

## **Dokdo's Status Based on Historical Facts**

### **-The Fallacy of Japan's Rationale-**

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#### **I. Ramifications of President Lee Myung-bak's visit to Dokdo**

The latest incident of the simmering conflict over Dokdo, between Korea and Japan, was sparked by President Lee Myung-bak's onsite visit to Dokdo on August 10, 2012. The ongoing controversy became even more acute following President Lee's call for an apology from the Japanese emperor after his visit to Dokdo, all of which has created an impression that Japan's emotional outrage has caused it to lose its sense of reason.

Both the ruling and opposition parties in Japan agreed to move up the general elections (to December 16, 2012). Under such circumstances, even Japan's ruling Democratic Party chastised Korea with thoroughly-worded measures that seemed to have been motivated by a realization that its already low-support rate would dwindle even further if it showed a less than aggressive attitude toward Korea.

Although Koreans have traditionally responded to Japan's absurd remarks in an emotional manner, this time it was Japan that showed an emotional reaction.

Japan subsequently announced so-called retaliatory measures that included a scaling back of the Korea-Japan currency swap arrangement and suspension of minister-level bilateral talks. Furthermore, then Japanese Prime Minister Noda Yoshihiko even instructed all ministries to submit their own countermeasures. Japan appeared to have lost all reason.

Thereafter, Japan ratcheted up its campaign to submit the Dokdo issue to the International Court of Justice (ICJ), along with Prime Minister Yoshihiko Noda sending an official letter of protest to Korea. The Korean government refused to accept the letter and decided to have it returned to Japan via diplomatic channels. However, Japan refused to receive the diplomatic envoy who had been dispatched to return the protest letter. The Korean government eventually settled on returning Prime Minister Yoshihiko Noda's letter of protest via registered mail, which effectively diffused the situation for the time being. However, both

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sides continued to accuse the other of having breached diplomatic protocol. Japan subsequently sent a diplomatic document in which it demanded that the Dokdo issue be jointly brought to the ICJ or dealt with based on the exchange of notes agreement reached in 1965, under which Korea and Japan agreed to refer such disputes to arbitration if any matters could not be resolved through diplomatic procedures. However, the Korean government rejected both proposals.

Japan subsequently announced that it would unilaterally present the Dokdo issue to the ICJ. Furthermore, the Japanese government, on August 24, 2012, convened a session of the Japanese Diet that was broadcast live to the world, over the Internet, in which Prime Minister Noda laid out Japan's justification for its legal claims to Dokdo and the Senkaku Islands.

Prime Minister Yoshihiko Noda also made disparaging comments about the comfort women issue, saying, "There are no documents or testimonies on the Japanese side that confirm the comfort women were coerced," during a session of the Upper House Budget Committee on August 27.

Korea actively responded to these developments. Korea let it be known that if Japan unilaterally brought the Dokdo matter to the ICJ it would submit the comfort women issue to the International Criminal Court. The Japanese media immediately started to voice its concern about a reemergence of the comfort women controversy. The *Mainichi Shimbun* advised that unlike the matter of Dokdo, any Japanese conflict with Korea over the issue of comfort women would not be advantageous to Japan. More to the point, as the matter was related to the human rights of women, Japan could very well again find itself being condemned by the international community. Thereafter, the Japanese government started to implement a different approach.

On September 4, then Foreign Minister Koichiro Genba stated that while Japan still reserved the right to unilaterally present the Dokdo issue to the ICJ (Japan postponed the unilateral submission of the matter to the ICJ in December 2012), it hoped to "improve relations with the next government of Korea." He also hinted at the possibility of unofficial talks being held between President Lee Myung-bak and Prime Minister Noda Yoshihiko during the APEC Summit on September 7, 2012. In other words, it was Japan who blinked. Japanese Foreign Minister Koichiro Genba and Korean Foreign Minister Kim Sung-hwan did in fact engage in unofficial talks during the two-day APEC Summit that opened on September 8, in Vladivostok. An unofficial meeting between Prime Minister Yoshihiko Noda and President Lee Myung-bak was also arranged. These results can be traced back to Japan's softened approach. Then United States Secretary of State Hillary Clinton also called for a lowering of the temperature over the Korea-Japan territorial dispute.

