

# A Reexamination of the 1877 Instruction of the Council of State

## The Takeshima Documents Study Group

### Abstract

In October 2018, the Takeshima Documents Study Group was founded by volunteers as a part of a research project of the Japan Institute of International Affairs to scrutinize the Instruction of the Japanese Council of State on March 29, 1877 (明治10年太政官指令, hereinafter referred to as “the 1877 Instruction of the Council of State”), in which the Council stated that, with respect to the Shimane Prefecture’s / Ministry of Home Affairs’ inquiry on “Takeshima and the other island (竹島外一島)” in the Sea of Japan, “there is no relation to Japan.” As a result of surveys and discussions over three years, the Study Group published a report and concluded that present-day Takeshima was not included among the island(s) declared “there is no relation to Japan” in the Instruction. After its publication, historical materials corroborating the findings of the Study Group were found. In light of the impact that one of the major grounds of the South Korean claim over the Takeshima is clearly refuted, the JIIA has decided to update the introductory chapter of the report, thereby introducing the newly found materials which were made in the same period as the 1877 Instruction of the Council of State. This paper is an English translation of the updated introductory chapter.

### Background

In October 2018, the Takeshima Documents Study Group was founded by volunteers as a part of a research project of the Japan Institute of International Affairs to scrutinize the March 29, 1877 Instruction of the Japanese Council of State (明治10年太政官指令, hereinafter referred to as “the 1877 Instruction of the Council of State”), in which the Council stated that, with respect to the Shimane Prefecture’s / Ministry of Home Affairs’ inquiry on “Takeshima and the other island (竹島外一島)” in the Sea of Japan, “there is no relation to Japan.” After conducting surveys and discussions over a period of three years, the Study Group published a report on March 31, 2022 and concluded that present-day Takeshima was not included among the islands determined to have “no relation to Japan” in the 1877 Instruction. This paper is an English translation of the introductory chapter.

Historical materials corroborating the findings of the Study Group were confirmed after its publication. This paper is updated to include these newly-confirmed materials, which were prepared in the same period as the 1877 Instruction of the Council of State.

The views and opinions expressed in this paper are those of the authors and the Takeshima Documents Study Group and do not necessarily reflect the views or positions of the Japan Institute of International Affairs.

### 1. Introduction—Why it is necessary to reexamine the 1877 Instruction of the Council of State

Takeshima, also known as the Liancourt Rocks in English and Dokdo in Korean, is an uninhabited island located in the Sea of Japan approximately 211 km north of the Japanese mainland

and 217km east of the Korean Peninsula at 37° 14' north latitude and 131° 52' east longitude. Takeshima is comprised of two main islands, Higashijima (Mejima) Island and Nishijima (Ojima) Island, and numerous small islands. The total land area of Takeshima is approximately 0.2 square kilometers. The two main islands are precipitous volcanic islands, and cliffs about the coastline on all sides. They have scarce vegetation and drinking water resources. Approximately 88km west-northwest of Takeshima lies the Korean island of Ulleungdo, and approximately 158km south-southeast of Takeshima are found the Japanese Oki Islands (see the map below).



**Source: Office of Policy Planning and Coordination on Territory and Sovereignty, Cabinet Secretariat, website**

The territorial dispute over Takeshima is one of the biggest concerns in Japan–South Korea relations. After WWII, South Korea requested the Allied nations (including the United States) to explicitly stipulate that Japan renounces Takeshima as a part of “Korea” in the peace treaty with Japan. The United States denied the South Korean request in a letter from Dean Rusk, the United States Assistant Secretary of State for Far Eastern Affairs, that stated “...[a]s 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.” In the San Francisco Peace Treaty, Takeshima was affirmed as a territory of Japan. In January 1952, South Korea issued the Presidential Proclamation of Sovereignty over Adjacent Seas and established the “Syngman Rhee Line” in the Sea of Japan, encompassing Takeshima within the Line. Then, in 1954, the South Korean government deployed a Coast Guard unit on Takeshima, and thus ensued the illegal occupation of Takeshima by South Korea.

