Powers," of the one part, and Japan, of the other part;

Whereas the Allied Powers and Japan are resolved that henceforth their relations shall be those of nations which, as sovereign equals, co-operate in friendly association to promote their common welfare and to maintain international peace and security, and are therefore desirous of concluding a Treaty of Peace which will settle questions still outstanding as a result of the existence of a state of war between them and will enable Japan to carry out her declared intentions to apply for membership in the United Nations Organisation and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realise the objectives of the Universal Declaration of Human Rights; to seek to create within Japan conditions of stability and well-being as defined in Articles 55 and 56 of the Charter of the United Nations and already initiated by post-war Japanese legislation; and in public and private trade and commerce to conform to internationally accepted fair practices;

Whereas the Allied Powers welcome the intentions of Japan set out in the foregoing paragraph;

Have therefore agreed to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries, who, after presentation of their full powers, found in good and due form, have agreed on the following provisions.

**Chapter I.—Peace**

## ARTICLE 1

The state of war between Japan and each of the Allied Powers is hereby terminated as from the date on which the present Treaty comes into force between Japan and the Allied Power concerned.

**Chapter II.—Territory**

## ARTICLE 2

Japan renounces all rights, titles and claims to Korea (including Quelpart, Port Hamilton and Dagelet), [Formosa and the Pescadores]; and also all rights, titles and claims in connexion with the mandate system [or based on any past activity of Japanese nationals in the Antarctic area]. Japan accepts the action of the United Nations Security Council of 2nd April, 1947, in relation to extending the trusteeship system to Pacific Islands formerly under mandate to Japan.

(United Kingdom reserves position on passages between square brackets.)

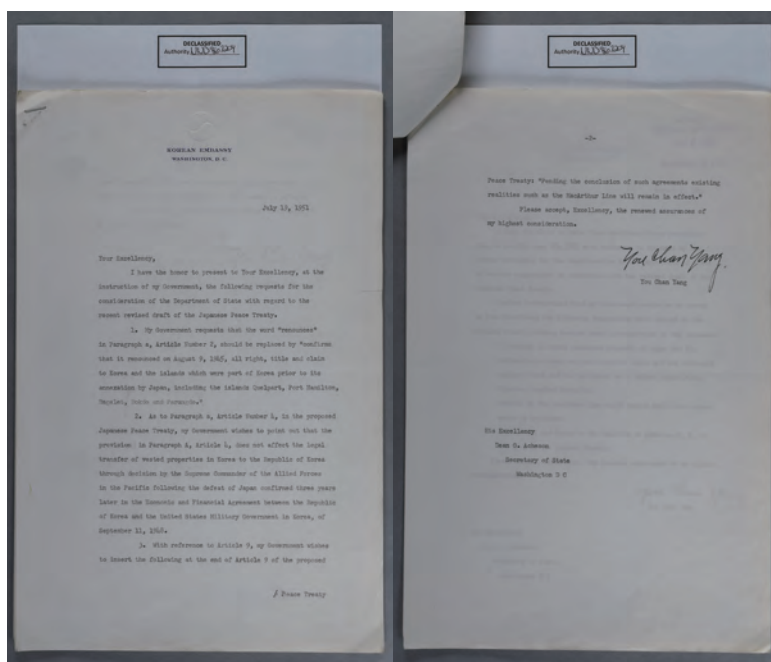
## ARTICLE 3

Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the administering authority, the Ryukyu Islands south of 29° north latitude, the Bonin Islands, including Rosario Island, the Volcano Islands, Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United

**Period III** (2)-iii. The Republic of Korea's request for amendment to the draft peace treaty with Japan, and the United States' response

**The Republic of Korea requested amendments to the draft treaty, including reference of Takeshima as the Republic of Korea's territory, and the insertion of a provision to maintain the MacArthur Line**
**No.42 Letter from the Republic of Korea ambassador to the U.S. You Chan Yang to U.S. Secretary of State Acheson** July 19, 1951

NEW



Repository: National Archives and Records Administration (United States)

**Overview**

A letter from Ambassador Yang, the Republic of Korean ambassador to the U.S. to U.S. Secretary of State Acheson (dated July 19, 1951). This letter was issued in accordance with instructions by the government of the Republic of Korea to communicate to the U.S. Secretary of State its request for amendments to three points in the draft peace treaty with Japan, including ownership of Takeshima.

The following is what the Republic of Korea argued with respect to its request to amend Article 2(a) of the draft treaty:

- To add Dokdo and Parangdo to the islands of Quelpart, Port Hamilton, and Dagelet that are included as a part of the Republic of Korea.
- These islands had been a part of Korea from before the Japan's annexation of Korea.
- Japan renounced all right, title, and claim to Korea, including these islands, on August 9, 1945.

|                         |   |
|-------------------------|---|
| Date Created            | May 2, 1951   |
| Author(s) & Editor(s)   | Ambassador of the Republic of Korea to the United States (You Chan Yang)                    |
| Publisher               | -   |
| Name of Publication     | RG59 Lot54 D423 Japanese Treaty Files of John Foster Dulles, Box8, "Korea"                  |
| Language                | English   |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | National Archives and Records Administration (United States)                                |
| Reference & Information | Follow the instructions at the National Archives and Records Administration (United States) |

**Excerpt**

I have the honor to present to Your Excellency, at the instruction of my Government, the following requests for the consideration of the Department of State with regard to the recent revised draft of the Japanese Peace Treaty.

1. My Government requests that the word "renounces" in Paragraph a, Article Number 2, should be replaced by "confirms that it renounced on August 9, 1945, all right, title and claim to Korea and the islands which were part of Korea prior to its annexation by Japan, including the islands Quelpart, Port Hamilton, Dagelet, Dokdo and Parangdo."

2. As to Paragraph a, Article Number 4, in the proposed Japanese Peace Treaty, my Government wishes to point out that the provision in Paragraph A, Article 4, does not affect the legal transfer of vested properties in Korea to the Republic of Korea through decision by the Supreme Commander of the Allied Forces in the Pacific ...

3. With reference to Article 9, my Government wishes to insert the following at the end of Article 9 of the proposed Peace Treaty: "Pending the conclusion of such agreements existing realities such as the MacArthur Line will remain in effect."

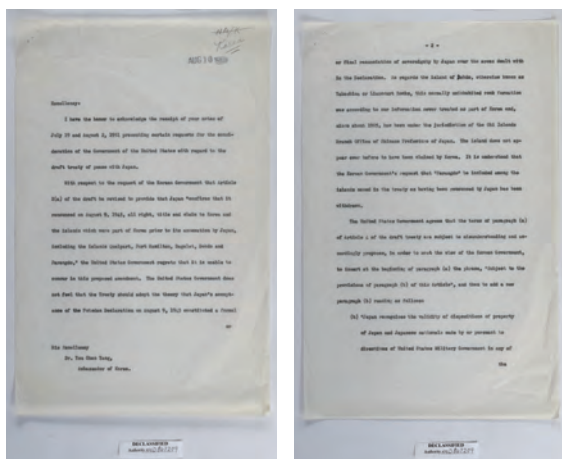
Period III (2)-iii. The Republic of Korea's request for amendment to the draft peace treaty with Japan, and the United States' response

## The United States rejected the Republic of Korea's request based on its recognition of Takeshima as Japan's territory, as well as its request to maintain the MacArthur Line

### No.43 Letter sent from the U.S. Government to the Republic of Korean Government on August 10, 1951 August 10, 1951

FY2016/p25

(Letter from Dean Rusk, the U.S. Assistant Secretary of State, to Yang Yu Chan, the ROK Ambassador to the United States [The "Rusk's note"])



\* These images are taken from the original repositied in the NARA. Available for viewing on the Takeshima Archives Portal

#### Overview

A letter from U.S. Assistant Secretary of State Rusk (for the Secretary of State) to Ambassador Yang, the Republic of Korea ambassador to the U.S. (dated August 10, 1951, copy retained by the U.S. Department of State). This letter is the response from the U.S. government to the requests made by the Republic of Korea government of July 19 (→No.42) and August 2 for amendments to the draft treaty (\*1). With regard to the Republic of Korea's request to amend Article 2(a) on Takeshima, the U.S. government stated that it "regrets that it is unable to concur in this proposed amendment," and explained its key points as follows.

- It does not feel that the Treaty should adopt the theory that Japan's acceptance of the Potsdam Declaration on August 9, 1945, constituted a formal or final renunciation of its sovereignty over the areas dealt with in the Declaration.
- Takeshima was "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 has been withdrawn.

#### Excerpt

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

With respect to the request of the Korean Government that Article 2(a) of the draft be revised to provide (text omitted), the United States Government regrets that it is unable to concur in this proposed amendment. The United States Government does not feel that the Treaty should adopt the theory that Japan's acceptance of the Potsdam Declaration on August 9, 1945 constituted a formal or final renunciation of sovereignty by Japan over the areas dealt with in the Declaration. As regards the island of Dokdo, otherwise known as Takeshima or Liancourt Rocks, this normally uninhabited rock formation was according to our information never treated as part of Korea and, since about 1905, has been under the jurisdiction of the Oki Islands Branch Office of Shimane Prefecture of Japan. The island does not appear ever before to have been claimed by Korea. It is understood that the Korean Government's request that "Parando" be included among the islands named in the treaty as having been renounced by Japan has been withdrawn.

The United States Government agrees that the terms of paragraph (a) of Article 4 of the draft treaty are subject to misunderstanding and accordingly proposes, in order to meet the view of the Korean Government, to insert at the beginning of paragraph (a) the phrase, (text omitted), and then to add a new paragraph (b) (text omitted) The Government of United States regrets that it is unable to accept the Korean Government's amendment to Article 9 of the draft treaty. In view of the many national interests involved, any attempt to include in the treaty provisions governing fishing in high seas areas would indefinitely delay the treaty's conclusion. It is desired to point out, however, that the so-called MacArthur line will stand until the treaty comes into force, and that Korea, which obtains the benefit of Article 9, will have the opportunity of negotiating a fishing agreement with Japan prior to that date. With respect to the Korean Government's desire to obtain the benefits of Article 15 (a) of the treaty, ...

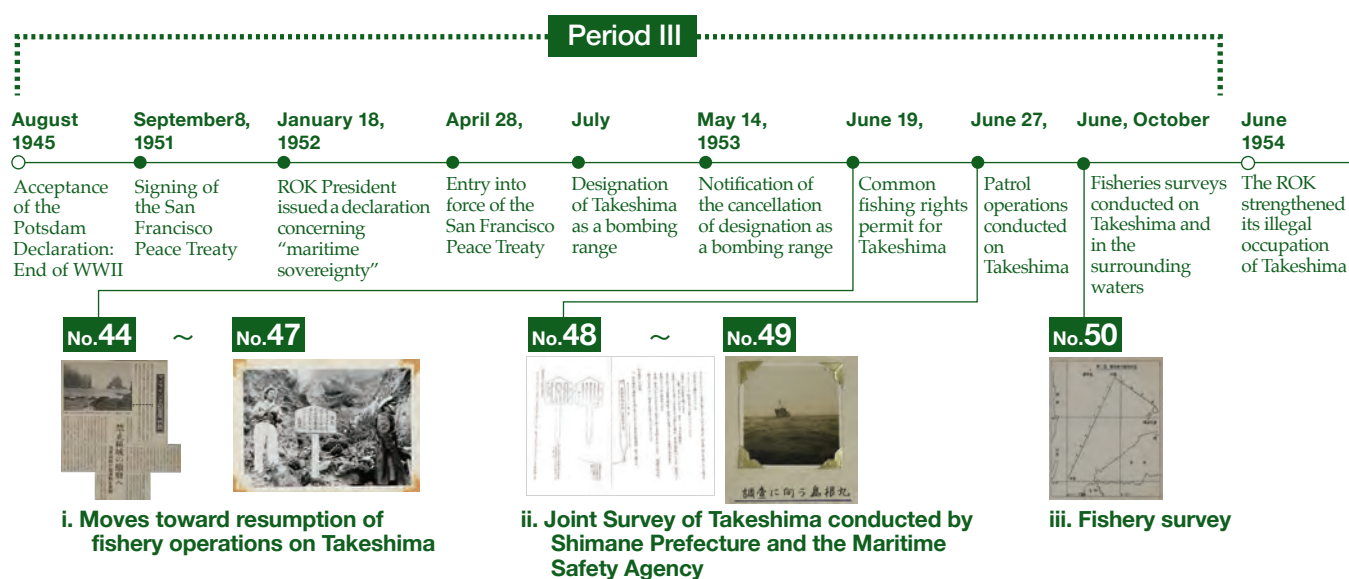
Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:  
Dean Rusk

|                       |  |
|-----------------------|--|
| Date Created          | August 10, 1951  |
| Author(s) & Editor(s) | Dean Rusk  |
| Publisher             | United States Department of State  |
| Name of Publication   | The U.S. National Archives and Records Administration (RG59), Lot54 D423, JAPANESE PEACE TREATY FILES OF JOHN FOSTER DULLES, Box 8, Korea. |
| Language              | English  |

|                         |  |
|-------------------------|--|
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Tokyo Main Library of the National Diet Library (Original Repository: The U.S. National Archives and Records Administration (NARA))  |
| Reference & Information | Follow the instructions at the National Diet Library to see microfilm<br>(Request Code LOT reel 9, Microfilm number: 00994-00997)<br>(Or, to follow the instructions at the NARA to see microfilm) |

### (3) Moves towards the use of Takeshima after WWII



#### Moves towards the resuming of fishery operations on and around Takeshima

Under the American occupation after WWII, Japanese nationals were prohibited from approaching and landing on Takeshima due to the so-called "MacArthur line." Meanwhile, on September 16, 1947, Takeshima was designated as a maritime bombing range for the U.S. Forces, and was so designated again on July 6, 1951 (→No.33).

Under these circumstances, the fishermen of Oki who had been granted permission for sea lion hunting before WWII demanded that fishing activities in Takeshima be resumed.

Following the signing of the San Francisco Peace Treaty on September 8, 1951, individual matters of restrictions imposed on Japan began to be reviewed. The MacArthur line had been abolished prior to the entry into force of the Peace Treaty on April 28, 1952. After restoration of Japan's sovereignty, Takeshima was again arranged to be provided as a bombing range for the U.S. Forces under the Japan-U.S. Security Treaty. However, it was removed from the list of bombing ranges in May, 1953 (→ No.36). As of January 25, 1953, Shimane Prefecture issued a permit of common fisheries rights on Takeshima to the Oki Islands Federation of Fisheries Co-operative Association (founded on January 25, 1953) (→ No.46). As for the sea lion hunting on Takeshima, the Prefecture issued permits to three fishermen living in Oki - Tadashige HASHIOKA, Kazuma YAWATA and Kuniyuki IKEDA (dated June 10, 1953).

#### Joint Survey of Takeshima conducted by Shimane Prefecture and the Maritime Safety Agency

On January 18, 1952, before the San Francisco Peace Treaty entered into force, the Republic of Korea declared the so-called "Syngman Rhee Line" on the high seas in violation of international law, and include Takeshima within the range of this area (refer to p.89). After that, as it was confirmed that people from the Republic of Korea were landing illegally on Takeshima, Japanese authorities decided to enforce their control over the islands.

For example, from June 22 to June 28, 1953, the 8th Regional Maritime Safety Headquarters of the Maritime Safety Agency

worked jointly with the Shimane Prefectural Government to conduct patrols to prevent stowaway and poaching activities around Takeshima. In these patrols officials discovered six South Koreans immediately after landing on Takeshima on June 27, and conducted interrogations. Accordingly, the officials warned them to leave Takeshima as they had illegally entered Japan's territory, of which Takeshima is a part of, and violated fishing regulations (\*1).

In our research, documents and materials related to this incident were confirmed, including the mission report on the patrol (→No.48) and photographs taken during the operation (→No.47).

#### Fisheries Survey

After the San Francisco Peace Treaty entered into force, interest in fishery resources in the waters around Takeshima increased, and led to the start of the Survey for Development of Tsushima Warm Current from 1953, a five-year project subsidized by the Japanese government. This survey project was aimed at increasing fishery production in the waters where the Tsushima warm current travels north in the Sea of Japan, and involved fisheries research institutes from 19 prefectures, researchers who were commissioned from seven universities, and three research institutes affiliated with the National Fisheries Agency (\*2).

In the survey conducted using the test ship "Shimane-maru" from the Shimane Prefecture Fisheries Research Institute (\*3), which participated in this survey, the New Ocean Bank (Shindo Bank) was discovered 11 nautical miles east of Takeshima on June 16 of the same year. This raised the possibility that the waters around Takeshima could be a fishing ground (→No.49).

Furthermore, another participating organization, the Fukuoka Prefectural Fisheries Research Institute (\*4) conducted a survey to establish an observation line and observation points extending from Oki to Takeshima, and confirmed the presence of sea lions around Takeshima. The survey report prepared by the Fukuoka Prefectural Fisheries Research Institute provided concrete details about fishery activities on Takeshima before WWII (→No.50).

\*1 The persons from the Republic of Korea did not have a powered boat on site, so they were made to promise that they would leave once a boat came to take them home.

\*2 Fisheries Agency, Survey Report for the Development of Tsushima Warm Current Vol.1 (Fishing Conditions/Sea Conditions) (1958), p.i

\*3 Current Shimane Prefectural Fisheries Technology Center

\*4 Current Fukuoka Fisheries And Marine Technology Research Center



## Article reporting the Japanese fishermen's strong desire to resume fishing operations on Takeshima

### No.44 "Takeshima", the treasure within the Ma-Line\*

FY2017/P8

#### The Fisheries Associations actively appeal for the removal of the prohibited area

March 10, 1951, Mainichi Shimbun, Shimane Edition

\* "Ma-Line" is an abbreviation for the "The MacArthur Line"

#### Overview

Fishermen from Oki had been engaging in fishery around Takeshima with the Japanese government's permission from the pre-WWII period, but after WWII fishery around Takeshima was prohibited due to the MacArthur Line. And on September 16, 1947, the General Headquarters designated Takeshima as a maritime bombing range for the U.S. Forces.