## **II. Japan's strategic approach**

On the surface, these gestures seem to have effectively defused the latest upsurge of the Dokdo crisis that broke out in 2012. However, Korea was inevitably left perplexed by the sudden change in Japan's attitude. In the end, Korea was left to conclude that the change in Japan's approach was strategically motivated in that it could always resort to its previous intention if the situation dictated such a change in direction.

Koreans have always felt that they have never received a sincere apology from Japan. And for its part, Japan has grown increasingly irritated by the fact that it has expressed an apology on several occasions. That being the case, this impasse is not likely to be overcome, while absurd remarks and reckless behavior will inevitably continue as long as Japan shamelessly puts forward what can best be described as a "strategic" apology rather than a sincere one. Japan should realize this point if it truly desires to establish a truly profound ROK-Japan relationship.

Japan has a tendency to withdraw whenever it feels it is at a disadvantage, but will go on the attack when it feels that there is an advantage to be gained. The comfort women issue involves the sexual exploitation of women from not only Korea, but all around the world (China, Southeast Asia, Europe, and Australia). As such, based on a determination that the situation had become disadvantageous to Japan, the Japanese government began a strategic withdrawal that did not involve any real introspection or apology.

The Liberal Democratic Party (LDP)'s overwhelming victory in the general elections held in Japan on December 16, 2012 marked the first transition of the governing party in three years and three months. The leader of the Liberal Democratic Party (LDP) Shinzo Abe made a hardline pledge regarding Dokdo, along with promising to upgrade the status of the celebration of Takeshima Day, held by Shimane Prefecture every February 22, to that of a national event. However, he subsequently revealed that he reserved the right to reverse this course of action in order to avoid unnecessary friction with future President Park Geun-hye, whose inauguration was slated for February 25, 2013. This decision can be interpreted as another example of Japan's strategic reaction to prevailing circumstances.

China-Japan relations have been noticeably strained by the Senkaku Islands dispute such that Japanese products are now essentially being boycotted by consumers in China. Much to the chagrin of Japan's big businesses, the sales of Toyota and other Japanese vehicles has plunged by 50%. The inability of the Japanese economy to recover despite its weak-yen policy can be attributed to a stagnation of Japan's exports to China. Japan's trade deficit reached 1 trillion yen in November 2012, making it the third-largest Japanese deficit on record. The revelation of this red-ink figure sent shockwaves through Japan's business circles. Faced with such adverse circumstances, Prime Minister Shinzo Abe found himself

having to worry about the Japanese economy being further impacted by a setback in ROK-Japan relations, due to any row over the Dokdo dispute. In this regard, Japan made another strategic withdrawal.

### **III. Basis for amendment of Article 9 of the Constitution**

One of Japan's foreign policy priorities is to become a permanent member of the United Nations Security Council in the near future. While Japan failed to achieve this goal a few years ago, it has never completely abandoned this pursuit. However, one of the basic conditions for becoming a permanent member of the United Nations Security Council is for the nation to maintain a military force capable of contributing to international deployment. As such, Japan needs to upgrade its Self-Defense Forces into a regular military with conventional capabilities. And to this end, the Japan Constitution must be amended. Article 9 of the Constitution states that Japan must renounce war as a sovereign right of the nation, and refrain from the threat or actual use of military force. Thus, this article of the Constitution must be amended in order for Japan to have regular military forces.

Such an amendment of the Constitution requires the agreement of two-thirds of the Diet and a majority of the general voting population in a subsequent referendum. In the general elections held on December 16, 2012, the Liberal Democratic Party (LDP) and Justice Party secured more than 320 of the 480 Diet seats, a total equivalent to two-thirds of the chamber. As such, it is now possible to secure a two-thirds approval from the Diet. The next step in upgrading the military forces is to gain support from a majority of the general public. However, the reemergence of the comfort women issue and of global criticism of Japan will serve to further imprint the evil practices of the former Japanese imperialists in the hearts of the Japanese people, thus making it more difficult to attain a voter majority to transform the Self-Defense Forces into regular military forces in a public referendum.