### Chronological History of Ulleungdo and Takeshima

Year	Events
1417	The Joseon Dynasty adopted the “Empty Island” policy on Ulleungdo and the Japanese started fishing activities on and around the island.
17th century	Merchants in Yonago conducted abalone fishing and sea lion hunting on Ulleungdo (known as “Takeshima” at the time) with permission from the Edo Shogunate. Later, the merchants started a similar business on present-day Takeshima (known as “Matsushima” at the time), located on the route from Oki to Ulleungdo. Later, passage to Takeshima was also permitted by the Edo Shogunate.
1696	The Edo Shogunate prohibited the passage of merchants in Yonago to Ulleungdo, also known as “Takeshima” at the time. However, passage to present-day Takeshima (known as “Matsushima” at the time) was not prohibited.
Late 18th century	As a result of some inaccuracies in latitudinal and longitudinal charting by a European ship, a non-existent island known as Argonaut started being depicted between the Korean Peninsula and Ulleungdo, also known as Dagelet, in European maps.
Mid-19th century	A German doctor named Philipp Franz von Siebold, who had stayed in Japan, published a “Map of Japan” (1840) in Europe. Siebold designated Argonaut as “Takasima” and Ulleungdo (Dagelet) as “Matsusima” on his map. As a result, Ulleungdo started being called “Matsushima” in European maps, and such maps were imported to Japan.
1877	The Japanese Council of State stated in the 1877 Instruction of the Council of State that, with respect to the inquiry on “Takeshima and the other island” (the other island being “Matsushima”), “there is no relation to Japan” (the main topic of this paper).
1905	The Japanese government incorporated Takeshima into Shimane Prefecture at the request of Nakai Yōzaburō, who had conducted sea lion hunting on present-day Takeshima. The name “Takeshima” was given to present-day Takeshima because Ulleungdo was called “Matsushima” at the time (hereinafter “Takeshima” refers to present-day Takeshima when touching upon history after 1905).
1951	The San Francisco Peace Treaty was signed. It was decided that Japan would retain Takeshima.
1952	South Korea issued a declaration concerning maritime sovereignty and established the “Syngman Rhee Line” in the Sea of Japan, asserting fishery jurisdiction within the Line. The Line encompassed Takeshima so a territorial dispute over Takeshima arose. In 1954, the South Korean government started its illegal occupation of Takeshima.

## 2. South Korea has invoked the 1877 Instruction of the Council of State to justify its territorial claim over Takeshima

After the outbreak of the dispute over Takeshima, Japan and South Korea exchanged views via attachments to their *notes verbales*, but this ended in South Korea’s complete defeat as it was never able to produce any valid grounds for its possession during the exchange of views, and was unable to refute “The Japanese Government’s views on the Korean Government’s views of January 7, 1959, concerning Takeshima” (July 13, 1962, the so-called Fourth Japanese View). With regard to the display of state authority<sup>1</sup> over present-day Takeshima, Japan has a clear upper

<sup>1</sup> International trials on territorial disputes have sought rational solutions based on indications of “peaceful and continuous display of State authority.” This means a state wins the case if it has exercised sovereignty and that exercise has not been contested by other countries. If both parties have conducted such activities, it comes down to which party presents the stronger evidence or grounds.

hand: ① the Japanese government was involved in the economic activities of Japanese nationals on the island in the 17th century and ② Japan implemented a variety of administrative measures after its incorporation into Shimane Prefecture in 1905. The South Korean government could not have been able to show any proof that it has exercised sovereignty over the island but South Korea has, nonetheless, refused to even admit the existence of a dispute over Takeshima and rejected Japan's proposals to refer the case to the International Court of Justice in 1954, 1962, and 2012.

This inability to legitimize the South Korean claim based on Korean sources was what motivated them to turn to the use of Japanese sources. The 1877 Instruction of the Council of State was a suitable target for the Korean side in adopting this approach.