This newspaper article reports that under such circumstances, in a meeting of the fishery co-operative association presidents in Oki, the presidents adopted a resolution to call for the resuming of fishery around Takeshima, and began actively campaigning for this goal. The same article also includes specific testimonies about fishery around Takeshima in the pre-WWII period, such as "Mr. Tadashige HASHIOKA from Goka village 'captured 35 sea lions alive over the summer of 1940, and 30 of them in 1941 ...'" Tadashige HASHIOKA used to have permission for sea lion hunting before WWII, and after the expiration of the fishing permit around Takeshima in November 1948, applied for the permit again and was given one from Shimane Prefecture in June 1953. Hashioka said, "I cannot be happier that the permit has been issued. I am determined to work hard while making use of my past experience. (text omitted) Although I have sufficient materials prepared, we have no information about the state of the buildings and facilities that we previously built in Takeshima due to the 12 years or so gap before and after the war, so we will not be able to operate until the facilities on the site becomes fully functional (\*1)."

Furthermore, Hashioka received some information about people from the Republic of Korea landing on Takeshima, and on June 25, 1953, he joined a group of officials visiting Takeshima on board the training ship Otori Maru of the Fishery Course at Oki High School to confirm. During this visit, Hashioka, looking at the hillsides of Takeshima, said, "We planted 200 pine seedlings 13 years ago but they have not grown."

In this article, it is stated that Takeshima was "discovered" by fishermen of Oki in 1667, but this is assumed to be based on the descriptions in "Takeshima oyobi Utsuryo-to (Takeshima and Utsuryo Island)" by Hekiun OKUHARA (pp. 14-15) that quoted "Inshu shicho goki," a geography book about the Oki Islands in the 17th century. Other documents from the Edo period suggest that Japanese people had been using the current Takeshima for many years before 1667.

\*1 "Goka village excited about sea lion hunting: Remembering their pre-war experience, the locals can hardly wait to start but first must prepare the local facilities  
Reference article (June 18, 1953. Mainichi Shimbun (Osaka Head Office), Shimane edition



Repository: Shimane Prefectural Library

#### Excerpt [English translation]

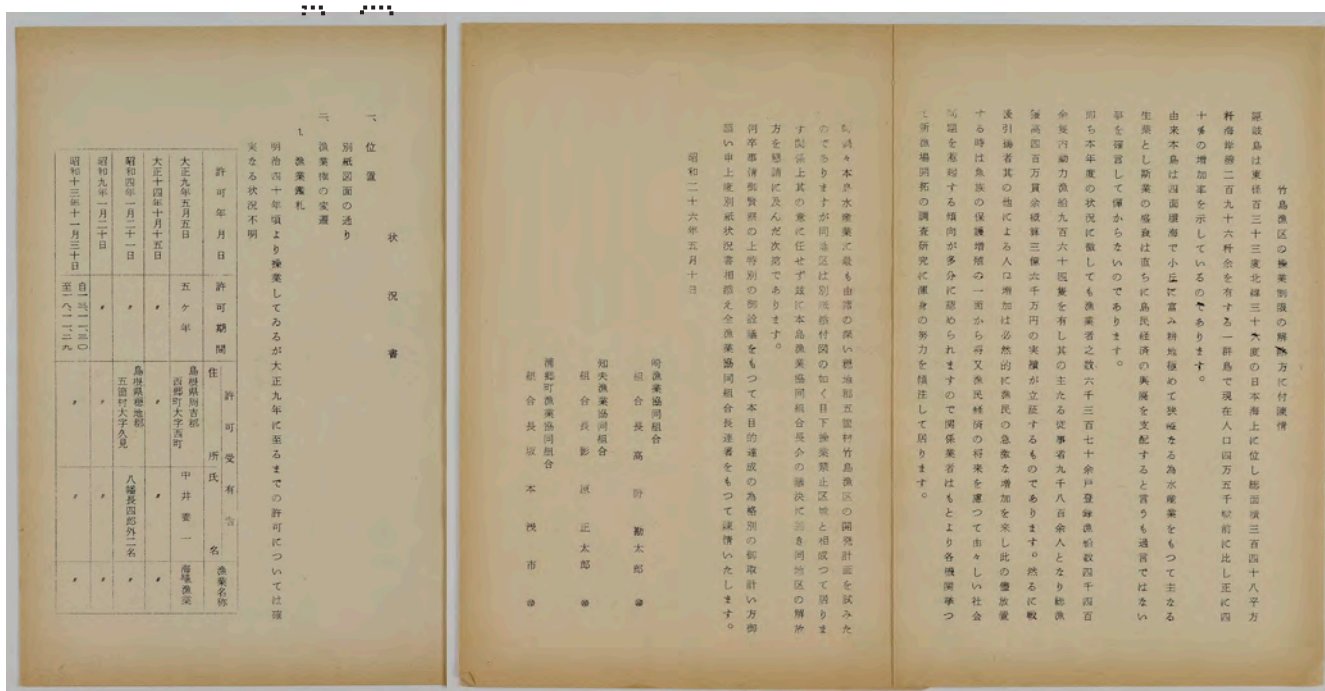
It has been six years since Takeshima, or the treasure of the Sea of Japan, which belongs to Goka village in Oki Island, was included in the MacArthur Line through the Cabinet Order of October 1, 1945 and designated as a fishery prohibited area. Prefectural Assembly member Nakagawa and Goka village chief Okugawa have advocated the movement for the revival of fisheries around Takeshima, which produces fishing worth tens of millions of yen, since the end of last year. In addition to this, the abolition of the fishery prohibited area was strongly voiced with the aim of reconstructing the Oki Island industry, and a resolution for revival petition was adopted at the meeting of the fishery co-operative association presidents held in Saigo-Cho on the 10th, triggering active movement.

|                         |  |
|-------------------------|--|
| Date Created            | March 10, 1951   |
| Author(s) & Editor(s)   | -  |
| Publisher               | Publisher Mainichi Shimbun Matsue Branch               |
| Name of Publication     | Mainichi Shimbun (Osaka Head Office), Shimane edition  |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Shimane Prefectural Library                            |
| Reference & Information | Follow the instructions at Shimane Prefectural Library |

## Period III (3)-i. Moves toward the resumption of fishery operations on Takeshima

## Petition from Fishermen Living in Oki which references Fishing Records on Takeshima in the Pre-WWII Period

## No.45 Petition for the lifting of operation restrictions in the Takeshima fishing area (Petitions from Saki Fisheries Co-operative Association, Chibu Fisheries Co-operative Association, and others) May 10, 1951



Repository: Shimane Prefecture Takeshima Reference Room

## Overview

Petition from the fishermen in Oki who had been fishing on Takeshima with permits in the pre-WWII period, requesting the resuming of fishery on Takeshima, which was prohibited after the war by the regulations set by the MacArthur Line (\*1).

The petition prepared jointly by 23 Fisheries Co-operative Associations of Oki referred to fishing records in the pre-WWII period, including the types of catch, number of fishing boats and fishing seasons in the past, which reflected the actual conditions of fishing carried out by fishermen in Oki before WWII. This petition also had an attachment of a "Statement of the Circumstances" in

which the issuance of sea lion hunting permits on May 5, 1920, October 15, 1925, January 21, 1929, January 20, 1934, November 30, 1938, and November 12, 1943, was listed in the item of "Transition of fishery rights," indicating that administrative authority was continuously exercised concerning Takeshima.

With regard to the bombing range on Takeshima, on May 20, 1952, Shimane Prefecture submitted to the Minister of Foreign Affairs and the Minister of Agriculture and Forestry a petition requesting "the removal of Takeshima under the jurisdiction of the Oki Islands Branch Office of the Shimane Prefectural Government from the bombing range for the U.S. Air Forces" (\*2).

|                         |   |
|-------------------------|---|
| Date Created            | May 10, 1951  |
| Author(s) & Editor(s)   | President of 23 Fisheries Co-operative Associations of Oki  |
| Publisher               | -   |
| Name of Publication     | -   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Shimane Prefecture Takeshima Reference Room                 |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room |

\*1 This petition was included in the documents left by Hidemasa NAKAGAWA, who served as a member of the Shimane Prefectural Assembly. NAKAGAWA also served as the first representative director and president of the Oki Islands Federation of Fisheries Co-operative Associations, and actively submitted petitions, such as the "Petition regarding the securing of territorial rights over Takeshima and the protection of Oki inhabitants' profits," to the prefectural and national authorities.

\*2 Takeshima Survey Material (May 20, 1952) from the Shimane prefecture Tokyo Office "Interim Report-Problems concerning Takeshima" contains transcripts of the petitions.

## Excerpt [English translation]

## Statement of the Circumstances

1. Position  
(text omitted)
2. Transition of fishery right  
(text omitted)
- (2) Legal basis for the designation as a prohibited area
  - a. Cabinet Order No. 306 of August 15, 1949  
Article 3 of the Cabinet Order Regarding Restrictions on the Operation Area of Fishing Boats
  - b. September 21, 1949  
Partial revision of the aforementioned Cabinet Order (\*3)
3. Types of Fishing
  - (1) Sea lion Approx. 70
  - (2) Abalone and turban shell Approx. 375,000 kg
  - (3) Wakame seaweed Approx. 750,000 kg
  - (4) Gelidiaceae Approx. 3,750 kg
  - (5) Oysters Approx. 187,500 kg
  - (6) Red sea cucumber Approx. 375,000 kg
4. Number of fishing boats and fishing period in the past
  - (1) Number of fishing boats
    - a. Carrier One boat
    - b. Operating boats Five boats  
of which two boats (six crew members)  
for sea lion hunting  
of which three boats for capturing shell  
fishes
  - (2) Fishing period
    - a. First round  
From June 10 to the end of June,  
20 days
    - b. Second round  
From September 5 to September 15,  
10 days

The image shows a page from a Japanese government document, possibly a cabinet order or regulation, with vertical text and a table of data. The text is in Japanese and includes dates and numerical values. The table lists various items and their corresponding values or quantities.

| 品名      | 数量     | 単位     | 備考                     |
|---------|--------|--------|------------------------|
| イ 運搬船   | 一      | 隻      |                        |
| ロ 漁業船   | 五      | 隻      | 内二隻(乗組員六名) 海壁採捕<br>採貝船 |
| イ 第一回   | 自六月十日  | 至六月十日  | 二十日間                   |
| ロ 第二回   | 自九月十五日 | 至九月十五日 | 十日間                    |
| 1. 海    | 七〇頭    | 年      |                        |
| 2. あわび  | 一〇万貫   |        |                        |
| 3. 和布   | 二〇万貫   |        |                        |
| 4. 天草   | 一千貫    |        |                        |
| 5. かき   | 五万貫    |        |                        |
| 6. 赤なまこ | 一〇万貫   |        |                        |

\*3 Referring to the "Cabinet Order for Partial Revision of the Cabinet Order Regarding Restrictions on the Operation Area of Fishing Boats" (Cabinet Order No. 339 of September 21, 1949). It was issued in response to SCAPIN-2046 dated September 19, 1949, which reduced the range of prohibited approach to Takeshima from 12 nautical miles to 3 nautical miles.

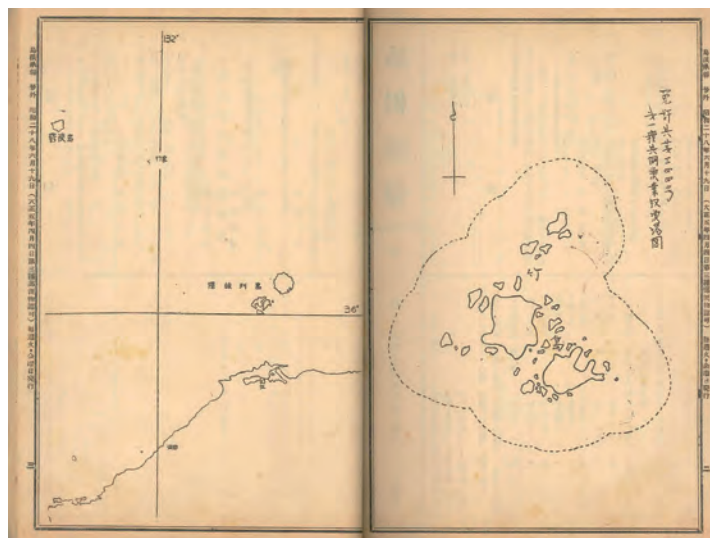
## Period III (3)-i. Moves toward the resumption of fishery operations on Takeshima

## Notification of licence of common fishery rights on Takeshima

## No.46 Shimane Prefecture Notification No. 352 License of common fishery rights

FY2016/P22 June 19, 1953

| 島根縣報   |                          | 告示  |             |
|--|--------------------------|---|-------------|
| 目次   |                          | 告示  |             |
| ①告示 共同漁業権免許<br>②告示 漁業の許可   | 告示                       | 告示  | 告示          |
| <p>◎島根縣告示第三百五十二号<br/>漁業法（昭和二十四年法律第二百六十七号）第十条の規定により、昭和二十八年六月十八日付をもつて、次のとおり海面における共同漁業権を免許した。<br/>昭和二十八年六月十九日</p> |                          |   |             |
| 一 免許番号<br>共第三四四号   | 一 免許番号                   | 二 漁業権者の住所氏名<br>島根県周吉郡西郷町大字西町八尾の一参番地                                   | 二 漁業権者の住所氏名 |
| 三 漁場の位置及び区域（別紙漁場図のとおり）   | 三 漁場の位置及び区域              | 三 漁場の位置<br>隠岐島漁業協同組合連合会<br>隠岐郡五箇村竹島（北緯三十七度九分三十秒、東経百三十一度五十五分）に在る竹島）地先。 | 三 漁場の位置     |
| 四 漁業の種類及び名称、漁獲物の種類、漁業の時期   | 四 漁業の種類及び名称、漁獲物の種類、漁業の時期 | 四 漁業の種類<br>わかめ漁業 第一種  | 四 漁業の種類     |
| 五 存続期間   | 五 存続期間                   | 五 存続期間<br>昭和二十八年六月十八日から昭和三十六年八月三十一日まで。                                | 五 存続期間      |
| 六 制限及び条件   | 六 制限及び条件                 | 六 制限及び条件<br>なし。   | 六 制限及び条件    |



Repository: General Affairs Division, Department of General Affairs, Shimane Prefectural Government

## Overview

Following the release of Takeshima from the designation of a bombing range by the Japan-U.S. Joint Committee, Shimane Prefecture gave common fishery rights to the Oki Islands Federation of Fisheries Co-operative Association to fish for seaweed, abalones and turban shells in the seas around Takeshima.

## Excerpt [English translation]

## Notification

Shimane Prefecture Notice No. 352

Pursuant to the provision of Article 10 of the Fishery Act (Act No. 267 of 1949), common fishery rights in the seas were granted on June 18, 1953 as follows:

June 19, 1953

Yasuo TSUNEMATSU,  
Governor of Shimane Prefecture

- License No.: Kyo. No. 344
- Name & address of the person holding fishery rights:  
Oki Islands Federation of Fisheries  
Co-operative Association, 3,  
Yabi-no-1, O-aza, Saigo-cho,  
Suki-gun, Shimane Prefecture

(text omitted)

|                         |   |
|-------------------------|---|
| Date Created            | June 19, 1953   |
| Author(s) & Editor(s)   | Yasuo TSUNEMATSU,<br>Governor of Shimane Prefecture   |
| Publisher               | Shimane Prefecture  |
| Name of Publication     | Shimane Prefectural News,<br>January - June 1953  |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | General Affairs Division, Department of<br>General Affairs, Shimane Prefectural<br>Government |
| Reference & Information | Send inquiry to Shimane Prefecture<br>Takeshima Reference Room                                |

Period III (3)-ii. Joint Survey of Takeshima conducted by Shimane Prefecture and the Maritime Safety Agency

## Photographic records of the apprehension of illegal intruders by Shimane Prefecture and the Maritime Safety Agency

### No.47 Photos from the joint survey by Shimane Prefecture and the Maritime Safety Agency

FY2014/P14

June 27, 1953



Repository: Shimane Prefecture Takeshima Reference Room

#### Overview

Photos taken during joint research by Shimane Prefecture and the Japan Coast Guard (then called the Maritime Safety Agency) in June 1953.