Many of Japan's strategic actions are based on this kind of careful calculation. Yoshihiko Noda, who emotionally expressed his anger with President Lee Myung-bak's visit to Dokdo, had no problem smiling broadly for the camera when the two shook hands during the APEC Summit held in September 2012, a scene that must have been difficult for Koreans to understand. There is no bitter enemy or loyal ally for the Samurai country known as Japan. Rather yesterday's enemy can be today's ally and yesterday's friend today's rival. The Japanese nation, which is comprised of descendants of the Samurai, has a hard time understanding a country like Korea that is based on Confucian principles, in which doors are closed and a partner is ignored if he is believed to be guilty of wrongdoing.

#### **IV. My research findings of Dokdo**

I am a Japanese Korean. I became a naturalized Korean citizen in 2003 after having spent 15 years in Korea. My research of Dokdo, which continues to this day, started in 1998. When I started lecturing at a university in Korea, Korean students asked me: “Which country do you think Dokdo belongs to?” They must have wondered how I would answer. The truth is that I could not give a clear answer at that time. Much like a majority of Japanese people, I did not have much interest in Dokdo. While I was aware that there was an island called Dokdo that had become a problem between Korea and Japan, I had never given any thought to the issue of to which country Dokdo rightfully belonged. In reality, I started to study about Dokdo so that I would be able to answer the question posed by these students.

I objectively researched the matter of Dokdo. Rather than a nationalist, I was a researcher who possessed a keen desire to discover the truth. I studied the claims made by Japan and Korea, works by scholars from both countries, and the assertions made by both governments. I also searched for the primary materials that each side had cited as evidence of the veracity of their positions. After four years of research, I reached a conclusion. I discovered that there were much obfuscation and distortion in the assertions of Japanese scholars. Based on my findings, I wrote my first paper on Dokdo entitled, “Study on unresolved problems regarding the matter of sovereignty over Dokdo,” in 2002.

Both Japanese scholars and the Japanese government did their best to conceal and distort the official documents in which the Daijokan (Great Council of State), the highest decision-making body in Japan during the Meiji period, determined in 1870 and 1877 that Ulleungdo and Dokdo islands belonged to Korea.

In my first essay of 2002, I mainly dealt with Japan’s concealment and distortion of the Daijokan Order of 1877. In 2005, the so-called “Isotakeshima map,” attached to the Daijokan Order, was discovered by a minister of Japan, which indicated that the Daijokan (Great Council of State) had excluded the two islands from Japanese territory. When questioned by a Diet member about this Daijokan Order in 2006 and 2009, the Japanese government avoided giving a specific answer, while contenting itself by saying “further review of these old documents was needed” and the matter was “under investigation.”

A group led by the Yonhap News Agency Korea and myself sent a letter to the Japanese government and Liberal Democratic Party (LDP) in 2006 in which we raised the matter of the Daijokan Orders. However, the Japanese government clung to its response that the matter was “currently under investigation,” a position it continues to maintain even today. A conclusion of the investigation into the Daijokan Orders would mean that the government would have to submit a report to the Diet. And this is why the Japanese side continues to say that the investigation remains ongoing. More to the point, this is because they would have to

report the existence of official documents in which the Meiji government of Japan recognized Dokdo as part of Korean territory.

Therefore, the Japanese government will forever answer that this matter is “under investigation.” An opinion that all Daijokan Orders remain legally effective, as long as other documents that refute their contents do not exist, has generally been accepted within Japan. As such, the Japanese government is busy concealing and distorting the contents of these Daijokan Orders because it knows full well that an outcome contrary to the objectives of the Japanese government could very well emerge when knowledge of the Daijokan Orders spreads among the general public and the matter is brought to light.

## **V. Japan’s argument for its sovereignty over Dokdo**

### **1. Criticism and rebuttal (point 1)**

The Hokkaido Union of Teachers of Social Studies announced in 2008 that “Dokdo belongs to Korea as Koreans have long asserted.” In September 2011, the Tokyo Union of Teachers of Social Studies added: “There is no evidence that Dokdo belongs to Japan.” Teachers of social studies in Japan must teach students about the Dokdo situation with textbooks that clearly describe “Dokdo as belonging to Japan.” As such, these particular teachers must have also studied Korea’s claims regarding Dokdo. As a result of these individual studies, many such teachers started to think that Dokdo belongs to Korean territory, and have pointed to the Daijokan Orders of 1870 and 1877 as the primary evidence in support of their position.