The 1877 Instruction of the Council of State was an instruction issued by the Council of State<sup>2</sup> to the Ministry of Home Affairs in 1877. In March 1877, the Council of State instructed the Ministry of Home Affairs to “understand that, with respect to the inquiry on Takeshima and the other island, there is no relation to Japan” in response to an inquiry from said Ministry titled “Inquiry on the Incorporation of Takeshima and the Other Island in the Sea of Japan into the Land Register.” The instruction was conveyed to Shimane Prefecture, which originally issued the inquiry, via the Ministry of Home Affairs. At the time, the Ministry of Home Affairs was taking initiative to compile a land registry. Shimane Prefecture's original inquiry was sent to the Ministry of Home Affairs after two land register incorporation supervisors of the Ministry had sent a letter (Otsu No.28) to the prefecture to propose to do so (see the figure below).

「明治10年太政官指令」(1877年) 発出までの過程



### Examination Process of Inquiry on “Takeshima and the Other Island”

- October 5, 1876 Two land register incorporation supervisors of the Ministry of Home Affairs sent a letter (Otsu No.28) to Shimane Prefecture to propose that the prefecture conduct an investigation on Takeshima (Ulleungdo) and send the Ministry an inquiry over whether the prefecture should incorporate the island into its land register.
- October 16, 1876 Sakai Jirō, Vice-Governor of Shimane Prefecture, sent an inquiry on “Takeshima and the other island” to Ōkubo Toshimichi, Minister for Home Affairs (“Inquiry on the Incorporation of Takeshima and the Other Island in

<sup>2</sup> *Dajōkan* or the Council of State was a Japanese state organ in the late 19th century under whose command ministries operated. It was set up in 1868 and re-formed as the Cabinet in 1885.

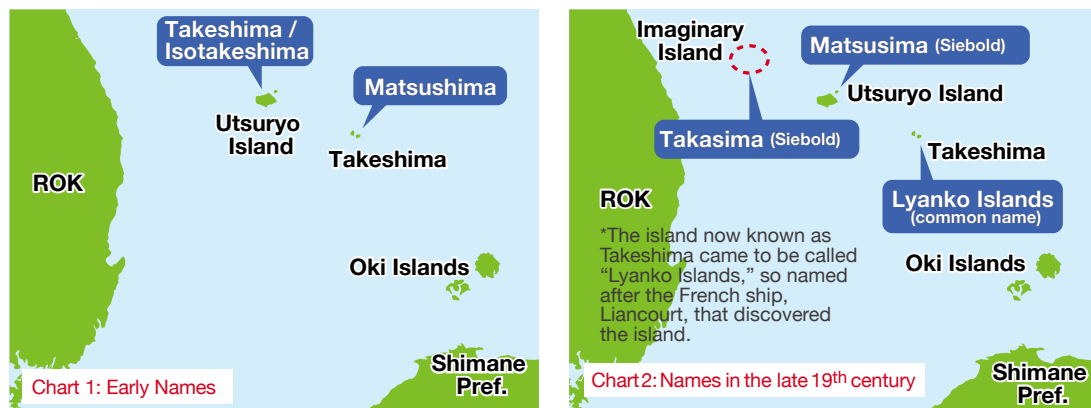
- the Sea of Japan into the Land Register”).
- March 17, 1877 Maejima Hisoka, Vice-Minister for Home Affairs, sent an inquiry (Shimachi No. 664) to the Council of State to get its approval for the Ministry’s judgment that “there is no relation to Japan.”
- March 20, 1877 A Council of State official drafted an approval document for the 1877 Instruction of the Council of State (Draft No. 20).
- March 29, 1877 The 1877 Instruction of the Council of State was sent from Iwakura Tomomi, Minister of the Right, to Maejima Hisoka, Vice-Minister for Home Affairs.
- April 9, 1877 Maejima Hisoka, Vice-Minister for Home Affairs, instructed Sakai Jirō, Vice-Governor of Shimane Prefecture, to “understand that, with respect to the inquiry on Takeshima and the other island, there is no relation to Japan.”