#### Excerpt [English translation]

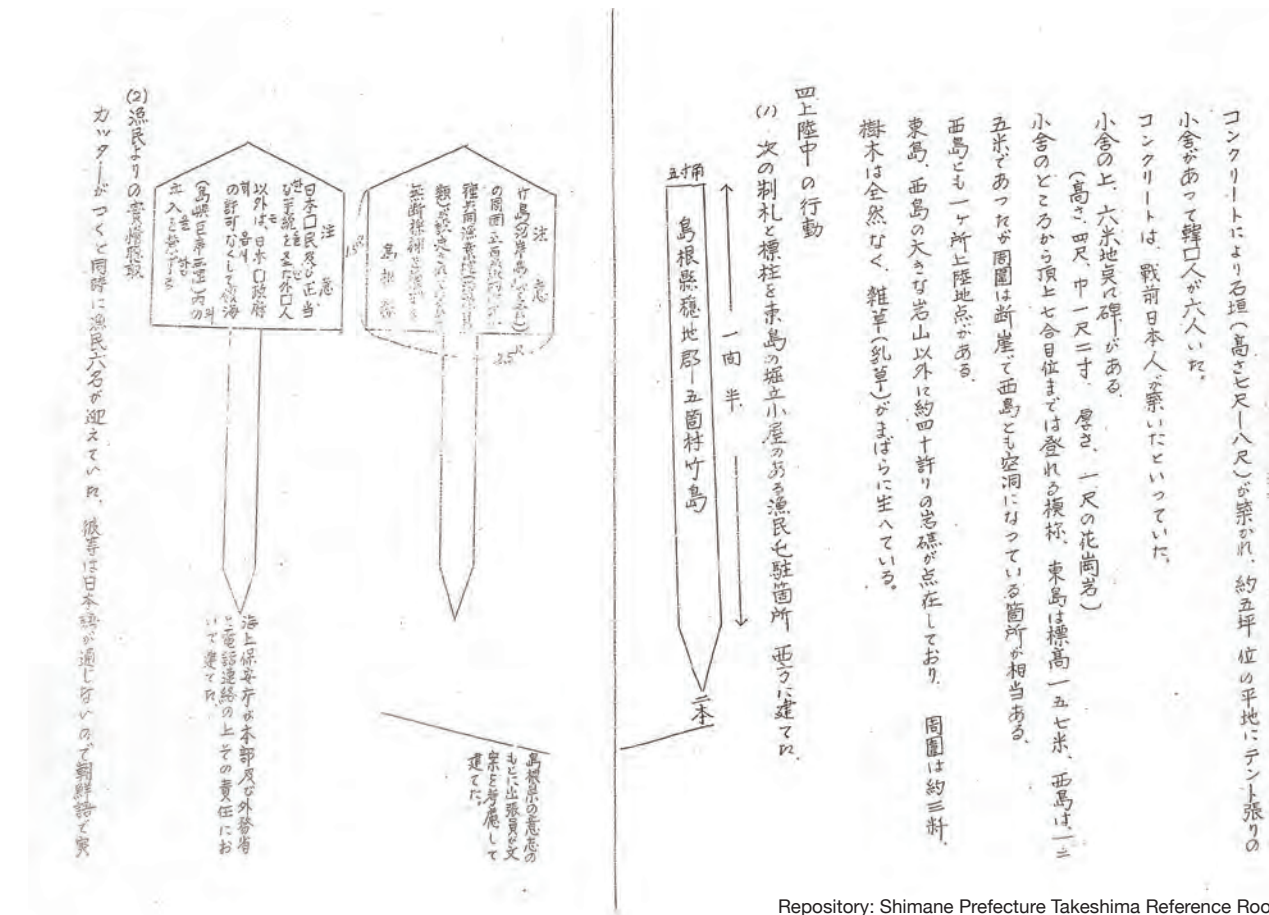
Taken on June 27, 1953. Looking out to sea from the landing point, etc.

|                         |   |
|-------------------------|---|
| Date Created            | June 27, 1953   |
| Author(s) & Editor(s)   | Shimane Prefectural Government                              |
| Publisher               | Publisher Mainichi Shimbun Matsue Branch                    |
| Name of Publication     | Mainichi Shimbun (Osaka Head Office), Shimane edition       |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Close   |
| Repository              | Shimane Prefecture Takeshima Reference Room                 |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room |

Period III (3)-ii. Joint Survey of Takeshima conducted by Shimane Prefecture and the Maritime Safety Agency

Mission Report on the investigations of Takeshima, prepared by an official in the Prefecture's Fishery Division

No.48 "Mission Report" on the Joint Survey of Takeshima conducted by Shimane Prefecture and the Maritime Safety Agency June 28, 1953



Overview

Mission Report to the Governor of Shimane Prefecture from an official in the Prefecture's Fishery Division, concerning the Takeshima survey conducted jointly by Shimane Prefecture and the Japan Coast Guard (then called the Maritime Safety Agency) on June 27, 1953. There exist photographs taken during the survey. See "Photos from the joint survey by Shimane Prefecture and the Maritime Safety Agency" (→No.47).

Excerpt [English translation]

4. Activity after disembarking  
 (1) We set up the following warning notice and marker post to the west of the fishermen's camp on Higashijima, where a shack has been built with embedded posts. (Takeshima, Gokasho Village, Ochi County, Shimane Prefecture)

|                         |   |
|-------------------------|---|
| Date Created            | June 28, 1953   |
| Author(s) & Editor(s)   | Fishery, Commerce and Industry Bureau, Shimane Prefectural Government |
| Publisher               | Fishery, Commerce and Industry Bureau, Shimane Prefectural Government |
| Name of Publication     | -   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Closed  |
| Repository              | Shimane Prefecture Takeshima Reference Room                           |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room           |

## Photographs taken during the survey conducted on Takeshima and its surrounding waters, by the Shimane Prefecture Fisheries Research Institute after the end of the Allied occupation

### No.49 Survey photographs from the Shimane Prefecture Fisheries Research Institute October 1953

#### Overview

The trial fishery ship “*Shimane-maru*” from the Shimane Prefecture Fisheries Research Institute, which participated in the Survey for the Development of Tsushima Warm Current (refer to p.11), conducted on-shore surveys on Takeshima four times (\*1), and also conducted surveys in the waters surrounding Takeshima. These are photographs taken during the surveys.

The photograph with the caption “Mackerel longline fishing trial, 10 nautical miles south of Takeshima” matches the description in the “*Suishu Geppo*” (“Monthly Report of Trial Fisheries”) (Shimane Prefecture Fisheries Research Institute: refer to p.95), stating that many saury eggs and young fish were acquired during the marine survey conducted at a point 10 nautical miles south of Takeshima on May 28. This area was viewed as a potentially good fishing ground for mackerel and other fish.

\*1 (1) May 28, 1953  
(2) September 17, 1953  
(3) October 21, 1953  
(4) March 23, 1954



Repository: Shimane Prefecture Takeshima Reference Room

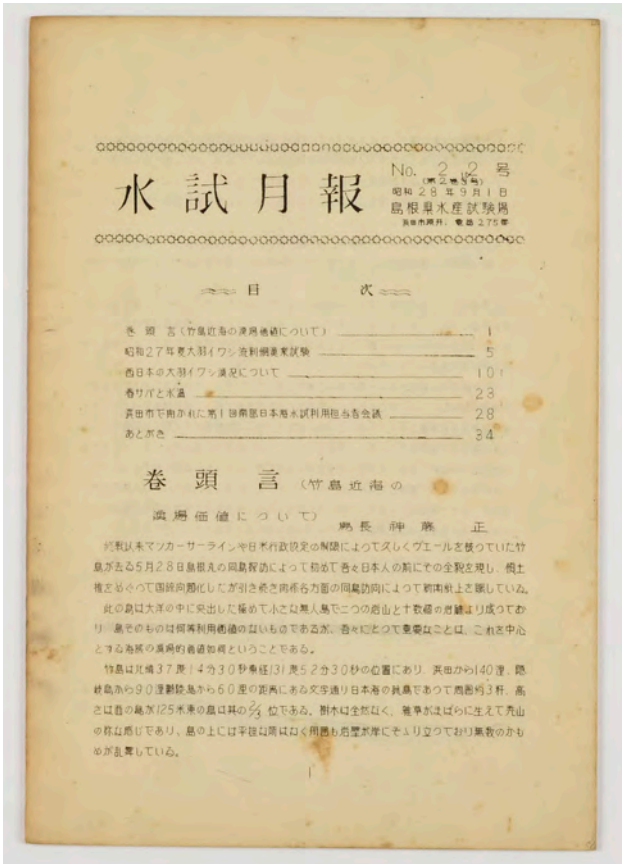
|                         |   |
|-------------------------|---|
| Date Created            | October 1953  |
| Author(s) & Editor(s)   | Individual  |
| Publisher               | Individual  |
| Name of Publication     | Album of Tsutoshi ARAI (former Director of the Shimane Prefecture Fisheries Research Institute) (Material donated by Toshio ARAI) |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Shimane Prefecture Takeshima Reference Room   |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room   |

#### Excerpt [English translation]

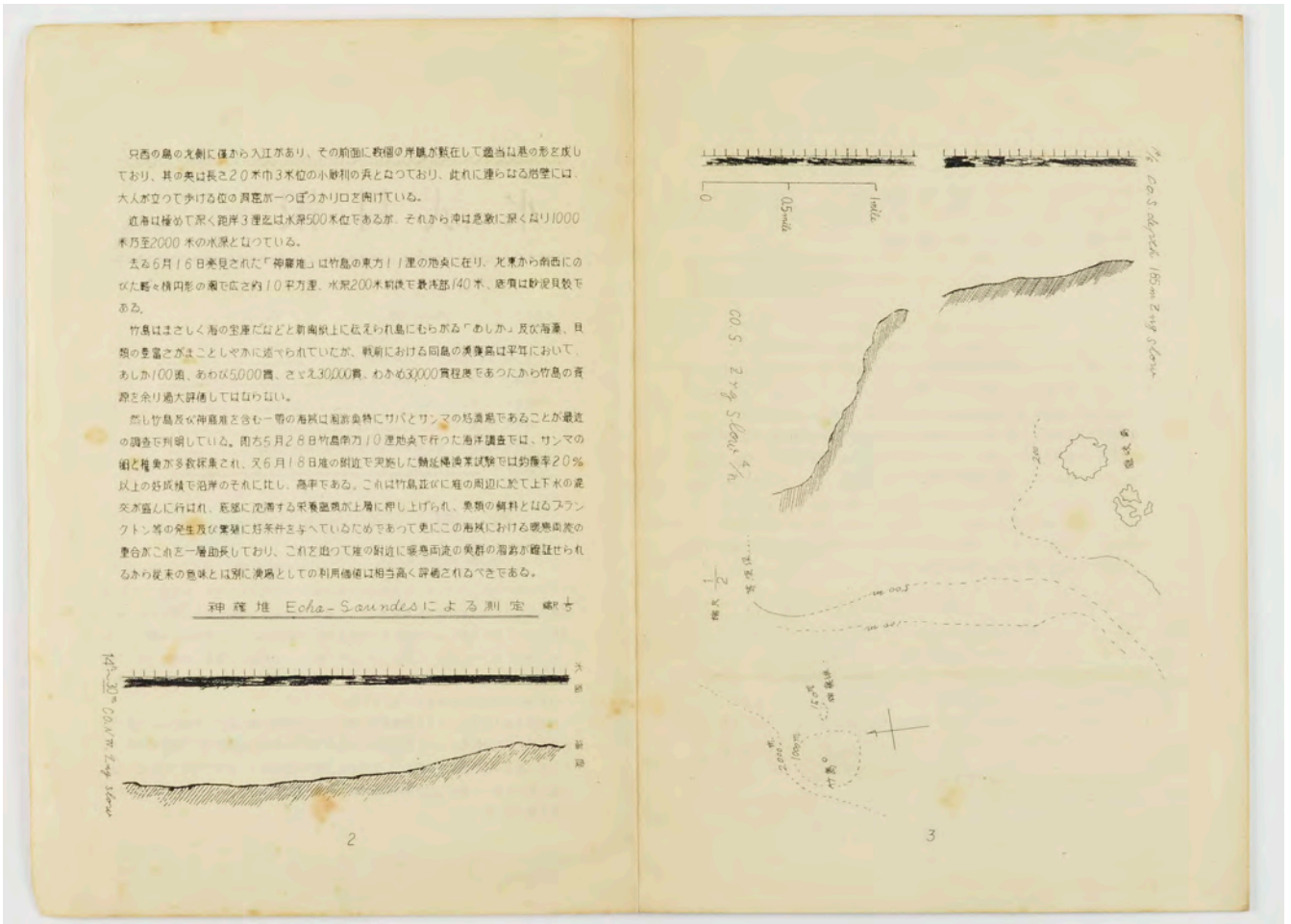
(Photograph)  
Shimane-maru heading out for the survey

Full view of Takeshima, as seen from the north  
(Photograph)

(Photograph) Mackerel longline fishing trial  
Near 10 nautical miles south of Takeshima



Reference: Preface (About the value of fishing grounds near Takeshima) "Suishi Geppo" ("Monthly Report of Trial Fisheries"), Vol. 22 (1953) Repository: Shimane Prefectural Fisheries Technology Center

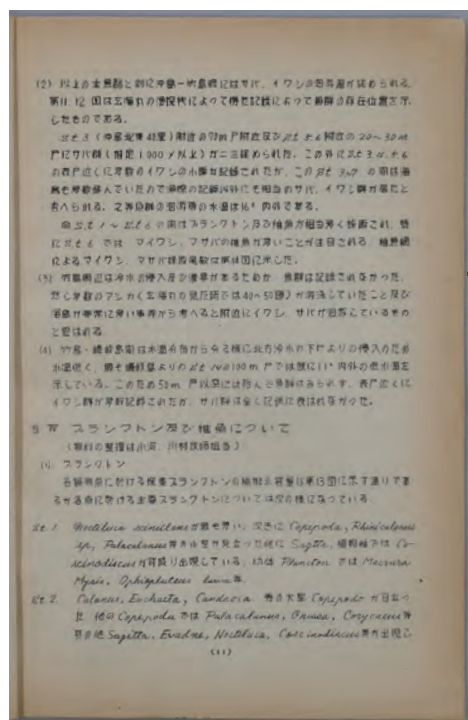
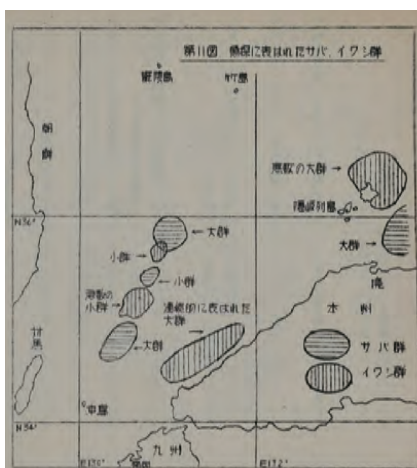
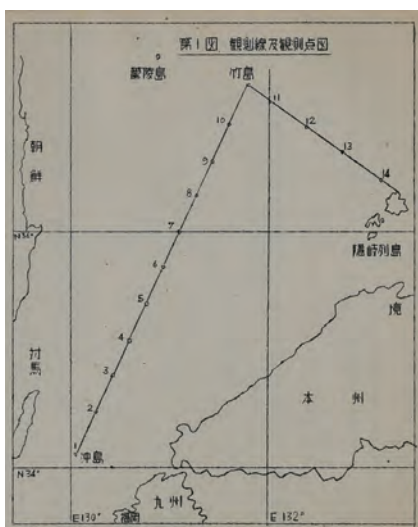




## Survey report on Takeshima by the Fukuoka Prefectural Fisheries Research Institute after the end of the GHQ occupation

**No.50 Survey for Development of Tsushima Warm Current (Part 1)  
Fishing Conditions/Sea Conditions in the Central Nihonkai Fishway  
(Oki Island-Takeshima-Oki Islands) June 1953**

FY2018/P14



Repository: Fukuoka Fisheries and Marine Technology Research Center

## Overview

The Fukuoka Prefectural Fisheries Research Institute, which participated in the Survey for Development of Tsushima Warm Current (refer to p.11), conducted a survey on mackerel resources moving around the Central Nihonkai (the Sea of Japan) on the trial fishery ship “Genkai-maru” from May 10 to May 18, 1953.

This survey, conducted based on actual surveys before WWII, such as the mackerel longline fishing trial conducted by the Tottori Prefecture Fisheries Research Institute (FY2015 report, p.18), confirmed the movement of mackerel and sardines between Okinoshima (Fukuoka Prefecture) and Takeshima, and at the same time, reported on the value of the areas near Takeshima as fishing grounds.

This survey confirmed the presence of 40 to 50 sea lions near Takeshima.

## Excerpt [English translation]

(3) As there is infiltration of cold water and upwelling near Takeshima, there were no records of schools of fish. However, based on observations such as the large number of sea lions (40 to 50 observed by Genkai-maru) swimming around and the large number of sea-islands (sic: read sea-birds), it was hypothesized that there are sardines and mackerel moving around the area.

(text omitted)

|                         |  |
|-------------------------|--|
| Date Created            | June 1953  |
| Author(s) & Editor(s)   | Susumu NONAKA  |
| Publisher               | Fukuoka Prefectural Fisheries Research Institute                           |
| Name of Publication     | Genkai Vol. 2  |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | Fukuoka Fisheries And Marine Technology Research Center                    |
| Reference & Information | Send an inquiry to Fukuoka Fisheries And Marine Technology Research Center |

## Period IV — After the issuance of the declaration concerning “maritime sovereignty” by the President of South Korea From January 1952 ~

### (1) South Korea’s illegal occupation of Takeshima, and intense exchange of notes verbales between Japan and South Korea

#### Unilateral establishment of the “Syngman Rhee Line” and illegal occupation of Takeshima

As explained earlier, the San Francisco Peace Treaty clearly established that Takeshima is a part of Japan’s territory.

However, President Syngman Rhee of South Korea unilaterally set up the so-called “Syngman Rhee Line” on January 18, 1952, prior to the entry into force of the San Francisco Peace Treaty (in April of same year) and in violation of international law. South Korea asserted unilaterally that the vast area of the sea lying within this line falls under its fishery jurisdiction, and included Takeshima within this area.

In response, the Government of Japan sent a note verbale dated January 28 the same year (→No.51) in protest to the South Korean government (\*1).

Thereafter, in June 1954, South Korea dispatched the South Korean Coast Guard to Takeshima, making its illegal occupation of Takeshima definitive.