Prime Minister Yoshihiko Noda explained the three reasons why Dokdo belongs to Japan as part of his address to the National Diet on August 24, 2012, a scene that was broadcast around the world. This live broadcast was seen by Japan as the best way to ensure the broadest promotional effect. However, this tactic also exposed the limitations of the Japanese rationale at the same time. The Daijokan Orders clearly refuted Prime Minister Yoshihiko Noda’s first argument that Japan had established sovereignty over Dokdo during the mid-17th century.

Let me elaborate on the first aspect of Prime Minister Yoshihiko Noda’s explanation, namely that the samurai government of Japan, known as the Edo Bakufu, in January 1696 had asked the feudal lord of Tottori-han (currently Tottori Prefecture), who had traveled to Ulleungdo and Dokdo Island, questions about not only Ulleungdo but Dokdo as well. However, what the Edo Bakufu really asked was: “Are there any other islands related to

Tottori-han in addition to Ulleungdo?” Thus, we can see that the Edo Bakufu was not even aware of the existence of Dokdo. That being the case, how can it be claimed that the Edo Bakufu had established sovereignty over Dokdo during the mid-17th century?

As for the questions posed by the Edo Bakufu, the Tottori-han lord answered: “There is an island called Matsushima (Japanese name of Dokdo at the time) but it is not our territory. It is located a ways off from Takeshima (Japanese name for Ulleungdo at the time). This island does not belong to our province or any other Japanese province.” As such, Dokdo was viewed as not being part of Japan territory. These ancient documents are currently housed in the Tottori Prefectural Museum. The Daijokan Orders of 1870 and 1877 were established based on a review of these documents.

In the Chosenkoku Kosaishimatsu Naitansho (朝鮮国交際始末内探書, Report on Details of Friendship with Joseon) published in 1870, the Japanese Ministry of Foreign Affairs effectively confirmed that: “Ulleungdo and Dokdo became the possessions of Joseon during the years of Genruko (1688-1704)” and that Japan accepted Ulleungdo and Dokdo as part of Joseon’s territory at the end of the 17th century.

The Daijokan (Great Council of State) again clarified in the 1877 Japanese Kobunruko (公文録) Documents that Ulleungdo and Dokdo became territories of Joseon at the end of the 17th century, by stating the following.

*“In terms of the inquiry regarding the compilation of the cadastre for Takeshima and “another island”(Dokdo) in the Sea of Japan after the entry of the Koreans (Joseon people) into the Island in the 5<sup>th</sup> year of Genruko (1692), the exchange of documents between the two countries has been completed and it has been determined that these islands are in no way associated with our country ... (omitted) Regarding Takeshima (Ulleungdo) and another island (Dokdo), it is understood that the two islands have nothing to do with Japan. ...”*

In other words, there is no truth to the Japanese government’s claim that Japan had established sovereignty over Dokdo during the mid-17th century; rather, “Japan accepted that Korea (Joseon) had maintained sovereignty of Dokdo at the end of the 17th century.” Japan’s assertions might start off as being based on a kernel of truth but invariably end up being distorted along the way. This is because if they pursued the actual truth, they could no longer argue the fact that Dokdo belongs to Korea. Japan is, as such, not a country that pursues the truth in the areas of the humanities and social sciences. Japan has a tendency to ignore the truth with silent contempt in favor of short-term national interests, while randomly discarding the truth if it does not advance its national interests. Although I have additional evidence to refute the first aspect of Prime Minister Yoshihiko Noda’s argument, I have to end here due to a lack of space.

Japan’s aspirations of being a leader in Asia or even on the global stage will remain a

dream as long as it does not become a country that advocates the truth in the fields of the humanities and social sciences. I put forward this seemingly dire warning to Japan based on my sincere love for my homeland.