The first time the 1877 Instruction was referenced in Japanese or Korean academia was in a paper by Hori Kazuo (later a professor at Kyoto University).<sup>3</sup> Based on an interpretation of the 1877 Instruction that “Takeshima” refers to present-day Ulleungdo and “the other island” to present-day Takeshima, he argued that “the Dajōkan (the Council of State), the highest government organ in Japan at that time, formally declared, on the basis of the reports of both Shimane Prefecture and the Ministry of Home Affairs and treating Takeshima/Ulleungdo and Matsushima/Tokdo as an integral whole, that these two islands were not Japan’s territory.”

In the Edo era (1603–1867), present-day Takeshima was called “Matsushima” in Japan, whereas Ulleungdo was called “Takeshima” or “Isotakeshima.” In the 19th century, inaccuracies in the latitudinal and longitudinal charting of Ulleungdo resulted in the island being depicted as consisting of two separate islands on maps subsequently produced in Europe: Dagelet Island, whose location was thought to be the same as present-day Ulleungdo, and non-existent Argonaut Island, which was thought closer to the coast of the Korean Peninsula. A doctor named Philipp Franz von Siebold created a “Map of Japan” (1840) based on the knowledge he had acquired during his stay in Japan. Siebold believed that Argonaut and Dagelet Islands were “Takeshima” and “Matsushima,” respectively, and drew up a map based on this understanding. Western maps thereafter followed suit. In the latter half of the 19th century, Japan imported Western maps and started calling Ulleungdo “Matsushima.” Experts in Japan and Korea share the view that “the other island” was an island called “Matsushima.” Thus, the controversy comes down to which “Matsushima” the 1877 Instruction of the Council of State refers: the “Matsushima” of the Edo era (present-day Takeshima) or that of the late 19th century (Ulleungdo)? The arguments of both the Korean government and Professor Hori are premised on the hypothesis that the Council of State maintained its Edo-era recognition of “Matsushima.”

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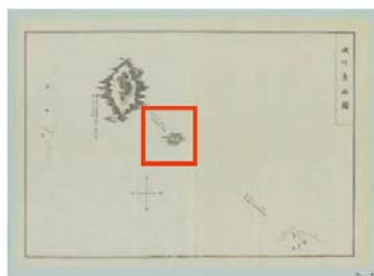
<sup>3</sup> 堀和生「一九〇五年日本の竹島領土編入」『朝鮮史研究会論文集』24 (1987.3) pp. 97–125. Hori Kazuo, “Japan’s Incorporation of Takeshima into Its Territory in 1905,” *Korea Observer*, Vol.28 No.3 (September 1997), p.477–525. The latter is an English translation of the former. The citation is taken from the latter.



Source: Office of Policy Planning and Coordination on Territory and Sovereignty, Cabinet Secretariat, website

The 1877 Instruction of the Council of State had a remarkable impact on Korean academia as a plain indication of the “falsehood” of the Japanese government’s view that Japanese possession over present-day Takeshima was established in the 17th century (Edo period). The ROK government adopted the 1877 Instruction as a part of its official views, in particular in “Dokdo, Beautiful Island of Korea,” a pamphlet issued by the South Korean Ministry of Foreign Affairs. It is also used as an indispensable part of South Korean “Dokdo education.” For instance, the Ministry of Education’s “Primary School Years 5–6: Social Studies (6–2)”, the government-designated elementary school textbook first published on August 15, 2019, introduces the 1877 Instruction to “inform of the truth those who believe the false claim that Dokdo has been Japanese territory since ancient times.” The 1877 Instruction plays an important role in Korean public diplomacy on Takeshima as well.