#### Exchanges between Japan and Korea

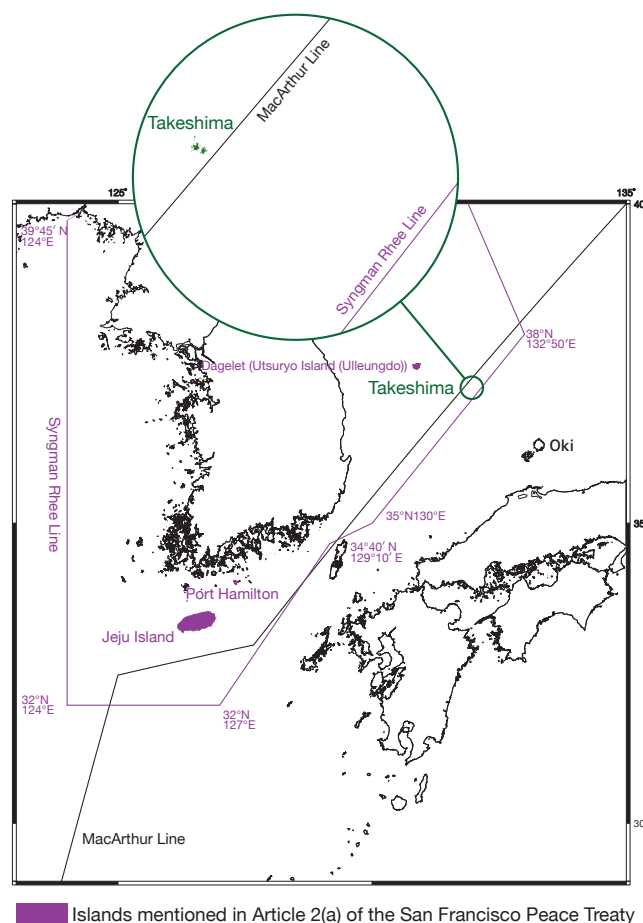
##### Refer to the related chronological table → P91

Including the abovementioned one dated January 28, 1952(→ No.51), the notes verbales exchanged between the two governments regarding the Takeshima dispute totaled 32 in number from the Japanese side and 24 from the Korean side before 1965 when the two governments signed a treaty to normalize their diplomatic relations.

On July 13 1953, the Government of Japan sent “the Opinion of the Government of Japan concerning Takeshima,” which stated in detail that Takeshima is a Japanese territory and that it is duly justified (the first note verbale)( → No.52), on February 10, 1954 (the second), on September 20, 1956 (the third), and on July 13, 1962 (the fourth)( \*2), while the South Korean Government sent a note verbale to argue against Japan on September 9, 1953 (the first), on September 25, 1954 (the second), and on January 7, 1959 (the third) respectively.

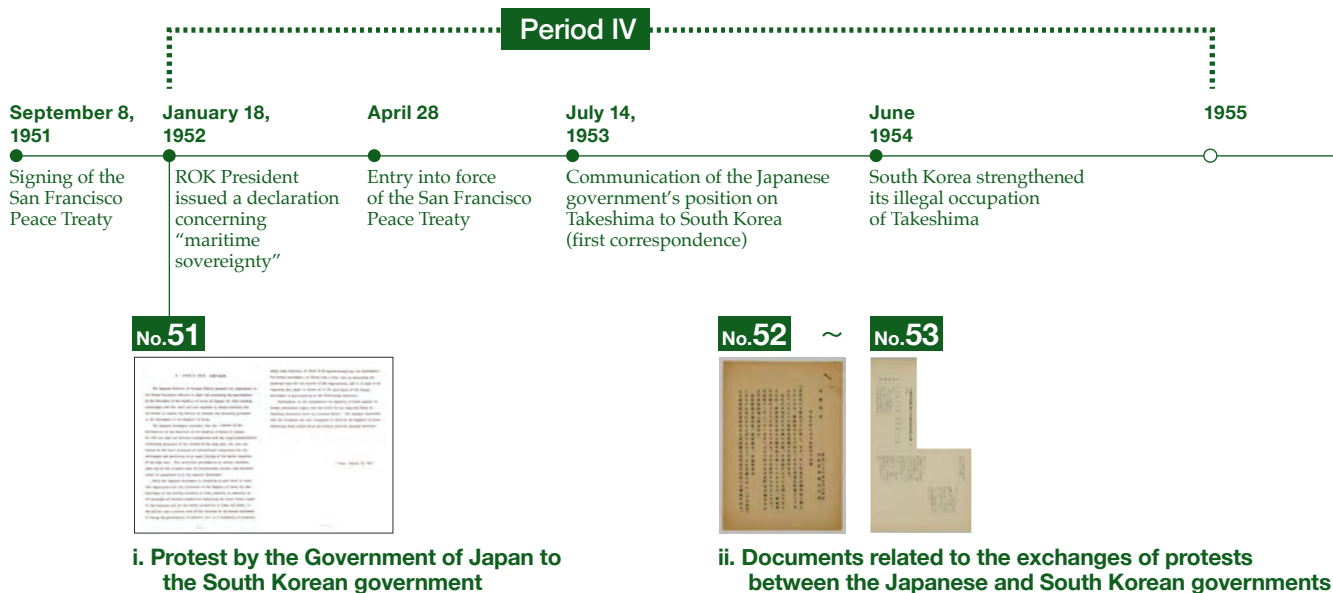
The Government of Japan consistently stated that the peaceful and continuous control over Takeshima, as seen in its incorporation into Shimane Prefecture in 1905, is the basis of ownership of Takeshima under international law. At the same time, the Japanese side requested the South Korean Government to show their grounds for their claim that the government in the Korean Peninsula had sovereignty over Takeshima prior to that date.

In addition, the Government of Japan proposed in the note verbale of September 25, 1954 that the dispute of territorial sovereignty over Takeshima be referred to the International Court of Justice, but the South Korean Government rejected this proposal in its note verbale of October 28, 1954.



\*1 On February 11, 1952, the United States expressed deep concern that South Korea’s declaration concerning “maritime sovereignty” violated the rights enjoyed by all countries on the high seas, and pointed out the possibility that recognition of this declaration could lead to any country issuing declarations unilaterally and converting the high seas into territorial seas.

\*2 The note verbale of February 10, 1954, is available for viewing on the Takeshima Archives Portal (“On the proposal to the Government of the Republic of Korea that the dispute over territorial sovereignty over Takeshima be referred to the International Court of Justice,” November 1954, in “Overseas Survey Monthly Report” Vol. 4, No. 11, Public Information and Cultural Affairs Bureau of the Ministry of Foreign Affairs, Japan).



**Patrols by the Maritime Safety Agency**  
 — Occurrence of shooting incident

Shimane-maru, a research vessel under the Shimane Prefecture Fisheries Research Institute, was conducting a survey on the development of the Tsushima warm current on May 28, 1953. Upon landing on Takeshima to conduct a field survey of the island, the crew discovered South Korean fishermen on the island and reported this to the Shimane Prefectural Government.

After that, as stated previously, the 8th Regional Maritime Safety Headquarters of the Maritime Safety Agency carried out patrol operations of stowaway and poaching activities around Takeshima from June 22 to June 28 (refer to p.79).

On July 12, 1953, dozens of shots were fired from Takeshima at the patrol vessel "Hekura" sailing under the Sakai Coast Guard Office of the 8th Regional Maritime Safety Headquarters near Takeshima. Thereafter, more incidents of shooting at patrol vessels occurred on August 23 and November 21, 1954.

Through our research, we uncovered a full-page article dated New Year's Day, 1954, with photographs of the patrol vessels "Hekura" and "Nagara" under the Sakai Coast Guard Office patrolling the waters near Takeshima, as well as an article and photograph dated January 12 the same year about the activities of the patrol vessels. Both of these articles were published in Nihonkai Shimbun.



January 1, 1954, article from Nihonkai Shimbun Publication of photographs of "Hekura" and "Nagara," patrol vessels under the Sakai Coast Guard Office patrolling the waters near Takeshima  
 Repository: Tottori Prefectural Library



January 1, 1954, article from Nihonkai Shimbun Nishijima of Takeshima, seen through the afterdeck of the patrol vessel "Nagara"  
 Repository: Yonago City Library

**Relevant Timeline (until 1965. The underlines indicate the notes verbales regarding the claims of sovereignty over Takeshima by both Japanese and the Republic of Korea (ROK) governments (\*)).**

\* For the details of the note verbale, see Document No.55 of this report (p.97)

| Japan/United States (Allied Nations) |   | ROK  |
|--------------------------------------|---|--|
| 1945.11.3                            | U.S. Pacific Fleet establishes the areas where Japanese are permitted to engage in fishing (the MacArthur Line) (*)<br>*Memorandum of Naval Shipping Control Authority for Japanese Merchant Marine (SCAJAP-587)  |  |
| 1946.1.29                            | The General Headquarters direct the Japanese Government to suspend exercising administrative authority over Takeshima by issuing SCAPIN-677.  |  |
| 1946.6.22                            | The General Headquarters expand the MacArthur Line by issuing SCAPIN-1033. Takeshima is excluded from the area. The prohibited range around Takeshima is defined as 12 nautical miles.  |  |
| 1947.9.16                            | The General Headquarters designates Takeshima as a bombing range for the U.S. Forces by issuing SCAPIN-1778.  | 1947.6~8 "Dokdo"- related articles appear on various newspapers in ROK.  |
| 1949.9.19                            | The General Headquarters revise the MacArthur Line by issuing SCAPIN-2046. Takeshima is still the outside of the line. The prohibited area around Takeshima is narrowed from within 12 nautical miles to within 3 nautical miles.   | 1947.8.16 ~8.28 "Corea Alpine Club" conducts research on Utsuryo Island (Ulleungdo) and Takeshima.   |
|                                      |   | 1948.6.8 Bombing of Takeshima by the U.S. Forces causes casualties among South Korean people.  |
| 1951.7.6                             | The General Headquarters re-designates Takeshima as a bombing range for the U.S. Forces by issuing SCAPIN-2160.   | 1951.7.19 The Government of ROK demands that the U.S. Government revise the draft Peace Treaty, claiming that Takeshima has been part of ROK's territory.  |
| 1951.8.10                            | The Government of the U.S. rejects the claim by ROK on July 19, 1951 (the Rusk's note).   |  |
| <u>1952.1.28</u>                     | <u>The Government of Japan protests against a declaration concerning "maritime sovereignty" issued by the ROK President Syngman RHEE. Japan refutes South Korea's "self-claim" of sovereignty over Takeshima.</u>   | 1952.1.18 A declaration concerning maritime sovereignty issued by the President of ROK, Syngman Rhee. Takeshima is enclosed in the waters over which ROK declared its sovereignty.                         |
| 1952.4.25                            | Abolishment of MacArthur Line.  |  |
| <u>1952.4.25</u>                     | <u>The Government of Japan refutes South Korea's claim of sovereignty over Takeshima.</u>   | <u>1952.2.12 The Government of ROK counters the Government of Japan's protest on January 28, 1952.</u>   |
| 1952.4.28                            | San Francisco Peace Treaty enters into force.   |  |
| 1952.7.26                            | The Ministry of Foreign Affairs announces Takeshima's designation as a bombing range for the U.S. Air Force in accordance with the Administrative Agreement under Article III of the Japan-US Security Treaty.  | 1952.9.17 ~9.28 "Corea Alpine Club" dispatches "Ulleungdo/Dokdo academic investigation team."  |
| 1952.12.4                            | The U.S. Government notifies the South Korean Government that, with respect to the territorial status of Takeshima, the position of the U.S. is as stated in the Rusk's note.   |  |
| 1953.3.19                            | The Japan-U.S. Joint Committee approves the proposal for removing Takeshima from the list of bombing ranges for the U.S. Air Force.   |  |
| 1953.5.1                             | Representatives from both Japanese and the U.S. governments at the Japan-U.S. Joint Committee agree to remove Takeshima from the list of the bombing ranges for the U.S. Air Force.   |  |
| 1953.5.14                            | The Ministry of Foreign Affairs of Japan announces the release of Takeshima from the bombing range for the U.S. Air Force.  |  |
| 1953.6.18                            | Shimane Prefecture issues a license for the common fishing right around Takeshima to the Oki Islands Federation of Fisheries Co-operative Associations. (Permit issued on June 10 to the fishermen living in Oki to conduct sea lion hunting)   |  |
| 1953.6.27                            | Officers from the Maritime Safety Agency, police officers, and Shimane Prefectural officials land on Takeshima. Order the illegally entered South Korean person to vacate.  | 1953.8.22 The Government of ROK protests Japanese vessel's "intrusion into territorial waters" (July 12, 1953).  |
| 1953.7.12                            | Patrol vessel "Hekura" shot at near Takeshima.  | <u>1953.9.9 The Government of ROK sends the first "Opinion of the Government of ROK concerning Takeshima" to the Government of Japan.</u>  |
| <u>1953.7.13</u>                     | <u>The Government of Japan sends the first "Opinion of the Government of Japan concerning Takeshima" to the Government of the Republic of Korea.</u>  | 1953.10.11 ~10.17 "Corea Alpine Club" dispatches "Ulleungdo/Dokdo academic investigation team."  |
| <u>1954.2.10</u>                     | <u>The Government of Japan sends the second "Opinion of the Government of Japan concerning Takeshima" to the Government of the Republic of Korea.</u>   |  |
| 1954.5.3                             | The Kumi Fisheries Co-operative Association in Goka Village, Oki Island, conducts fishing activities around Takeshima.  |  |
| 1954.8.23                            | Patrol vessel "Oki" shot at near Takeshima.   | 1954.6.11 Emergency dispatch of National Maritime Police Agency to Takeshima by the Government of ROK.   |
| <u>1954.9.25</u>                     | <u>The Government of Japan proposes that the dispute over Takeshima be referred to the International Court of Justice.</u>  | <u>1954.9.25 The Government of ROK sends the second "Opinion of the Government of ROK concerning Takeshima" to the Government of Japan.</u>  |
| 1954.9.30                            | The U.S. Government prepares the Report of the Van Fleet Mission to the Far East. The report states that Takeshima remained as a Japanese territory under the Peace Treaty and the U.S. recommends to ROK that the dispute over Takeshima be presented to the International Court of Justice (Reported to President Eisenhower on October 4). | <u>1954.10.28 The Government of ROK rejects the proposal from Japan that the dispute of territorial sovereignty over Takeshima be referred to the International Court of Justice.</u>                      |
| 1954.11.21                           | Patrol vessels "Hekura" and "Oki" fired at near Takeshima.  |  |
|                                      |   | 1955.5 Ministry of Foreign Affairs of the ROK Government publishes "Foreign Affairs Series No.11: Introduction to the Dokdo Issue."  |
| <u>1956.9.20</u>                     | <u>The Government of Japan sends the third "Opinion of the Government of Japan concerning Takeshima" to the Government of ROK.</u>  |  |
|                                      |   | <u>1959.1.7 The Government of ROK sends the third "Opinion of the Government of ROK concerning Takeshima" to the Government of Japan.</u>  |
| 1962.3.12                            | Minister of Foreign Affairs Zentaro Kosaka proposes in the meeting with ROK Foreign Minister Choe Deok-sin that the dispute of territorial sovereignty over Takeshima be referred to the International Court of Justice.  |  |
| <u>1962.7.13</u>                     | <u>The Government of Japan sends the fourth "Opinion of the Government of Japan concerning Takeshima" to the Government of ROK.</u>   |  |
| 1962.10.20                           | Minister of Foreign Affairs Masayoshi Ohira proposes in the meeting with Kim Jong-pil, director of the Central Intelligence Agency, that the dispute of territorial sovereignty over Takeshima be presented/submitted to the International Court of Justice.  |  |
| 1962.10.22                           | Prime Minister Hayato Ikeda proposes in the meeting with Kim Jong-pil, director of the Central Intelligence Agency, that the dispute of territorial sovereignty over Takeshima be referred to the International Court of Justice.   |  |
| 1962.11.22                           | Minister of Foreign Affairs Masayoshi Ohira proposes in the meeting with Kim Jong-pil, director of the Central Intelligence Agency, that the dispute of territorial sovereignty over Takeshima be referred to the International Court of Justice.   |  |
| 1965.6.22                            | "Exchange of Notes regarding Dispute Resolution"  | 1965.6.22 "Exchange of Notes regarding Dispute Resolution"<br><u>1965.12.17 The Government of ROK sends the fourth "Opinion of the Government of ROK concerning Takeshima" to the Government of Japan.</u> |

## Protest by the Government of Japan against the declaration by the President of the Republic of Korea

### No.51 A note verbale of protest from the Government of Japan to the Government of the ROK on January 28, 1952, in response to a declaration concerning “maritime sovereignty” by the President of the ROK, Syngman RHEE January 28, 1952

FY2016/P27

|   |   |
|---|---|
| <p style="text-align: center;">1. 1952.1.28 字 日韓口達書</p> <p>The Japanese Ministry of Foreign Affairs presents its compliments to the Korean Diplomatic Mission in Japan and concerning the proclamation of the President of the Republic of Korea of January 18, 1952 claiming sovereignty over the shelf and seas adjacent to Korean territory has the honour to request the Mission to transmit the following statement to the Government of the Republic of Korea:</p> <p>The Japanese Government considers that the contents of the proclamation of the President of the Republic of Korea of January 18, 1952 not only are entirely incompatible with the long internationally established principle of the freedom of the high seas, but also run counter to the basic principle of international cooperation for the development and protection on an equal footing of the marine resources of the high seas. This unilateral proclamation is utterly untenable under any of the accepted ideas of international society, and therefore cannot be acquiesced in by the Japanese Government.</p> <p>While the Japanese Government is preparing in good faith to enter into negotiation with the Government of the Republic of Korea for the adjustment of the fishing interests of both countries in adherence to the principle of friendly cooperation underlying the Peace Treaty signed at San Francisco and for the mutual prosperity of Japan and Korea, it can not but take a serious view of the attitude of the Korean Government in making the proclamation in question just as a conference on fisheries,</p> <p style="text-align: center;">-1-</p> | <p>among other subjects, is about to be opened between the two Governments. The Korean Government, in taking such a step, will be destroying the necessary base for the success of the negotiations, and it is much to be regretted that doubt is thrown as to the good faith of the Korean Government in participating in the forthcoming conference.</p> <p>Furthermore, in the proclamation the Republic of Korea appears to assume territorial rights over the islets in the Japan Sea known as Takeshima (otherwise known as Liancourt Rocks). The Japanese Government does not recognize any such assumption or claim by the Republic of Korea concerning these islets which are without question Japanese territory.</p> <p style="text-align: right;">Tokyo, January 28, 1952.</p> <p style="text-align: center;">-2-</p> |
|---|---|

Repository: Shimane Prefecture Takeshima Reference Room

#### Overview

On January 18, 1952, the ROK unilaterally established the so-called “Syngman Rhee Line”, and claimed Korean fishing jurisdiction over the vast body of water inside the line encompassing Takeshima. In response to this, Japan protested by a note verbal sent to the Government of the ROK on January 28. In the note, the Government of Japan strongly protested against the Government of the ROK stating “in the proclamation the Republic of Korea appears to assume territorial rights over the islets in the Japan Sea known as Takeshima (otherwise known as Liancourt Rocks). The Japanese Government does not recognize any such assumption or claim by the Republic of Korea concerning these islets, which are without question Japanese territory” (provisional translation).