## **2. Criticism and rebuttal (point 2)**

I would now like to discuss the second point of Prime Minister Yoshihiko Noda's claim as to why Dokdo belongs to Japan. Simply stated, Prime Minister Yoshihiko Noda has asserted that Japan had officially incorporated Dokdo into Oki Island of Shimane Prefecture in 1905. He has maintained that Japan incorporated Dokdo into Shimane Prefecture based on a notion of the preoccupation of an "ownerless" land, a reasoning that is in turn rooted in a claim that Dokdo did not, at that point in time, belong to any county.

Japan's incorporation of Dokdo Island in 1905 was based on its effective occupation of the island that took occurred when Nakai Yozaburo of Oki Island took up residence on Dokdo for two years in 1903, for his hunting of sea lions.

Japan's actions at that time effectively ignored the Daijokan Orders of 1870 and 1877. In any case, the Japanese Ministry of Home Affairs remained opposed to the incorporation of Dokdo on the grounds that "there is no need to arouse the concerns of the Western powers regarding Japan's desire to swallow up the entire Daehan Empire by taking a deserted island that is in all likelihood part of Korean territory." For its part, the Japanese Ministry of Foreign Affairs persuaded the other departments to go along with an incorporation process based on a belief that "we must seize the occasion to incorporate Dokdo as soon as possible." As such, a decision was made to incorporate Dokdo into Japan during the cabinet meeting held on January 28, 1905.

Here, special attention needs to be paid to the fact that Japan secretly incorporated Dokdo into Shimane Prefecture. Public notification of the incorporation of Dokdo was announced in the Gazette of Shimane Prefecture rather than Japan's Official Gazette. Although a local newspaper wrote a small article about this event, barely anyone paid attention. In other words, the Japanese government accepted the advice of the Ministry of Home Affairs and handled the "takeover" of Dokdo in a manner that did not arouse the concerns of the Western powers.

Thereafter, Japan started to make deals with the Western powers that were designed to allow it to swallow up not only Dokdo but the entire Korean Peninsula. In August 1905, Japan concluded the secret Taft-Katsura Agreement in which Japan accepted the United States' acquisition of the Philippines in exchange for the United States' tacit consent of Japanese control of Korea. Great Britain's signature of its own secret agreement with Japan meant that Tokyo had effectively succeeded in getting the two most powerful countries in the



world at the time – the United States and Great Britain – on its side. Japan also successfully inserted the following paragraph in the Treaty of Portsmouth that ended the Russo-Japanese War in September 1905: “The Imperial Russian Government, acknowledging that Japan possesses in Korea paramount political, military and economical interests, engages neither to obstruct nor interfere with measures for guidance, protection, and control which the Imperial Government of Japan may find necessary to take in Korea.” Thus, Russia was also forced to accept Japan’s paramount status on the Korean Peninsula. Japan also negotiated a similar pact with France. Meanwhile, Qing’s defeat in the earlier Sino-Japanese War meant that it had already been forced to abandon its influence over Korea.

Having removed all Western influences from Korea, Japan was able to force Korea to sign the Japan-Korea Protectorate Treaty (Eulsa neukyak) in November 1905, a pact that effectively robbed Korea of its diplomatic rights. By this point, there were no Western powers capable of preventing Japan’s invasion of Korea.

No longer obliged to keep its absorption of Dokdo a secret, the Japanese government dispatched officials from Shimane Prefecture to Ulleungdo in March 1906. The Japanese officials visited the magistrate of Ulleung-gun, Sim Heungtaek, and proceeded to verbally inform him that Dokdo had been incorporated into Japan. Sim Heungtaek responded to this action by submitting a report to his higher ups that stated: “It is said that Dokdo, which is currently under the jurisdiction of Ulleung-gun, has been incorporated into Japanese territory.” (Governor of Gangwon-do Yi Myeongnae’s Report: housed in Dokdo Museum.)

The Korean government sent a letter, which came to be known as Directive No. 3, to the leaders of Gangwon-do Province and the magistrate of Ulleung-gun that stated: “This assertion cannot be true. Pay careful attention to the actions of the Japanese.” This communication effectively confirmed that Dokdo belonged to Korea.

This is the historical context that Korea has raised time and time again to support its own position. More to the point, the Korean side has argued that the origins of the Dokdo dispute can be traced back to the Japanese military, which first landed on the Korean Peninsula in February 1904, then decided to remain in Korea, seize Dokdo, and later take control of the entire Korean Peninsula.