As the 1877 Instruction exclusively concerns the Japanese side’s perception, it is necessary for South Koreans to present separate evidence to the effect that present-day Takeshima has been Korean territory since the premodern period. Nonetheless, the 1877 Instruction has come to have the power to make not only Koreans but also some Japanese experts believe Korean claim that Takeshima is Korean territory. This likely has a lot to do with the visual impact of a map titled *Simplified Map of Isotakeshima* (磯竹島略図) (see the map below). This is stored among the *Kōbunroku* (公文録) (Compilation of Official Documents [exchanged between the Council of State and ministries]) at the National Archives of Japan as one of the documents attached to the inquiry that Shimane Prefecture submitted to the Ministry of Home Affairs. Some researchers in Japan and South Korea argue that it is obvious that “the other island” mentioned in “Takeshima and the other island” by the Ministry of Home Affairs and the Council of State refers to present-day Takeshima since this map depicts “Isotakeshima” (Ulleungdo) and “Matsushima” (present-day Takeshima), leaving no room for further argument. They maintain that the Japanese government adhered to the Edo-era recognition of “Matsushima.”



磯竹島略図



出典：国立公文書館デジタルアーカイブより

*Simplified Map of Isotakeshima*

Source: National Archives of Japan Digital Archive

### 3. Examination and Conclusions of the Takeshima Document Study Group

Did “the other island” of “Takeshima and the other island” in the 1877 Instruction of the Council of State refer to present-day Takeshima? Over the past three years, the Study Group has scrutinized the texts of all the documents stored together with the 1877 Instruction in *Kōbunroku*, surveyed other relevant documents and maps at the time, and examined historical facts that should be considered. After the Study Group issued a report in March 2022, new documents were confirmed. Consequently, the Study Group has concluded that the 1877 Instruction has nothing to do with present-day Takeshima. To put it differently, the Japanese government at the time did not maintain the Edo-era recognition that “Matsushima” referred to present-day Takeshima when it issued the 1877 Instruction, as opposed to the arguments put forth by Professor Hori and South Korea. The grounds for the Study Group’s judgment are summarized as follows.

- ① The main text of the inquiry from the Ministry of Home Affairs to the Council of State started with “with respect to the inquiry on the jurisdiction over Takeshima...,” examined only Takeshima, and did not refer to “the other island” or “Matsushima” at all (“the other island” appeared only in the title of the inquiry).
- ② The *Simplified Map of Isotakeshima* and other documents submitted by Shimane Prefecture to the Ministry of Home Affairs were attached to the inquiry from the Ministry to the Council of State simply to explain Shimane Prefecture’s inquiry. They were not used in the inquiry as a basis for the Ministry’s judgment that “there is no relation to Japan.” In addition, documents on the exchanges between the Japanese and Korean governments in the 17th century on Ulleungdo (there is not even a single reference to “Matsushima” in the documents) were attached to the inquiry from the Ministry as grounds to conclude that “there is no relation to Japan” and the Council of State approved the Ministry’s judgment.
- ③ “Matsushima” in the official maps made by the Japanese government at the time referred to Dagelet Island, i.e., Ulleungdo.
- ④ After the issuance of a report by the Study Group, one of its members confirmed an official document that clearly shows that the Ministry of Home Affairs at the time considered “Matsushima” to be Ulleungdo: a reply letter sent from Ōkubo Toshimichi, Minister for Home Affairs, to the governor of Nagasaki Prefecture, who had proposed to develop “Matsushima” as the island was rich in forestry and fishery resources. It has become clearer than ever that the South Korean argument does not hold water. Ōkubo dismissed the governor’s proposal, explicitly stating that the Ministry had “found that there is no relation to Japan” with respect to “Matsushima” as a result of careful examination of the documents related to the exchanges between the Japanese and Korean governments in the 17th century when Shimane Prefecture sent an inquiry on “the island.” As mentioned above, it was “Takeshima” that the main text of the

inquiry from the Ministry of Home Affairs referred to in the case of Shimane Prefecture's inquiry. Consequently, it has become crystal clear that the Ministry and the Council of State considered both "Takeshima" and "the other island (Matsushima)" to be Ulleungdo when the Council issued the 1877 Instruction.