In the first part of this note, the Japanese Government strongly criticized this unilateral proclamation by the President of the ROK stating, “entirely incompatible with the long internationally established principle of freedom of the high seas,” and running “counter to the basic principle of international cooperation for the development and protection on an equal footing of the marine resources of the high seas.”

#### Excerpt [English translation]

Furthermore, in the proclamation the Republic of Korea appears to assume territorial rights over the islets in the Japan Sea known as Takeshima (otherwise known as Liancourt Rocks). The Japanese Government does not recognize any such assumption or claim by the Republic of Korea concerning these islets which are without question Japanese territory.

|                         |   |
|-------------------------|---|
| Date Created            | January 28, 1952  |
| Author(s) & Editor(s)   | Ministry of Foreign Affairs, the Government of Japan                                  |
| Publisher               | Ministry of Foreign Affairs, the Republic of Korea                                    |
| Name of Publication     | Collections of Dokdo-related Materials<br>(I) The Diplomatic Correspondence (1952-76) |
| Language                | English   |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Shimane Prefecture Takeshima Reference Room   |
| Reference & Information | Send inquiry to Shimane Prefecture Takeshima Reference Room                           |

**Period IV** (1)-ii. Documents related to the exchanges of protests between the Japanese and South Korean governments

**First note verbale on the position of the Japanese government demonstrating the legitimacy of its territorial sovereignty over Takeshima (July 13, 1953)**
**No.52 News release material of the Ministry of Foreign Affairs**

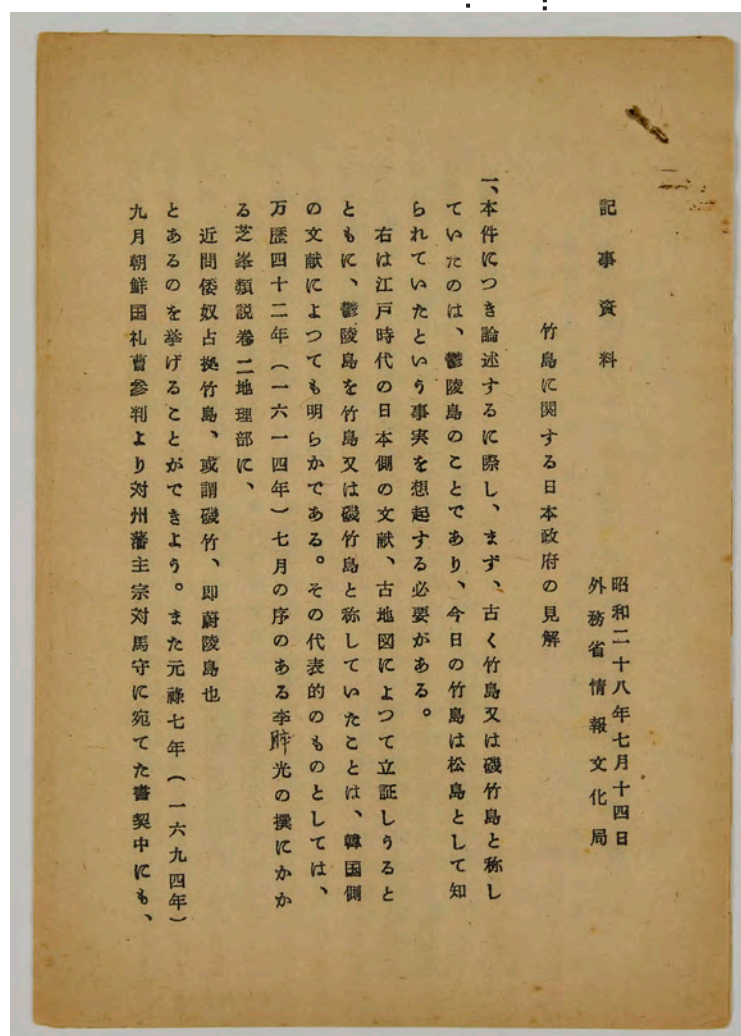
FY2017/P16

**Japanese Government's Views concerning Takeshima** July 14, 1953

**Overview**

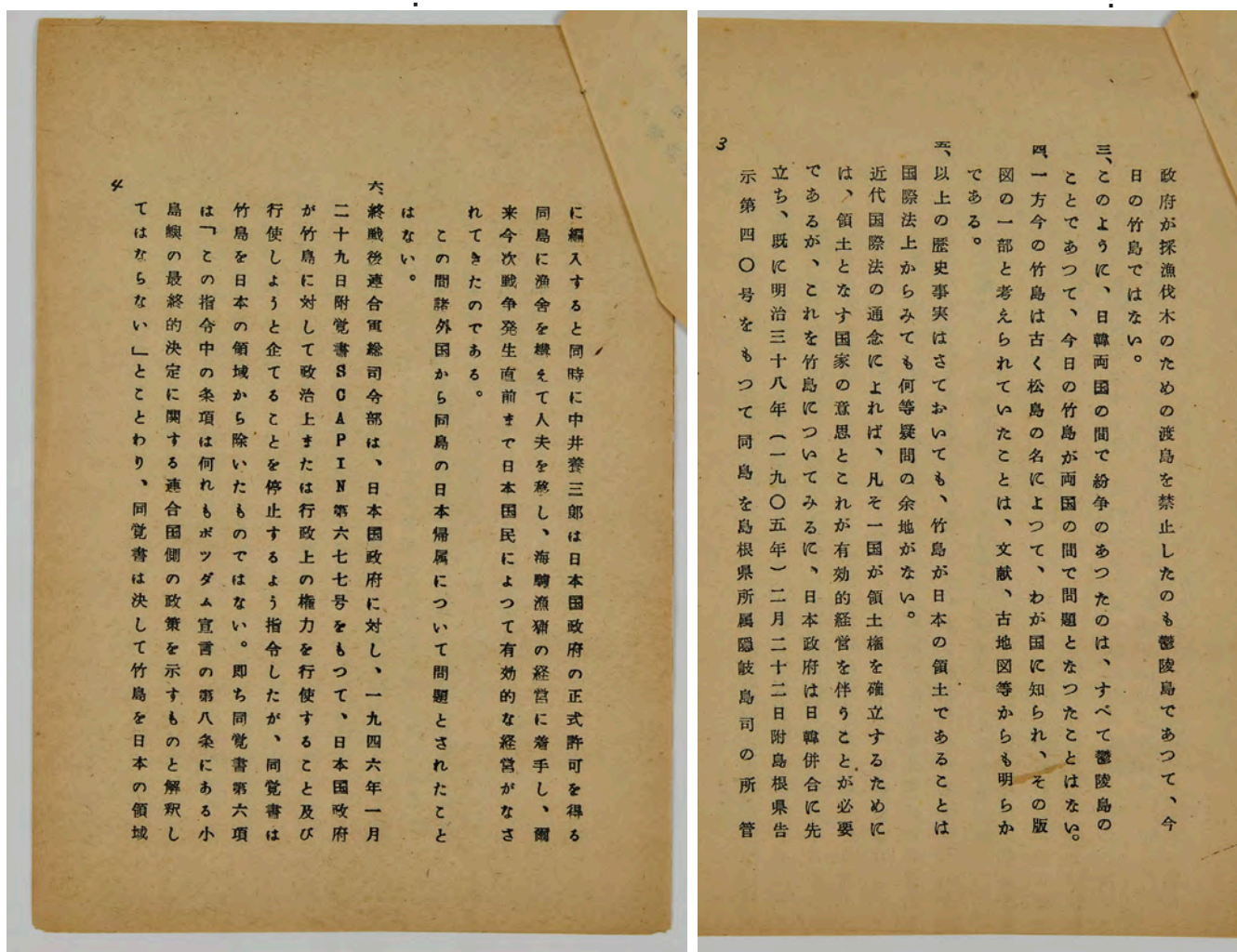
On July 13, 1953, the Government of Japan advocated the legitimacy of its territorial sovereignty over Takeshima and refuted against the ROK through a note verbale. This document is a news release with the same content as the said note verbale that the Ministry of Foreign Affairs of Japan released externally on the day following the issuance of the said note verbale (July 14th). Following this, four notes verbales (including the one mentioned above) with opinions on the territorial grounds were exchanged between the Governments of Japan and South Korea.

In this note verbale, the Government of Japan put forth its position justifying its territorial sovereignty over Takeshima with three rationales: first, unlike Korea, the government of Japan had clear recognition of Takeshima at the earlier stage of its history; second, Japan's measures including the incorporation of Takeshima into Shimane Prefecture in 1905 and its effective control over the island thereafter is consistent with international law concerning territorial acquisition; finally, noting the process in which the territory of Japan were determined after WWII.



Repository: Shimane Prefectural Library

|                         |   |
|-------------------------|---|
| Date Created            | July 14, 1953   |
| Author(s) & Editor(s)   | Public Information and Cultural Affairs Bureau, Ministry of Foreign Affairs |
| Publisher               | -   |
| Name of Publication     | -   |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | Shimane Prefectural Library   |
| Reference & Information | Follow the instructions at Shimane Prefectural Library                      |



Repository: Shimane Prefectural Library

## Excerpt from the original English translation

1. In considering this matter, it should be recalled in the first place that the island which bore the name of Takeshima or Isotakeshima in former times was what is now called Ul-Lung island and that the present Takeshima was known as Matsushima

(text omitted)

3. Thus, all the conflicts which have existed between Japan and Korea have referred to Ul-Lung island, and the present Takeshima has never been made an issue by both governments.

4. On the other hand, literature, old maps, etc. clearly show that the present Takeshima was known to Japan in olden times by the name of Matsushima, and considered as an integral part of her territory.

5. Apart from the historical facts as mentioned above, there is not the slightest doubt either from the viewpoint of international law that Takeshima is included in the Japanese territory.

In order that a nation may establish its territorial right over

any extension of land, it is required, according to the accepted idea of modern international law, to have an intention of making the land a part of its territory, and to exercise an effective administration thereupon. In the case of Takeshima, the Japanese Government, prior to the annexation of Korea, placed the island under the jurisdiction of the head of Okishima belonging to Shimane prefecture by Notification No. 40 of the Prefectural Government under date of February 22nd of the 38th year of Meiji (1905). At the same time, a Japanese national, Yosaburo Nakai, obtained an official permission of the Japanese Government, and undertook the catching of sea-lions near the island by building cottage on the island for the fishermen whom he took there. And ever since that time the island had been effectively developed by the Japanese people until the outbreak of the last war.

All this while the Japanese jurisdiction over the island had never been questioned by any foreign countries.

(text omitted)

Period IV

(1)-ii. Documents related to the exchanges of protests between the Japanese and South Korean governments

Article reporting on Japan’s continued protest against the Republic of Korea, and deliberation on referring the case to the International Court of Justice

No.53

FY2017/P18

Towards the clarification of the territorial sovereignty over Takeshima with the possibility of referring it to the United Nations  
A hardline approach decided due to the bad faith response from the ROK

July 14, 1953, Yomiuri Shimbun

Overview

This newspaper article reported that the Government of Japan was considering its policy options on Takeshima including possible submission of the Takeshima issue to the International Court of Justice (ICJ) in response to the shooting incident of the Japanese patrol vessel “Hekura” near Takeshima on July 12, 1953. On July 13, the Japanese Government issued a note verbale to protest to the South Korean Government and released its contents to the public on July 14(→ No.52).

In addition, this newspaper article also covered the notes verbales regarding Takeshima between Japan and the ROK that had been issued since the unilateral act of establishing the Syngman Rhee Line by the ROK and summarized the positions of the two countries.

Excerpt [English translation]

With regard to the incident in which the Maritime Safety Agency’s patrol vessel was shot at by South Korean fishing boats near Takeshima on the morning of February 12, the Ministry of Foreign Affairs, on February 13 at 8 p.m., sent a note verbale to the ROK mission to Japan in order to lodge a strong protest against the incident. Then, the development of this issue suddenly attracted attention, as the Government of Japan was reportedly considering possible submission to the ICJ in The Hague and the United Nations of the matter of territorial sovereignty over Takeshima, depending on the coming developments.

This protest was issued as a result of the joint conference of the Maritime Safety Agency, the Ministry of Justice, National Rural Police, and the Ministry of Foreign Affairs, (text omitted) and the predominant opinion was that Japan should take a hardline approach if the ROK side continued to ignore the protest from Japan or continued to act in bad faith in negotiations (text omitted).



Repository: Yomiuri Shimbunsha “Yomidak Rekishikan”

|                         |  |
|-------------------------|--|
| Date Created            | July 14, 1953  |
| Author(s) & Editor(s)   | -  |
| Publisher               | Yomiuri Shimbunsha   |
| Name of Publication     | Yomiuri Shimbunsha   |
| Language                | Japanese   |
| Medium                  | Electronic Data  |
| Public Access           | Open   |
| Repository              | Yomiuri Shimbunsha   |
| Reference & Information | Access the “Yomidak Rekishikan” on-line (Yomiuri Shimbun database) |



Proposal to refer the dispute over territorial sovereignty over Takeshima to the International Court of Justice (September 25, 1954), and the second note verbale sent by the Government of Japan on the issue of territorial sovereignty over Takeshima (February 10, 1954)

No.54 On the proposal to the Government of the Republic of Korea that the dispute over territorial sovereignty over Takeshima to be referred to the International Court of Justice

FY2015/P20

Article in "Overseas Survey Monthly Report" by the Ministry of Foreign Affairs

65 竹島の領有権問題の国際司法裁判所への付託につき韓国政府に申入れについて



- 竹島附近 島根県東部
- 1 十六町八反歩
  - 2 五町四反歩
  - 3 六反歩
  - 4 六畝二十歩
  - 5 六畝十八歩
  - 6 六畝十八歩
  - 7 七畝十四歩
  - 8 六畝二十歩
  - 9 外十九箇所 一反九畝歩
  - 10 計 二十三町三反三畝歩
- 昭和二十九年九月二十五日

64

竹島の領有権問題の国際司法裁判所への付託につき韓国政府に申入れについて

かねて日韓両国間に係争中の竹島の領有権問題に關し、韓国側はわが方の過去数次におたる抗議と申入れにもかかわらず、竹島に対する韓国の領土権を主張して譲らないのみならず、最近に至つては、同島に警備員を常駐せしめるとともに、韓国の標識を建設し、また燈台を設置してこれを關係国政府に通報する等既成事実をつくり、実力による支配を確立せんとしている。

事情かくの如き次第であるので、今後この紛争につき両国間の直接交渉を継続しても、その解決は極めて困難と認められるのみならず、第三国による斡旋も問題の性質上期待をかけ難いものと考へられる。

よつて、本件紛争の最終的且つ平和的解決を図るため、今同九月二十五日付在韓韓国代表部に対する口上書をもつて、別紙のとおり、両国政府の合意により問題を国際司法裁判所に付託することをわが方より提議した。

わが方は、右付託の提議と同時に、国際司法裁判所の判決のあるまでの期間竹島において紛争の発生を防止するための具体的措置につき韓国政府を協議する用意のあることを併せて申入れた。なお、戦後における竹島間諜の摘発は紙幣のごとくであり、また、韓国側の主張に対しわが方が竹島領有の根拠として示した歴史的及び国際法上の見解(昭和二十九年二月十日付在韓韓国代表部に対して口上書)は別紙のとおりである。

外務省は、在本邦大韓民國代表部に敬意を表すとともに、竹島の領有問題に關し、次のとおり申し述べる光榮を有する。

一 日本国政府は、竹島が日本国領土の不可分の一部であることを確信し、これを韓国領土なりとする大韓民國政府の主張を、いじの公文、特に一九五四年二月十日付外務省口上書並第二五五号をもつて反ばつてきた。しかしながら、大韓民國政府は日本国政府の見解を全く無視したのみならず日本国政府

平和的解決を懸望し、本件紛争を日本国政府及び大韓民國政府の合意の下に国際司法裁判所に付託することをここに提議する。

三 日本国政府は、大韓民國政府がこの紛争の最終的解決を最も公正にして權威ある機関すなわち、国際司法裁判所にゆだねることに同意すべきことを確信し、早急に好意ある回答を寄せられることを期待する。

日本国政府は、ここに、国際司法裁判所の下すいかなる判決にも誠実に従うものであることを誓約する。

四 裁判所の判決のあるまでの期間、両国政府が事件をこれ以上紛糾させないためにあらゆる手段を尽すことは、最も望ましいことと考へられる。よつて、外務省は、日本国政府が竹島及びその周辺において困難な事件の発生を防止するための共同の暫定措置について大韓民國政府と協議する用意があることを同代表部に通報する。

外務省は、在本邦大韓民國代表部が前記の諸提案を大韓民國政府に伝達し、それらの提案に対する同國政府の見解を同省に通報せられんことを要請する。

Repository: National Diet Library (Available for viewing on the Takeshima Archives Portal)

Overview This article introduces a note verbale from the Government of Japan proposing that the dispute over territorial sovereignty over Takeshima to be referred to the International Court of Justice (September 25, 1954) and another note verbale on the position of the Government of Japan on sovereignty over Takeshima (February 10, 1954).