However, Prime Minister Yoshihiko Noda emphasized in his statement on August 24 that Dokdo was not a historical issue but a territorial matter. Thus, we can see an outline of the Japanese strategy of turning a blind eye to its past expansionism.

Prime Minister Yoshihiko Noda’s second point is rendered even weaker by evidence that Korea had actually established effective sovereignty over Dokdo prior to 1905. For example, Joseon and Japan concluded the Joseon-Japan Fishing Regulations in 1889 that revolved around the imposition of export taxes upon the catch of each other’s fishermen. Based on this agreement, Japanese ships that entered Ulleungdo for fishing activities were

expected to pay fishing taxes to the Japanese legation in Busan, which were then forwarded to the Korean government. Japanese fishing boats that had paid taxes were subject to inspections and issued permits to catch fish off the coast of Ulleungdo.

The fishing activities of Japanese ships around Ulleungdo at the end of the 19th century were concentrated on fish and shellfish, such as abalone and agar. However, the question that must be posed is that of whether Dokdo belonged to (was part of) Ulleungdo. If Dokdo was in fact recognized as belonging to Ulleungdo, from the standpoint of levying taxation, then this provides further evidence that clearly substantiates the fact that the Joseon government maintained jurisdiction of Ulleungdo and Dokdo.

Meanwhile, there are official records found in the “Report of the Japanese Legation in Busan” in 1902 which indicate that the Japanese went as far as Dokdo in search of abalone when the catch was insufficient at Ulleungdo. These documents identified Ulleungdo as the “main island” of Dokdo, thereby clarifying that Dokdo belonged to Ulleungdo. In other words, since Dokdo belonged to Ulleungdo from a standpoint of its taxation practices, Korea exercised effective control over Dokdo. Tax collection is a distinctive means of exercising one’s sovereignty over its territory.

There are other individual Japanese records which state that sea lions often interfered with the Japanese fishermen catching abalone at Dokdo. Thereafter, Japanese fishermen brought the abalone collected from Dokdo to Ulleungdo for eventual export to Japan. The fact that the governor of Ulleungdo levied export taxes upon these fishermen is confirmed in these official records (Report of the Japanese Legation in Busan in 1899). These documents of the Japanese Legation in Busan are proof, as evidenced by its taxation practices in the form of fishing and export taxes, that Ulleungdo and Dokdo were under Korea’s rule during the late 19th century. As mentioned above, tax collection is a distinctive means of exercising sovereignty over a territory.

Thus, Dokdo was not *terra nullius* prior to 1905 because it already had an owner, called “Korea,” which imposed taxation on Dokdo fishermen. This fully refutes Japan’s claim of sovereignty over Dokdo based upon its improper application of *terra nullius* in 1905.

Unable to offer any direct resistance to Japan, Emperor Gojong dispatched a secret envoy to the Hague Peace Conference in March 1907. However, this gambit failed and the Japanese government dethroned Emperor Gojong in July 1907. As these events occurred during the process of Japan invasion of Korea, Japan’s incorporation of Dokdo in 1905 should be regarded as invalid, under the Cairo Declaration of 1943. Thus, the second point of Japan’s rationale also does not pass the proverbial litmus test.

### **3. Criticism and rebuttal (point 3)**

In truth, the previous two sections provide ample proof of the fallacy of Japan's claims to Dokdo. However, Prime Minister Yoshihiko Noda also introduced the following point to cement his argument: "Dokdo was excluded from Korean territory during the process of drafting the San Francisco Peace Treaty that began in 1945. Furthermore, the U.S. Department of State turned down Korea's request to have Dokdo included in the Treaty articles relating to Korea's territorial sovereignty in July 1951. Korea nevertheless unilaterally declared the Syngman Rhee Line (Peace Line) and continues to illegally occupy Dokdo to this day."

This statement, which identifies the essence of "Korea's illegal occupation of Dokdo," should not be overlooked.

