

Dokdo Described in the Treaty on Basic Relations between Japan and the Republic of Korea in 1965

Dokdo Research Institute of Sejong University

When Korea and Japan signed a basic treaty in 1965, they concluded a couple of conventions as well. Japan demanded Korea to settle the issue of Dokdo through the International Court of Justice at first, but Korea did not agree with it. Korea made its position clear that it does not make sense if Korea and Japan files a lawsuit to the International Court of Justice together over the issue of Dokdo, which is a Korean territory. Therefore, the Japanese government gave up on efforts to file a lawsuit to the International Court of Justice and suggested to settle this issue by arbitration through third-party countries. Korea rejected this suggestion, too, because the name of 'Dokdo' was written in a phrase of the arbitration method and the opinions of the third parties are mostly reflected by following the majority rule. In other words, Korea asserted that the issue of Dokdo is not a subject to be arbitrated.

It happened on June 17th of 1965, five days before the signing ceremony. The Korean delegation that arrived in Tokyo requested an order from President Park Chung-hee on an international call. "The issue of Dokdo is not an agenda of this conference. If any suitable opinion that can be accepted by Korea does not arise, you may adjourn the conference," President Park said. The Japanese government could not repress its astonishment. If the Korean delegation goes back to square one and returns to Korea five days before the signing ceremony for the Treaty on Basic Relations between Japan and the Republic of Korea, the government of Sato Eisaku might collapse.

Consequently, the Japanese decided to accept the suggestion of the Korean government. That is to say, both governments agreed to prepare general dispute settlement documents for this issue, excluding the name for Dokdo. According to the documents, if a dispute occurs between Korea and Japan, both countries shall first try to settle it through diplomatic negotiation. If not settled, it shall be handled through mediation. 'Mediation' mentioned here is a method of solving an issue through various reconciliations without changing the status of Dokdo.

The Korean government adhered to its opinion that the issue of Dokdo is not an agenda for Korea-Japan conferences. As a result, nothing is completely agreed by both governments with regard to whether the issue of Dokdo is in dispute or not. The Korean and Japanese governments signed the Treaty on Basic Relations between Japan and the Republic of Korea, the Korea-Japan Convention, and the Exchanging Document for Settlement of a Dispute. The Japanese government emphasized several times that the issues of Dokdo should be settled in accordance with the Exchanging Document, by officially submitting a bill to the Japanese Parliament. Moreover, the Japanese government insisted in the Japanese Parliament many times that the issue of Dokdo would be best mentioned once Korea-Japan relations get better.

However, breaking its promise made 65 years earlier, the Japanese government is illegally laying claim to Dokdo to the Korean government. The Japanese government and people should realize that a country that breaks its word is apt to be condemned all over the world.