Excerpt [English translation] Considering the dispute over territorial sovereignty over Takeshima, which has been at issue between Japan and the Republic of Korea even though Japan has raised objections and made proposals many times, the Korean side is not only adamant on asserting its own territorial sovereignty over Takeshima, but has also recently (text omitted) attempted to establish its control by force.

|                         |   |
|-------------------------|---|
| Date Created            | November 1954   |
| Author(s) & Editor(s)   | Public Information and Cultural Affairs Bureau, Ministry of Foreign Affairs |
| Publisher               | Institute for International Economic Studies                                |
| Name of Publication     | "Overseas Survey Monthly Report" Vol. 4 No. 11                              |
| Language                | Japanese  |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | National Diet Library   |
| Reference & Information | Apply for perusal at the National Diet Library; view on microfilm.          |

**Period IV** (1)-ii. Documents related to the exchanges of protests between the Japanese and South Korean governments

**List of documents showing that the Japanese Government have continued to lodge its protest to the ROK Government**
**No.55 Intense exchange of notes verbales between the Governments of Japan and ROK regarding the territorial sovereignty over Takeshima**

FY2017/P20

March 10, 1966

**Overview**

A table of the order of events regarding the notes verbales exchanged between Japan and the ROK over the issue of territorial sovereignty over Takeshima. This table presents the dates and summaries of the notes verbales exchanged between the two governments in the years 1952 - 1965 (32 notes from Japan and 24 notes from the ROK).

**Excerpt [English translation]**

Intense exchange of notes verbales between the Government of Japan and the Government of the ROK regarding the territorial sovereignty over Takeshima (in chronological order)

**Notes verbales from Japan**

1952.1.28

Japan protested against the declaration of the Syngman Rhee Line (January 18, 1952) and emphasized that Takeshima, which had been incorporated within the Line, is a Japanese territory without any doubt, and therefore, that South Korean argument on the territorial sovereignty over the islands was not acceptable. (\*1)

(text omitted)

1952.4.25

Japan refuted the ROK claim to the territorial sovereignty over Takeshima (Japan stated that Takeshima had long been under the control of Japan as part of Shimane Prefecture, and that SCAPIN-677 had not denied the territorial sovereignty of Japan over Takeshima, SCAPIN-2046 (dated September 19, 1949) (\*2), which had established the MacArthur Line, had clearly specified that the directive had been not an expression of policies concerning the final [decision] of the allied nations on the territorial rights)".

(text omitted)

1953.7.13

Opinion of the Government of Japan concerning the territorial sovereignty over Takeshima (stating that it is indisputable that Takeshima is an inherent part of the territory of Japan in light of historical facts and under international law) (\*3)

(text omitted)

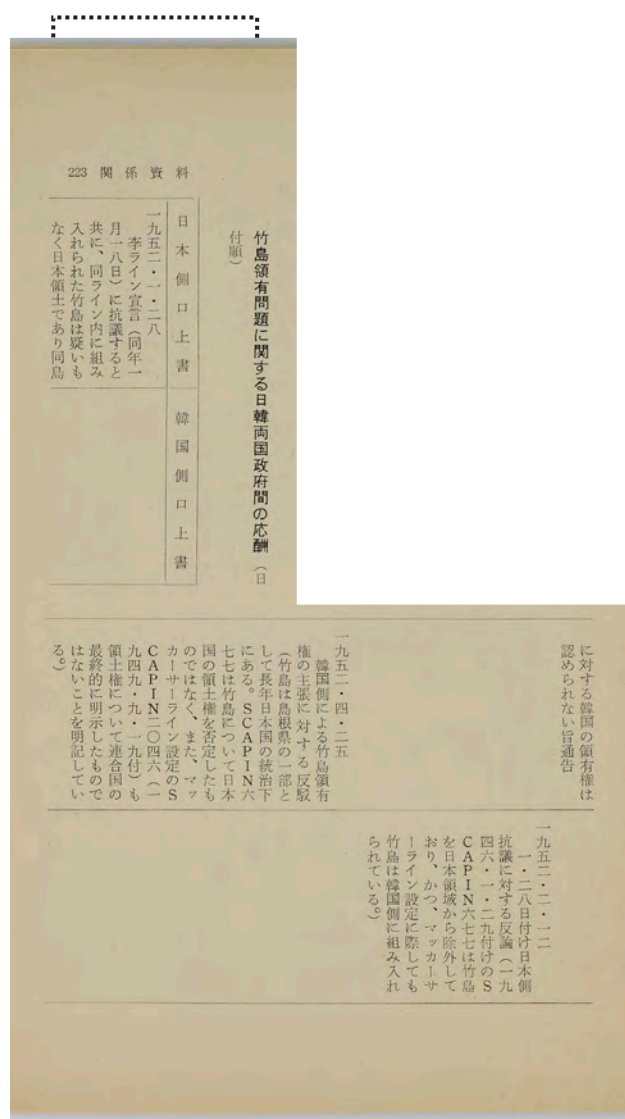
1954.11.29

Protest by Japan against the issuance of Takeshima stamps by the Government of ROK

(text omitted)

Note verbale from the ROK side

(text omitted)

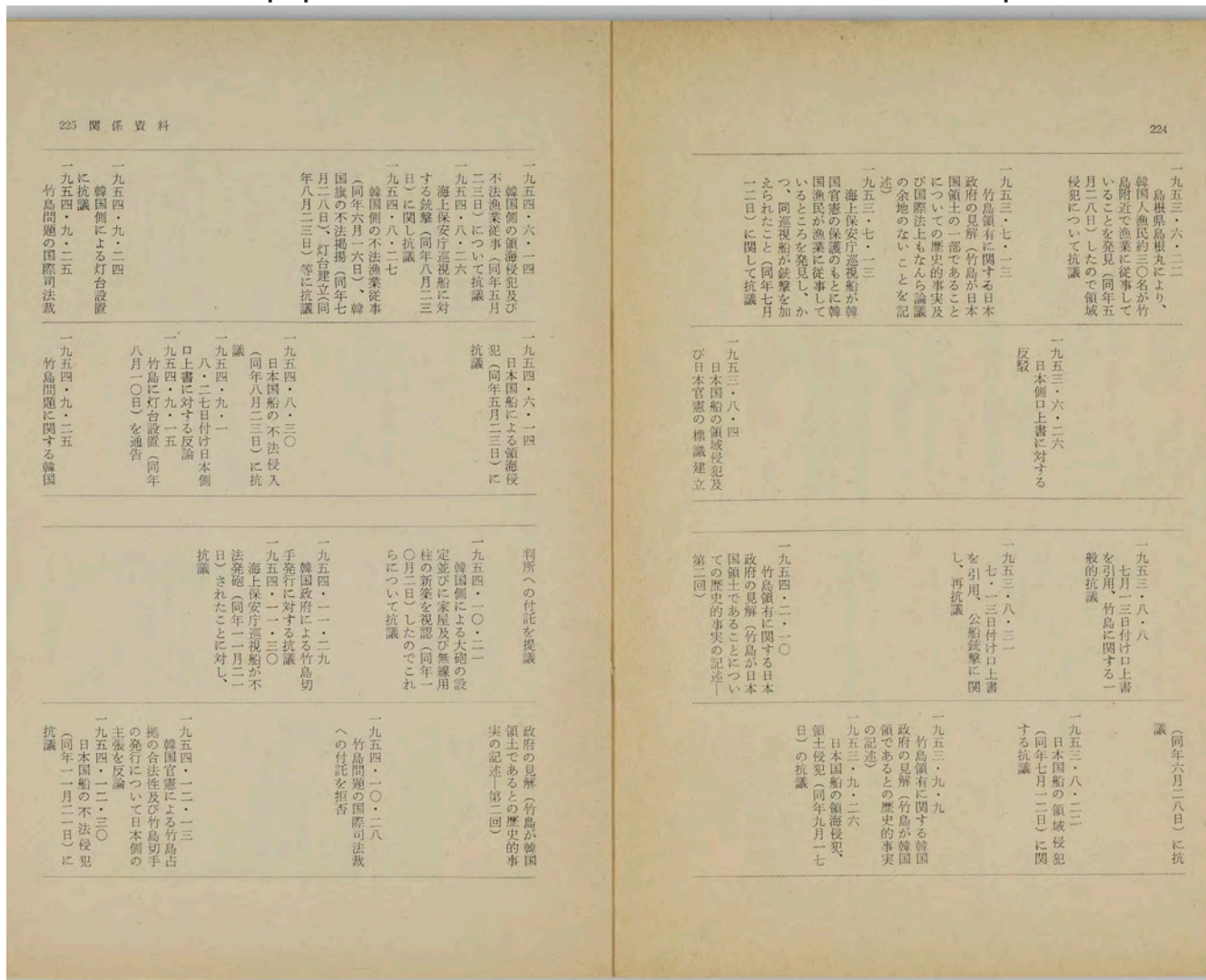


Repository: National Diet Library

\*1 See Document No.55 of FY 2016 Research Report

\*2 Regardless of the use of the word "established" here the MacArthur Line was not established by SCAPIN-2046 for the first time, but some revisions were made to the Line by the Directive. By the issuance of this directive, the accessible distance to Takeshima was reduced from 12 miles to 3 miles.

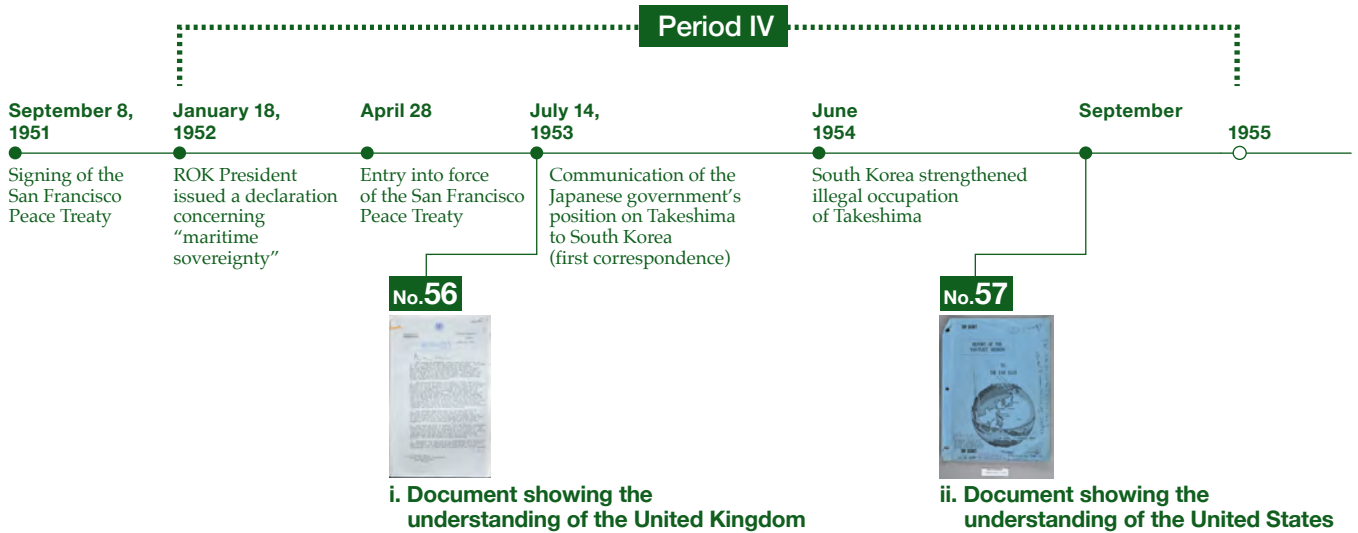
\*3 The official name of the document is the "Takeshima ni kansuru Nihon-Seifu no Kenkai (Opinion of the Government of Japan concerning Takeshima)".



Repository: Yomiuri Shimbunsha "Yomidas Rekishikan"

|                         |  |
|-------------------------|--|
| Date Created            | March 10, 1966   |
| Author(s) & Editor(s)   | -  |
| Publisher               | Printing Bureau, Ministry of Finance   |
| Name of Publication     | Tokinohorei, Supplementary volume, Commentary on the Japan-Korea Treaty and Domestic Law |
| Language                | Japanese   |
| Medium                  | Paper  |
| Public Access           | Open   |
| Repository              | National Diet Library  |
| Reference & Information | Follow the instructions at the National Diet Library                                     |

## (2) Understanding of the United States and the United Kingdom on the territorial sovereignty of Takeshima

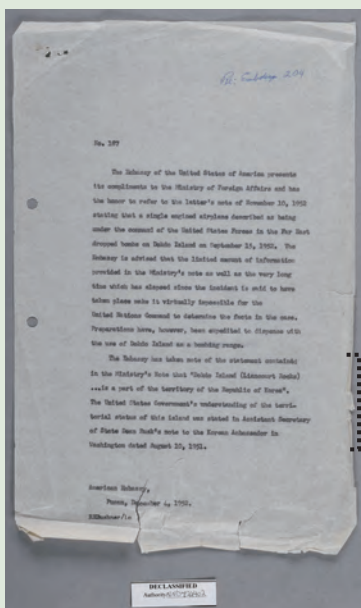


The documents shown from pages 67 through 78 demonstrate that both the United States and the United Kingdom had understood Takeshima as a territory to be retained by Japan in the drafting of the San Francisco Peace Treaty, and there are many instances which the United States and United Kingdom expressed this understanding even after the peace treaty entered into force. For example, the provision of facilities and areas to the U.S. Armed Forces (Takeshima bombing range) in accordance with the administrative agreement between Japan and the United States in July 1952 was based on the premise that Takeshima is a part of the territory of Japan. This view was expressed even more clearly in an official document sent by the U.S. Embassy in the Republic of Korea to the Ministry of Foreign Affairs of Korea in December the same year, which set

out that the position of the United States on Takeshima was precisely as it was set out in the official document dated August 10, 1951 (the Rusk's note) (boxed section below).

In addition to these, the U.S. government's view of Takeshima as a part of the territory of Japan was also clearly shown in the 1954 Report of the Van Fleet Mission to the Far East (→No.57).

In our research conducted in FY2017, a telegram (dated July 15, 1953) was found in The National Archives of the United Kingdom. This was sent by the British Embassy in Tokyo to the British Foreign Office to explain (report on) the Takeshima dispute. This telegram presents the view that "under Article 2 of the Peace Treaty [...] Takeshima unmistakably forms part of Japanese territory." (→No.56)



**Dated December 4, 1952**  
**Note verbale from the U.S. Embassy in the Republic of Korea to the Ministry of Foreign Affairs of Korea**  
— Document sent by the United States to Korea expressing once again the view set out in the Rusk's note

The Republic of Korea had issued a request to the United States for additional information as there had been a report that a U.S. Forces plane had dropped a bomb over Takeshima. This document, a note verbale, is a response from the United States to this request. In the note, the United States stated that it could not verify the report, and reminded that its understanding of the territorial status of Takeshima was as stated in the Rusk's note (refer to the left). At the time this exchange of notes verbales took place, Takeshima was designated as a bombing range for use by the U.S. Forces.

\*Original English text shown with dotted lines

"The Embassy has taken note of the statement contained in the Ministry's Note that "Dokdo Island (Liancourt Rocks)... is a part of the territory of the Republic of Korea". The United States Government's understanding of the territorial status of this island was stated in Assistant Secretary of State Dean Rusk's note to the Korean Ambassador in Washington dated August 10, 1951."