Here again, Japan has engaged in a major distortion of the facts. It has sought to make it appear as if the U.S. view was shared by all the other parties who signed the San Francisco Peace Treaty. It is true that the United States made a strategic attempt to have Dokdo included as part of Japan territory. However, the United States' decision to make Dokdo part of Japan territory was based solely on strategic considerations. Having accepted Japan's assertion that Dokdo had been under the jurisdiction of Oki Islands, of Shimane Prefecture, since 1905, political adviser to the U.S. Department of State in Japan, William J. Sebald, persuaded the U.S. State Department in December 1949 that it would be in U.S. military interests to have Dokdo become part of Japan. The subsequent onset of the Korean War and very real concern that the entire Korean Peninsula could be communized led the U.S. government to start considering the need to find a place for Korean President Syngman Rhee's exile.

At this time, the United States started to seriously consider that having Dokdo be part of Japan was the best way to promote its national interests, amid the burgeoning Cold War. However, this view was that of the United States alone. There were several other parties among the allied powers, especially the U.K., Australia, and New Zealand, which strongly argued that Dokdo was part of Korea. The exclusion of Dokdo from Korea's territory in the final draft of the San Francisco Peace Treaty was in fact a compromise between the allied powers regarding the status of Dokdo. In other words, according to the San Francisco Peace Treaty, Dokdo was neither clearly part of Korea's or Japan's territory. This stands in stark contrast to Japan's assertion that Dokdo remained part of Japan's territory.

The allied powers acknowledged Korea's sovereignty over Dokdo in 1946 (SCAPIN No. 677). As there are no articles in the San Francisco Peace Treaty that refute the facts contained in the above-mentioned document, published in 1946, it can be concluded that under the principle of international law known as estoppel, there had been no change in Korea's sovereignty over Dokdo.

The Korean government instructed its Ambassador to the United States, Yang Yuchan,

to officially request that the U.S. Department of State include Dokdo in the articles of the San Francisco Peace Treaty, in order to confirm Korea's territorial sovereignty, on July 19, 1951. Despite various reviews, the U.S. Department of State sent an official letter, known as the "Rusk Letter," to the Korean Embassy in the United States on August 10, 1951. The pertinent contents of the "Rusk Letter" include the following:

*"As regards the island of Dokdo, otherwise known as Takeshima or Liancourt Rocks, this normally uninhabited rock formation was according to our (the United States) information never treated as part of Korea and, since about 1905, has been under 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 ... (omitted)... For this reason, we cannot accept the request of the Korean government."*

This official document, indicating that Dokdo in fact belonged to Japan, was sent to the Korean Embassy in the United States. Japan has asserted that this official document recognized Japan's sovereignty over Dokdo.

However, recent studies have revealed that this "Rusk Letter" was a confidential document transferred in secret solely to the Korean government, without any consensus having been obtained for its contents from the other allied powers.

For example, James Alward Van Fleet, presidential envoy under Dwight D. Eisenhower, mentioned in his Asian tour report (August 1953):

*"The Republic of Korea has been confidentially informed of the United States position regarding the island (Dokdo) but our position has not been made public."*

As such, the United States viewed the "Rusk Letter" as having been passed on in secret to the Korean government and never having been made known to the other members of the allied powers. Since the contents were not based on a consensus of the allied powers, the provisions cannot be regarded as being in keeping with the nature of the San Francisco Peace Treaty. The "Rusk Letter" was in fact nullified by the San Francisco Peace Treaty. This should be perceived as little more than the United States' position, and as such there is no need for Korea to adhere to its stated findings.

John Foster Dulles, who served as the U.S. special envoy to the San Francisco Peace Treaty and later became the U.S. Secretary of State, acknowledged in a document that the "Rusk Letter" merely represented the views of the United States.

*"The U.S. view, re Takeshima, is simply that of one of many signatories to the treaty."*

This document indicates how then special envoy John Foster Dulles acknowledged the perception that Japan had sovereignty over Dokdo was that of the United States alone, and there were in fact many others parties who believed that Dokdo belonged to Korea.

As such, although Japan has asserted that the “Rusk Letter” was a natural conclusion of the San Francisco Peace Treaty, this is in fact a distortion since the “Rusk Letter” merely represented the view of the United States at that time. These facts were confirmed by the very person in charge of negotiating the peace treaty for the U.S.

In this regard, Japan’s claims based on the validity of the “Rusk Letter” cannot be substantiated. In particular, Japan’s charge that Korea illegally occupied Dokdo is refuted by its own argument that Dokdo officially became part of Japanese territory as a result of the “Rusk Letter,” a claim that has now been proven invalid.

The Korean government’s declaration of the Syngman Rhee Line (Peace Line) and clarification of its sovereignty over Dokdo in January 1952, based on its proclamation of sovereignty over the seas, was not met by opposition to such claims by any allied power on the grounds that Dokdo belonged to Japan under the terms of the San Francisco Peace Treaty.

As the Republic of Korea has continuously ruled over Dokdo since 1948, the allied powers inevitably accepted this fact. Although this occurred three months before the San Francisco Peace Treaty went into effect, the inaction of the allied powers can be seen as being tantamount to a tacit acceptance of Korea’s effective control of Dokdo. The Syngman Rhee Line (Peace Line) does not have much relation to the Dokdo sovereignty issue. Since the primary objective of the Syngman Rhee Line (Peace Line) was to prevent Japanese fishing boats from operating in the designated East Sea area, the fishing issue was in fact the major concern of these regulations. The Japanese assertions that the Syngman Rhee Line (Peace Line) was proclaimed to protect Dokdo are again nothing more than a distortion of the facts.

Korea worried that the absence of a treaty between Korea and Japan would allow the latter to take advantage of these unregulated seas and furtively seize control of all the fishing grounds found in Korean waters. It was based on this concern that Korea proclaimed its sovereignty over the adjacent seas that came to be delineated by the Syngman Rhee Line (Peace Line).

## **V. Conclusion: What is needed from Japan**

The Japanese government has created the hated phrase “Korea’s illegal occupation of Dokdo” and fanned the flames of the ongoing Korea-Japan conflict over Dokdo. The claims that Korea has resorted to incomprehensible actions while Japan has approached the matter in an objective manner are a distortion as well. Japan has distorted historical facts in order to rile up the Japanese people and to generate hatred toward Korea. Korea’s staunch opposition to these efforts is only natural, under these circumstances.

In the previous sections I have clearly demonstrated that Japan has failed to validate its assertions of Japanese sovereignty over Dokdo. This failure to substantiate the Japanese claims can be attributed to the fact that there is in reality no real issue over Dokdo's sovereignty. Dokdo is not a disputed territory and there are no legal grounds for bringing the Dokdo issue to the International Court of Justice (ICJ).

Japan has caused serious damage and great pain to the countries of Asia during its era of modernization and imperialist expansion. Hundreds of thousands of Koreans and other Asians were forced into labor on the battlefield and in mines as part of the Japanese military's war machine. Some of these Asians became victims of medical experiments conducted by the dreaded Unit 731 of the Japanese Imperial Army. However, the most abhorrent act was the coercion of countless women in Asia into sexual slavery, an action that violated basic human rights and humanitarian principles. Many women from Korea, China, Thailand, and the Philippines were forced to become wartime "comfort women" for the sexual satisfaction of the Japanese military. Nevertheless, Japan has never truly apologized for its past wrongdoings. Japan is a country that lacks the courage and conscience to face up to its past.

The political leaders of Japan have on several occasions proffered superficial apologies to its wartime victims and affected countries. However, such apologies have failed to convince the Asian countries because they have been accompanied by Cabinet members' visits to the Yasukuni Shrine, maintenance of self-serving policies and measures, and an overwhelming lack of sincerity. No one can believe in Japan's insincere "crocodile tears." The Japanese government's desire to clear up the past based on mere formalities has in fact further fueled the outrage of Japan's victims.

Korea is prepared to make efforts to establish a future-oriented relationship with Japan such that their shared values and common interests can be advanced. Korea and Japan have closely cooperated on such issues as the North Korean nuclear program, promotion of peace and prosperity in Northeast Asia, climate change, and responses to financial crises. And cooperation in these fields will continue in the future. Both countries are ready to contribute to the advancement of the global community through the realization of peace and prosperity throughout Northeast Asia. However, in order to do so, Japan must clean up its past in no uncertain terms and move in the right direction by restoring the trust of its neighboring countries. (January 2013 Issue)

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