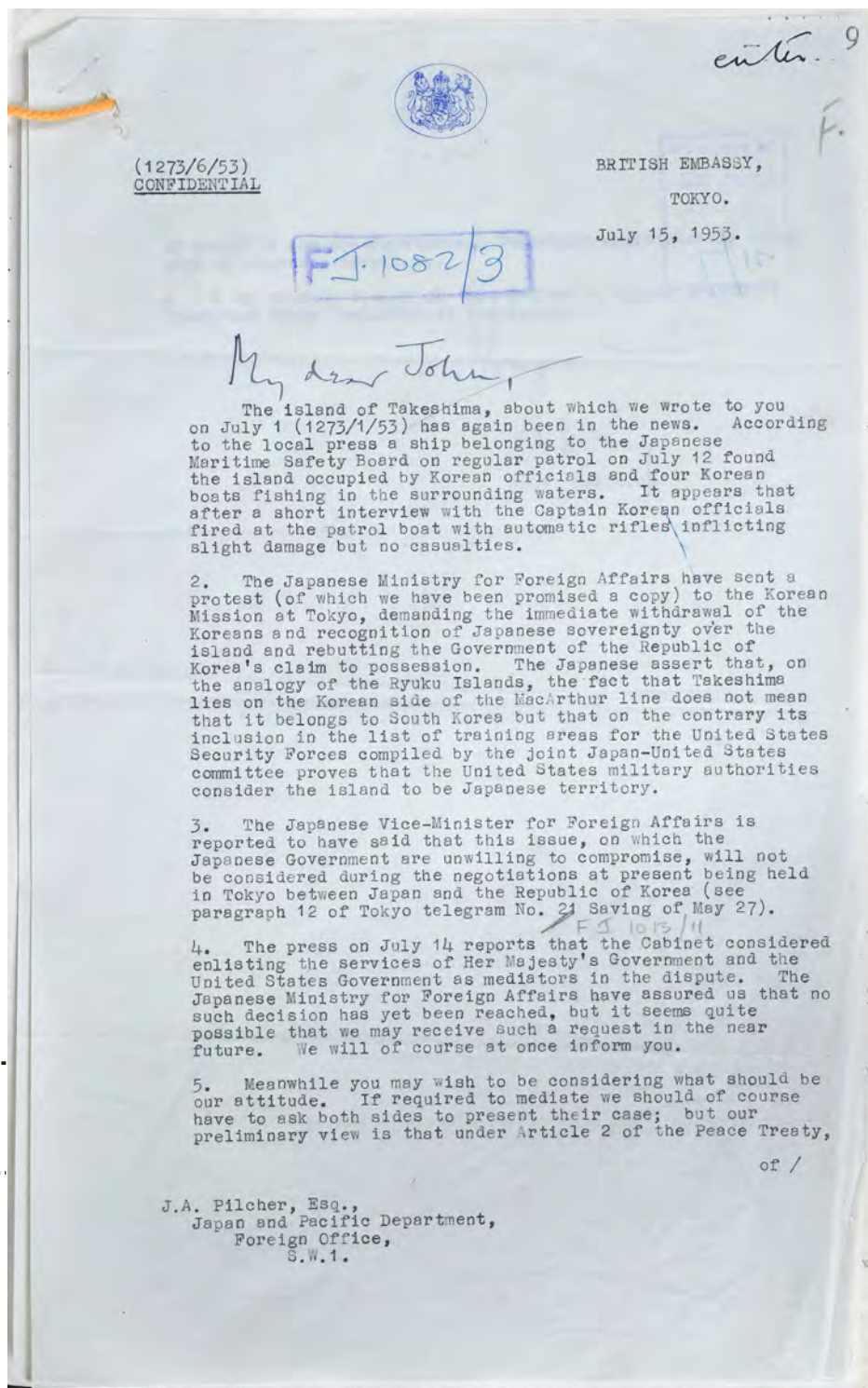
## Report to the British Foreign Office by the Embassy of the United Kingdom in Tokyo, communicating its view that Takeshima is a part of Japan's territory

No. 56 Report from the British Embassy in Tokyo to the British Foreign Office on July 15, 1953 (Japanese claim to Takeshima, also claimed by the Republic of Korea) July 15, 1953  
FY2017/P36

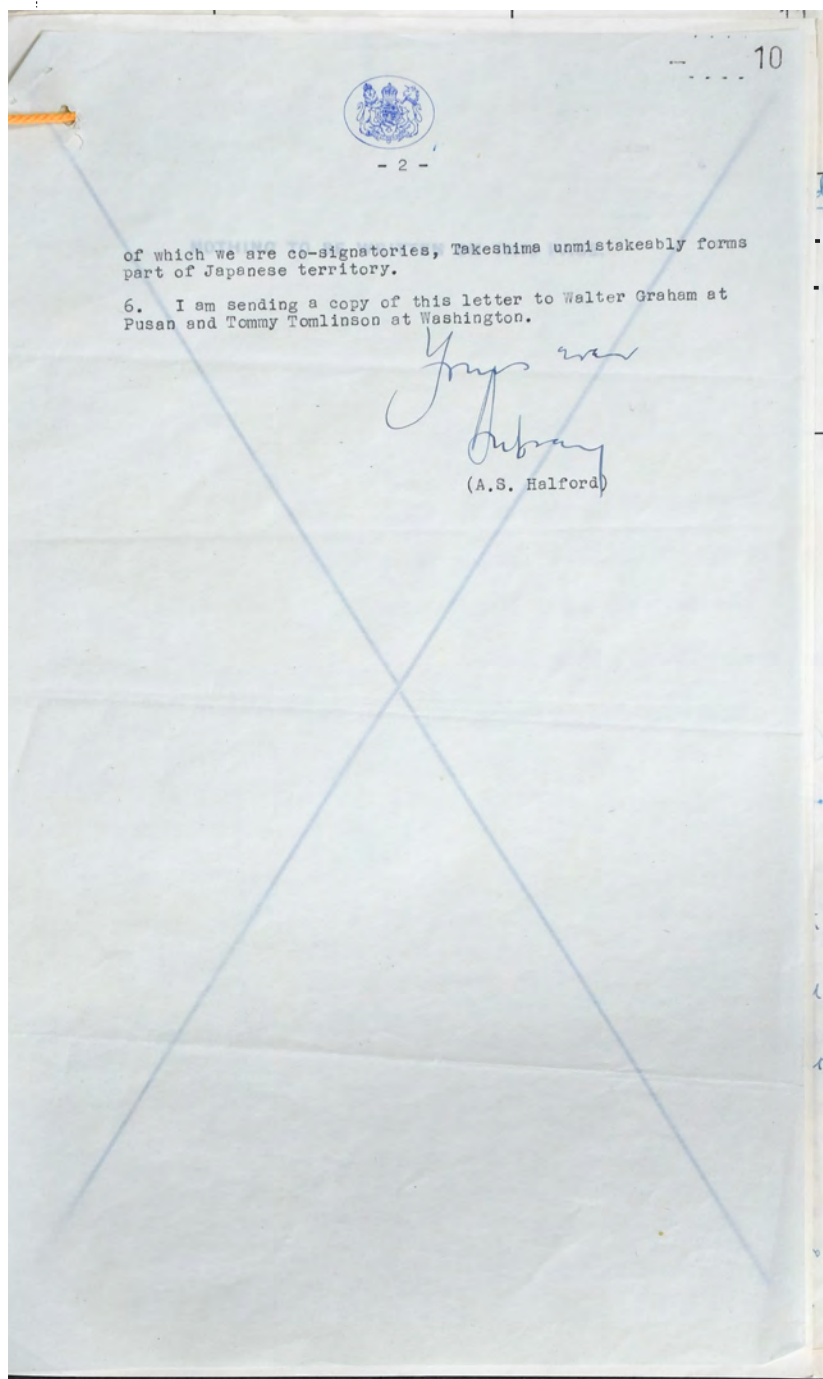
## Overview

On July 12, 1953, an incident occurred that a Japanese patrol vessel "Hekura" was shot at by the South Korean side. At the cabinet meeting on July 14, Minister of Foreign Affairs Okazaki made a remark that he would request both the U.K. and the U.S. governments to act as mediators to resolve the Takeshima dispute<sup>(\*1)</sup>. In response to this, the British Embassy in Tokyo provided background information to the British Foreign Office regarding the Takeshima dispute. The Embassy clearly stated that "Takeshima unmistakably forms part of Japanese territory," on the ground of Article 2 (paragraph a) of the San Francisco Peace Treaty (refer to p63).

\*1 Reference article "July 14, 1953, Yomiuri Shimbun Evening Edition" (P. 108)



\* N.B.: The faintly seen mark "x" is a show-through of the ink on a blank page, which is the back side of the corresponding page. The mark is not meant to deny the content of this page.



Repository: The National Archives (United Kingdom)

#### Excerpt

5. Meanwhile you may wish to be considering what should be our attitude. If required to mediate we should of course have to ask both sides to present their case; but our preliminary view is that under Article 2 of the Peace Treaty, of which we are co-signatories, Takeshima unmistakably(\*sic) forms part of Japanese territory.

|                         |   |
|-------------------------|---|
| Date Created            | July 15, 1953   |
| Author(s) & Editor(s)   | -   |
| Publisher               | The British Embassy in Tokyo  |
| Name of Publication     | Foreign Office: Political Departments: General Correspondence from 1906-1966.<br>Japanese claim to Takeshima Island, also claimed by the Republic of Korea.<br>Code FJ file 1082.<br>(FO371/105378) |
| Language                | English   |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | The National Archives (United Kingdom)  |
| Reference & Information | Follow the instructions at The National Archives (United Kingdom)   |

# 米英に仲介依頼 竹島問題

政府は十四日の閣議で竹島問題につき協議したが米、英両国に仲介を依頼、平和的解決を行うことになる模様である。すなわち同日の閣議では岡崎外務、石井運輸（海上保安庁所管）両相から竹島問題の経過について報告があり、今回の紛争はすでに三度目の事件であり前夜来正式に文書をもって抗議中であるとの説明があった。そこで今後の対抗措置について検討を行ったが韓国側の発砲に対して当方から応戦することはいたすに問題の処理を困難ならしめるとの観点から平和条約の趣旨によって米、英両国に仲介を依頼して韓国と交渉したとどうかという岡崎外相の見解に各閣僚とも異存がなかった模様で、今後この線にそって同問題の解決にあたるものとみられる。

## 昔の竹島は鬱陵島 領有の根拠 政府発表

政府は十四日午前十一時半「竹島に関する日本政府の見解」を発表した。これは度重なる韓国人の竹島侵犯に対し歴史的事実および法的根拠の両面から「竹島が日本領である」ことを立証したもので、その要点を拾えば次のとおりである。

▽歴史的事実 一、まず昔竹島または磯竹島と称されたのは鬱陵島のことであって、今日の竹島は松島といわれていた。これは日本側文献古地図にも、韓国側文献にも明かである。しかしフィリップ・フォン・シーボルトが一八四〇

年刊の日本地図で誤って鬱陵島を松島としたため、日本でも鬱陵島を松島とし、かつての松島は竹島という名称になった。

一、元禄六年（一六九三年）以来日鮮両国間に紛議を生じ、幕府の命によって日本漁夫の出漁を禁止した竹島は「鬱陵島が竹島といわれた当時のこと」であり「今日の竹島ではない」

一、また明治十四年（一八八一年）朝鮮の抗議により日本政府が操漁伐木のための渡島を禁止したのも前記鬱陵島であって今の竹島でない。したがって「今日の竹島

が両国間で問題になったことは一度もない」（本社注）このような事実をあげ

たのは最近韓国側が幕末の海防学者林子平がものした古地図をもとにし竹島が韓国領であると主張の根拠にしようとしたからで、日本側は「これが鬱陵島」である旨を明かにしたわけである。

▽法的根拠 日本政府は日韓併合に先立ち明治廿八年（一九〇五年）二月廿三日付島根県告示第四〇号で同島を島根県隠岐島司所管に編入し、同時に中井三郎が同島で漁猟経営を開始、今次戦争前まで日本国民の手で有効的経営がなされてきた。これは国際法の「一国が領土権を確立するためには領土とする国家の意思とこれが有効的経営を伴う事が必要」との通念を満たすものである、をあげており両面からみて「日本の竹島領有」は絶対に疑ないところであると述べている。

\*Reference article "Requesting mediation of the USA and the UK / Takeshima dispute / Takeshima in old times is present-day Utsuryo Island / The basis of ownership Announcement by the Government" (July 14, 1953, Yomiuri Shimbun Evening Edition)

Repository: Niigata Prefectural Library (the part of the article held at this library is the one that appeared on the paper of July 15)

**Period IV** (2)-ii. Understanding of the United States on the territorial sovereignty of Takeshima

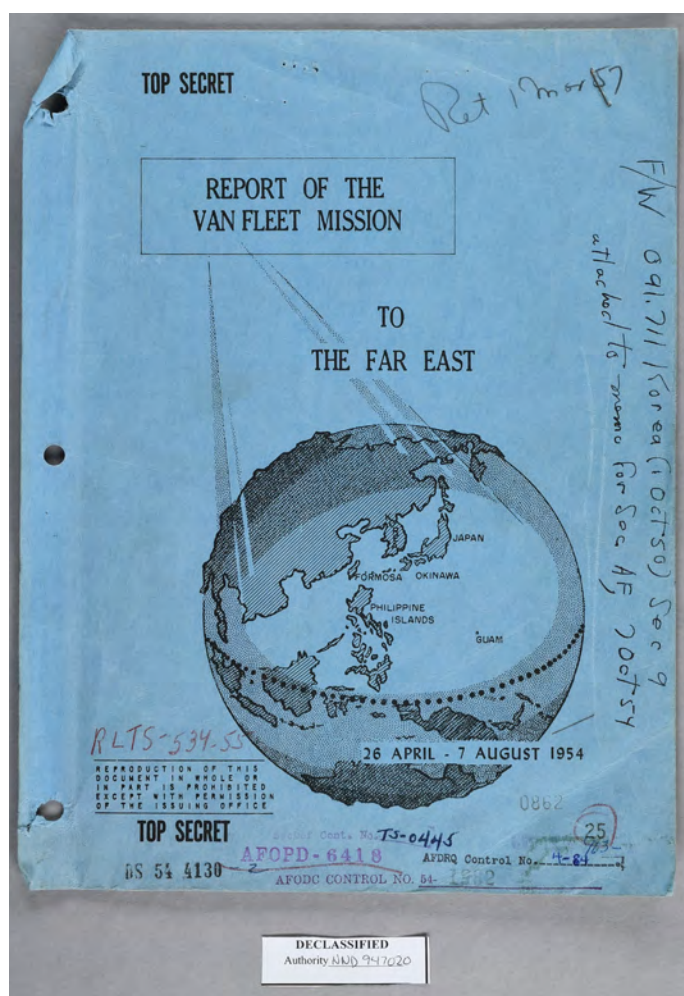
**Document showing a proposal by the U.S. Government to the South Korean Government to refer the Takeshima issue to the International Court of Justice**
**No.57 REPORT OF THE VAN FLEET MISSION TO THE FAR EAST**
**FY2017/P39** September 30, 1954

**Overview**

The U.S. Government Mission to the Far East led by Ambassador Van Fleet visited South Korea, Taiwan, Japan and the Philippines from April to July 1954 and carried out research. Afterwards on October 4 of the same year, Ambassador Van Fleet submitted a report to President Eisenhower. This is the "Report of the Van Fleet Mission to the Far East". The report contains research results on the military preparedness of those countries and recommendations for military preparedness policies on the part of the U.S.. With regard to the issue of sovereignty over Takeshima, it is stated in the report that the United States, in the process of drawing up the draft of the San Francisco Peace Treaty, concluded that Takeshima remained under the sovereignty of Japan and was not included among the islands which Japan released its ownership despite the demands from South Korea. According to the report, while the United States considered the said islands as Japanese territory, it declined to interfere in the dispute, and proposed to South Korea that the issue regarding the territorial sovereignty over Takeshima should be resolved by referring it to the International Court of Justice (ICJ).

**Excerpt**
**4. Ownership of Dokto Island**

The Island of Dokto (otherwise called Liancourt and Taka Shima (sic)) is in the Sea of Japan approximately midway between Korea and Honshu (131. 80E, 36.20N ). This Island [※Takeshima] is , in fact, only a group of barren, uninhabited rocks. When the Treaty of Peace with Japan was being drafted, the Republic of Korea asserted its claims to Dokto but the United States concluded that they remained under Japanese sovereignty and the Island was not included among the Islands that Japan released from its ownership under the Peace Treaty. (text omitted) Though the United States considers that the islands are Japanese territory, we have declined to interfere in the dispute. Our position has been that the dispute might properly be referred to the International Court of Justice and this suggestion has been informally conveyed to the Republic of Korea. (text omitted)



|                         |   |
|-------------------------|---|
| Date Created            | September 30, 1954  |
| Author(s) & Editor(s)   | Headquarters, Far East Command  |
| Publisher               | Headquarters, Far East Command  |
| Name of Publication     | White House Office, Office of Special assistant for the National Security Affairs (Robert Cutler, Dillon Anderson, and Gray):Records, 1951-61 |
| Language                | English   |
| Medium                  | Paper   |
| Public Access           | Open  |
| Repository              | The U.S. National Archives and Records Administration (NARA)  |
| Reference & Information | Follow the instructions at The U.S. National Archives and Records Administration  |



#### 4. Ownership of Dokto Island

The Island of Dokto (otherwise called Liancourt and Taka Shima) is in the Sea of Japan approximately midway between Korea and Honshu (131.80E, 36.20N). This Island is, in fact, only a group of barren, uninhabited rocks. When the Treaty of Peace with Japan was being drafted, the Republic of Korea asserted its claims to Dokto but the United States concluded that they remained under Japanese sovereignty and the Island was not included among the Islands that Japan released from its ownership under the Peace Treaty. The Republic of Korea has been confidentially informed of the United States position regarding the islands but our position has not been made public. Though the United States considers that the islands are Japanese territory, we have declined to interfere in the dispute. Our position has been that the dispute might properly be referred to the International Court of Justice and this suggestion has been informally conveyed to the Republic of Korea.

**TOP SECRET**

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Authority ND 947020

**TOP SECRET**

This Mission was advised by the Republic of Korea that:

"What is still worse is that Japan now claims the possession of the little islet of Dokto known as Liancourt Rocks near the Woolnungdo known as Dagelet. Japanese officials are making frequent visits to the islet with armed vessels molesting Korean fishermen there. They set up posts here and there in the islet with description declaring as if it were Japanese territory. Throughout our history and knowledge up to the very moment of the declaration of sovereignty over adjacent seas (Rhee Line), Korea's sovereignty over it has never been contended by any country, as it has long been an immovably established fact that the islet, Dokto, has been historically as well as legally a part of Woolnungdo (Dagelet) Korean territory."

## Prolonged “illegal occupation” by the Republic of Korea produces no legal consequences under international law

- The legal consequences of diplomatic protests in modern international community, and the proposal to refer the matter to an international tribunal

Member of the Research Committee

**Tetsuya NAKANO**

(Professor, Faculty of Law, Kansai University)

### Will continued “illegal occupation” change into “valid control”?

More than 60 years have passed since the illegal occupation of Takeshima by the Republic of Korea. During this time, Japan had proposed to Korea the referral of the Takeshima issue to the International Court of Justice in 1954, 1962, and 2012. Moreover, while Japan has protested verbally or in writing time and again, Korea has only strengthened its opposition and taken action to make the illegal occupation into an established fact. Hence, none of Japan’s efforts have borne fruit.

Faced with the continued deadlock, some tend to question the effectiveness of Japan’s response. In other words, as Japan’s measures consist only of diplomatic protests which are not accompanied by legal force, they suspect that these measures may have ended in being no more than a, so to say, “paper protest.” From the perspective of a third country, such passive measures that only amount to the diplomatic expression of Japan’s intentions might possibly be regarded as Japan’s acquiescence in Korea’s sovereignty over Takeshima. As a result, some are concerned that even though Japan has sufficient grounds to exercise its sovereignty over Takeshima (= title to territory) and Korea’s occupation is “without title” (= illegal occupation), to begin with, this illegal occupation, if further prolonged without any actual measures by Japan to change the situation, may lead to the transfer of title to cause “occupancy based on title” (= valid control).

### Prescription as a form of title to territory

There are certainly some cases in international law in which continued occupation by a country has resulted in the recognition of the transfer of territorial title to this country. For example, prescription, which is one of the traditional modes of territorial title, could be the basis for this. In prescription, occupation of a country’s territory by another country can be effected by possessing it (i) as a sovereign ruler, (ii) peacefully and without interruption, (iii) openly, and (iv) for a certain period of time. Activities by private individuals alone do not suffice. Moreover, possession must be “peaceful and without interruption”—in short, carried out continuously without protest from other countries. Such occupation will inevitably be carried out “openly.” With regard to the period of time, while there is a treaty that prescribes a period of 50 years (Treaty of Arbitration between Great Britain and the United States of Venezuela, Washington D.C., 2 February 1897), it is generally understood that when the requirements (i) to (iii) are satisfied, (iv) will also be satisfied. Accordingly, the period varies from case to case depending on the relevant facts. In this way, unlike the prescription system under domestic law, the prescription system under international law is characterized by the fact that an applicable period is generally not prescribed.

As prescription applies to the territory of another country, it is distinguished from occupation that applies to *terra nullius*. The defect of act is cured with consent of the title-holding state, whereby international order and stability of international relations are maintained. Many writers of international law have found in this point the significance of prescription as a mode of title to territory.

### Reasons for the interruption of prescription - Effect of proposing the referral of the matter to an international tribunal

As explained above, “peaceful” refers to a state in which there has been no protest from other countries for a certain period of time. The absence of protest on the part of the title-holding state is deemed as its having granted consent to the state occupying the territory without any title. In consequence, it also becomes an effective and absolute title toward a third state. Therefore, such occupation is not considered “peaceful” in the case where it is maintained by force in the face of strong opposition from other states.

Could we say that protests raised through diplomatic channels alone are sufficient for overruling the presumption of consent, or in other words, interrupting prescription? In the modern international community, because there are such means of resolving international disputes as referring them to the United Nations and the International Court of Justice, there could be a theory that protests through diplomatic channels alone are inadequate, and that prescription is not interrupted unless all means are exhausted. Let us consider the point in comparison with this viewpoint.

First, let us look at an old case of international arbitration in the early 20th century that considered the causes for the interruption of prescription.

In a dispute that arose between the United States and Mexico as to sovereignty over a territory known as El Chamizal, the two countries agreed to refer the dispute to the International Boundary and Water Commission (“the Commission”). The Commission stated, “In private law, the interruption of prescription is effected by a suit, but in dealings between nations this is of course impossible, unless and until an international tribunal is established for such purpose.” Furthermore, with regard to the fact that Mexico had not attempted to possess the disputed territory by force, it stated that “the result of any attempt to do so would have provoked scenes of violence and the Republic of Mexico cannot be blamed for resorting to the milder forms of protest contained in its diplomatic correspondence.” Hence, as Mexico had done all that could be reasonably required of it by way of protest, and had filed claims within a suitable period of time since the start of activities by the Commission, the United States’ resort to prescription was deemed to be ineffective. This award was made in 1911, but the principle of prohibition on use of force had not been established at the time, and conquest

had been considered to be a valid title. Even so, it is worth noting that the need to adopt some form of forcible resistant action, as described above, was not recognized. Even at that time, it was thought that prescription could be interrupted in cases where a state did not exercise force but only lodged protests in order to avoid “provok[ing] scenes of violence.”

On the other hand, as it could be said after the establishment of the Permanent Court of International Justice that at least for the parties to its Statute, to file a suit can interrupt prescription and for non-parties to the Statute, to refer the matter to a third-party can do so, it may be said that the ruling of the Commission could be interpreted to mean that repeated protests alone cannot prevent prescription from taking effect. Because while stating that interruptions of prescription by a suit is impossible in dealings between nations, the ruling attaches the condition “unless and until an international tribunal is established for such purpose” and mentions the filing of the suit with the Commission as a dispute resolution organization as a ground for prevention of prescription.

In any case, theories and judicial precedents are in accord in that at least referral to a third-party organization is a reason for interrupting prescription. However, one would be hesitant to interpret this as an indispensable requirement for the interruption of prescription. If the non-presumption of consent is sufficient for interrupting prescription, it would be sufficient to make known the will to not consent by protest through diplomatic channels. Hypothetically, if it were obligatory for a state to refer the dispute to an international court such as the Permanent Court of International Justice or the International Court of Justice in order to interrupt prescription, the state would always be forced to do so unilaterally even when there is no possibility of a trial without the consent of the other party to act jointly. In the case of a territorial dispute, state whose territory is being occupied illegally would have to draw up an application under the situation in which it is unable to gain the consent of the other state, or cannot expect to gain such consent in the near future. This would impose an excessive burden on only one of the parties. Such a view completely ignores the current situation of the international community where even the International Court of Justice has not established an adequate level of compulsory jurisdiction, and is therefore unreasonable. Considering that such a view was true, the proposal to refer the matter to an international court suffices, because it clearly indicates non-consent to the transfer of title to the other state.

#### **Transfer of title by acquiescence - The relinquishing of sovereignty cannot be presumed lightly**

Disputes over territorial sovereignty, such as the Takeshima issue, arise when more than one state claim title to a certain territory. In such situations, the status of the

territory in question is not always made clear, and therefore it is often difficult to determine if it is a case of occupation or prescription. In such cases, the presence or absence of acquiescence by the states concerned fulfills an important function.

Acquiescence is effectuated when one of the parties to the dispute fails to protest against the activities or manifestation of sovereignty undertaken by the other party *à titre de souverain*. In the case concerning *Sovereignty over Pedra Branca and Pulau Batu Puteh*, the International Court of Justice recognized the transfer of sovereignty over the islets based on the fact that Malaysia had not responded in a timely manner to Singapore exercising administrative rights on one of the disputed islands in various ways. According to the Court, due to “the central importance [...] of State sovereignty over territory and of the stability and certainty of that sovereignty [...] any passing of sovereignty over territory on the basis of the conduct of the Parties must be manifested clearly and without any doubt by that conduct and the relevant facts.” This is especially true in the case where one of the parties relinquishes its sovereignty over a part of the territory. In other words, the transfer of title by acquiescence occurs only if any action regarded as a relinquishment of its sovereignty is taken. By reason of the important role that the stability and certainty of territorial sovereignty plays in maintaining order in the international community, acquiescence, which has the aforementioned effect, is not to be presumed lightly. If protest through the diplomatic channel, to say nothing of the proposal to refer the dispute to an international court, is lodged in a timely manner, the protesting state is not deemed to have acquiesced, and consequently the transfer of title by acquiescence does not ensue.

#### **The importance of protest**

Thus however long the “illegal occupation” of Takeshima by Korea may last, there will be no transfer of title to territory as long as Japan protests in a timely manner through the diplomatic channel. Moreover, Japan has proposed to Korea, several times to date, to refer the Takeshima issue to the International Court of Justice. Based on this, it is clear that Japan has not consented to Korea’s “illegal occupation” of Takeshima, and there can be no grounds for the effectuation of prescription or acquiescence. Under international law, it is not possible for this “illegal occupation” to turn into “valid control,” nor is it possible for Japan to lose its claim to sovereignty over Takeshima.

## 5. Summary

We started the research and compiling of documents and materials related to Takeshima in FY2014 as a project commissioned by the Cabinet Secretariat's Office of Policy Planning and Coordination on Territory and Sovereignty. We have asked a group of experts familiar with the history of Takeshima to carry out the research. Among them, there have been members of the Takeshima Issue Research Group of Shimane Prefecture. We have conducted research in cooperation and collaboration with the Shimane Prefectural Government. It was initially targeted at resources available within Shimane Prefecture, but was expanded from FY2015. Known documents and materials were of course collected, but in addition new documents and materials were also found and verified.

To take a broad overview of Takeshima's history, it can be divided into several periods as shown in the "classification of historical periods" set out in this report. (I) The first historical period is the Edo era, when the Oya and Murakawa families traveled to Takeshima with approval from the Edo shogunate. (II) This is followed by the period from the Meiji era to the end of WWII during which Takeshima was incorporated into Shimane Prefecture and various administrative rights were exercised continuously. (III) The next period is from the end of WWII through the signing of the San Francisco Peace Treaty, by which the present territory of Japan was legally determined and Takeshima remained as a part of Japan's territory. (IV) The final period is in which South Korea has asserted its claim to Takeshima, began its illegal occupation, and up to the present (The periods of III and IV overlap partially, and are not necessarily clear-cut classifications of historical periods in chronological order).

In conducting the document research, we set out themes for each of the historical periods I to IV, and began by researching and collecting relevant documents and materials from the perspective of reinforcing Japan's position on Takeshima. With regard to historical period I, we gathered documents and materials showing that in the Edo era the Oya and Murakawa families traveled to Takeshima to engage in business with the approval of the Shogunate, and that the Japanese people had acquired accurate knowledge about Takeshima in those days. As for historical period II, we researched and collected documents and materials showing that after Takeshima's incorporation into Shimane Prefecture, Japan continued to exercise its administrative rights over the island without

any protests from other countries. With respect to historical period III, we researched and collected materials confirming that Takeshima was determined to remain as Japan's territory by the San Francisco Peace Treaty, and showing that the United States and the United Kingdom (Allied Nations) had maintained the understanding that Takeshima was a part of Japan's territory. In this part of the research, priority was placed on our collaboration with the Japan Institute of International Affairs.

So far as the research on historical period I was concerned, we received the Oya family's documents from Shimane Prefecture (refer to p.15), and many of the documents and materials from the Tottori Prefectural Museum were made accessible to us. This allowed us to acquire the original images of valuable documents and materials from the Edo era. There were also materials that, as far as we could tell, were being seen for the first time, such as the map of Matsushima (→No.11) from the Historiographical Institute of The University of Tokyo.

As for historical period II, we were enabled to obtain many document images of official documents held by the General Affairs Section of the General Affairs Department as well as the Takeshima Reference Room of the Shimane Prefectural Government, and by Okinoshima Town. We were also able to acquire documents and materials related to the fishery industry. In this way, we are sure to have enriched our collection of documents and materials showing that Japan had exercised its sovereignty over Takeshima peacefully and continuously, and that private persons had been using Takeshima.

As regards to historical period III, we focused on the drafting process of the San Francisco Peace Treaty and collected the images of the original documents and materials that had already been known. At the same time, we also conducted in-depth research into the Allied Nations' understanding of Takeshima, particularly that of the United States and the United Kingdom. As a result, we have clarified that in the drafting process of the San Francisco Peace Treaty, the understanding of Takeshima as Japan's territory was shared among the two countries, and that they concurred on listing only the islands that Japan would renounce in the relevant article of the treaty.

In particular, concerning the working level consultations between the United States and the United Kingdom held from late April to early May in 1951, we were able not only to acquire the images of original documents that had

already been known, but to find new documents and materials in cooperation with the Japan Institute of International Affairs (→No.39, etc.). This last point is considered to be a prominent outcome of this document research project.

Thus research was conducted in line with the following three themes and many documents and materials were collected: (I) use of Takeshima during the Edo era, (II) continuous exercise of administrative rights over Takeshima after its incorporation into Shimane Prefecture, and (III) the drafting process of the San Francisco Peace Treaty. Documents and materials that show the process leading to the illegal occupation of Takeshima by the Republic of Korea and what ensued thereafter were also collected.

Some of the documents and materials related to Takeshima, which were consolidated into a database as a result of this document research project, are being utilized to demonstrate Japan's territorial sovereignty over Takeshima to people in and outside of Japan, through channels such as the Takeshima Archives Portal established by the Cabinet Secretariat's Office of Policy Planning and Coordination on Territory and Sovereignty and the National Museum of Territory & Sovereignty.

On the other hand, research and collection of documents and materials were also carried out from the perspective of refuting South Korea's assertions. Thus the documents and materials that clearly contradict South Korea's claims, such as the Daikan Chishi (Daehan Jiji (Geography of the Korean Empire)) (FY2015 Report, p.17) and the "Introduction to the Dokdo Issue" (FY2016 Report, p.14) have been collected. In compiling this report, we have put priority on reinforcing Japan's position on Takeshima. As a result, some documents and materials that show inconsistencies in South Korea's assertions, including those that were included in the reports from previous years, have not been included in this year's report. Among the documents and materials that we collected in various institutions in and outside of Japan, there were some that we could not include in this report because we had not been able to complete sufficient analysis by the time this report was compiled. It is anticipated that further analysis will be carried out of these documents and materials and they will be used for various purposes such as publicity and press reports.

#### Acknowledgements

Our document research work was carried out on advice from members of the Research Committee. We would like to extend our deep gratitude to Mr. Takai, Chairperson of the Research Committee, and all the expert members of the Committee who had offered their invaluable advice.

We could not have accomplished in the verification and collection of documents and materials without the tremendous support and cooperation we received from the various repository organizations and individuals involved. Their support included not just around the viewing of the materials, but also extended to areas such as inquiry on any unclear points, consultation on the availability of relevant materials, photography, duplication, and permission to publish the materials in the report. Here, we would like to express our sincere gratitude to those organizations and individuals who generously offered their cooperation and support.

We also received cooperation from experts who have deep knowledge on the interpretation of ancient texts.

The outcomes of this document research are founded upon the efforts of our predecessors who have conducted detailed research on Takeshima and compiled their findings in academic papers and books such as *Takeshima no Rekishi-chiri-gakuteki Kenkyuu* (Historical and Geographical Research on Takeshima) (Kenzo KAWAKAMI) and *Shimane-ken Takeshima no Shin Kenkyuu* (New Research on Takeshima of Shimane Prefecture) (Seizaburo TAMURA, refer to FY2017, p.46). We also received great support from the Shimane Prefectural Government, which organized a research group on the Takeshima issue and established the Takeshima Reference Room, has continued to engage in research collection of documents and materials. Finally we also received support from the people of Okinoshima Town, which has Takeshima within its administrative region.

Finally, we would like to reiterate our heartfelt gratitude to everyone who has given us their support and cooperation.

\*Trustee  
FY2014 - FY2019: STREAMGRAPH Inc.

## Source Institutions (in no particular order)

General Affairs Section, General Affairs Department, Shimane Prefectural Government  
Shimane Prefectural Fisheries Technology Center  
Shimane Prefectural Library  
Shimane Prefectural Nature Museum of Mt. Sanbe "Sahimel"  
Shimane Prefecture Takeshima Reference Room  
Inan Town, Shimane Prefecture  
Hamada City Library of Shimane Prefecture  
Hamada City Local History Museum  
Matsue History Museum  
Shimane University Library  
Shimane Aquarium "AQUAS"  
The Shin Nihonkai Shimbun Co., Ltd.  
The Iwami-Adachi Museum  
The San-in Chuo Shimpo Newspaper Co., Ltd.  
Okinoshima Town Offices  
Goka Branch Office of the Okinoshima Town Offices  
Okinoshima Municipal Library  
Oki Nature Museum/Oki Geopark Visitor Center  
Oki Kyodokan  
The Oki Islands Federation of Fisheries Co-operative Association  
Individuals from Okinoshima Town  
Oki Fisheries High School  
Nishinoshima Town Board of Education  
Nishinoshima Furusato-kan  
Ama Town Board of Education  
Tottori Prefectural Archives  
Tottori Prefectural Library  
Tottori Prefectural Museum  
Tottori Prefecture Fisheries Research Institute  
Sakaiminato City Library  
Yonago City Library  
Municipal Yonago Historical-museum  
Kurayoshi Museum

National Archives of Japan  
National Diet Library  
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the Ministry of Foreign Affairs of Japan  
National Institute for Defense Studies Library,  
Ministry of Defense  
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Tokyo Metropolitan Archives  
University of Tokyo Library  
Historiographical Institute, The University of Tokyo  
Institute for Advanced Studies on Asia,  
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Tokyo University of Marine Science and Technology Library  
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Gakushuin University Library  
Waseda University  
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National Research Institute of Fisheries Science  
Library and Fisheries Museum

The Archives of Hokkaido  
Chiba Prefectural Archives  
Chiba Prefectural Library  
National Research Institute of Fisheries Science  
Library and Fisheries Museum  
Kanagawa Prefectural Archives  
Takahagi City Museum of History and Folklore  
Ibaraki Prefectural Library  
Ibaraki Prefectural Museum of History  
Institute of Developing Economies Library, JETRO  
The Open University of Japan Library  
National Museum of Japanese History  
Saitama Prefectural Archives  
Gifu Prefectural Archives  
Shiga Prefectural Administration Reference Room  
Mie Prefectural Museum  
Mie Prefectural Library  
National Diet Library (Kansai-kan)  
Kyoto Institute, Library and Archives  
Nara Prefectural Library and Information Center  
Kobe Chuo Municipal Library  
Kobe City Museum  
Maritime Museum of Kobe University  
Kobe University, Library for Intercultural Studies  
Kobe University, Library for Social Sciences  
Niigata Prefectural Library  
Fukui Prefectural Archives  
Yamaguchi Prefectural Archives  
Yamaguchi Prefectural Library  
National Fisheries University Library  
Yamaguchi Prefectural Fisheries Research Center  
Fukuoka Fisheries And Marine Technology Research  
CenterOkinawa Prefectural Archives  
University of the Ryukyus Library  
Individuals



FY2019 Cabinet Secretariat Commissioned Research Project  
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