⑤ Moreover, the members of the Study Group confirmed several other documents that show Japanese government officials around 1876 and 1877 recognized Ulleungdo as "Matsushima."

Each point is explained in detail below.

#### 4. Analysis of original documents (Chapter 2)

Chapter 2 ("The 'Instruction of the Council of State' and the Genroku Japan–Korea Negotiations" by Tsukamoto Takashi, former professor at Tokai University) analyzes documents concerning the "Inquiry on the Incorporation of Takeshima and the Other Island in the Sea of Japan into the Land Register" in *Kōbunroku*, focusing mainly on its texts. The author points out that the approval document of the 1877 Instruction of the Council of State stated that the Council should endorse the proposal by the Ministry of Home Affairs in its inquiry. Therefore, the author asserts that the texts of the Ministry's inquiry need to be scrutinized to consider whether the 1877 Instruction of the Council of State decided "there is no relation to Japan" vis-à-vis present-day Takeshima.

Analyzing the structure of the inquiry by the Ministry of Home Affairs, he revisits documents on the Japan–Korea negotiations over Takeshima at the time (Ulleungdo) in the Genroku period (excerpts from the *Takeshima Kiji* (竹島紀事), a record from Tsushima Domain), highlighted by the Ministry as Reference Materials No. 1 to No. 4 and used as a basis for its judgment. He then points out that there is no mention of present-day Takeshima in the reference materials selected by the Ministry. In the Genroku Japan–Korea negotiations, present-day Takeshima was not part of the negotiations. The negotiations came about when Japanese merchants ran into Korean fishermen on Takeshima at the time (Ulleungdo). As the Japanese side was concerned with possible interactions between Japanese and Koreans on the island, the Edo Shogunate requested that the Joseon Dynasty prohibit Korean fishermen from traveling to Ulleungdo. The same problem did not apply to present-day Takeshima, where no Korean fishermen had shown up.

Moreover, seeing how the inquiry from the Ministry of Home Affairs to the Council of State starts with "[a]s we have investigated the attached documents submitted by Shimane Prefecture on the subject of jurisdiction over TAKESHIMA (Ulleungdo), THIS ISLAND [...] (emphasis added by the author)," we should note that the judgment by the Ministry that "there is no relation to Japan" solely concerns "Takeshima." Subsequently, the Council of State endorsed the judgment of the Ministry of Home Affairs, which only considered "Takeshima" (Ulleungdo), so the 1877 Instruction of the Council of State did not decide "there is no relation to Japan" with respect to present-day Takeshima.

On the other hand, the *Summary of Background Information* (原由の大略) and the *Simplified Map of Isotakeshima* were documents attached to Shimane Prefecture's inquiry. The documents submitted by the Ministry of Home Affairs to the Council of State include these documents, but the author points out that these were attached simply as part of Shimane Prefecture's original inquiry and were not referenced during the examination by the Ministry of Home Affairs to render a judgment. They were attached just to show why the Ministry had submitted the inquiry and what the inquiry was about.

Shimane Prefecture submitted the *Summary of Background Information* and the *Simplified Map of Isotakeshima* to show that, in exchange for Korean recognition that Takeshima at the time (Ulleungdo) belonged to Japan, the Edo Shogunate prohibited passage to the island by Japanese merchants and granted fishing and hunting rights to Korea. This understanding was the basis of Shimane Prefecture's request to incorporate into the prefecture "Takeshima" (Ulleungdo) and "Matsushima," "the other island" on route to "Takeshima." However, the Ministry of Home Affairs



did not share the prefecture's understanding and thus did not approve its request. While the Ministry continued to use the title of the inquiry, "Takeshima and the Other Island," it examined only "Takeshima" and concluded that "it appears that there is no relation to Japan." This was because the Ministry believed that both "Takeshima" and "the other island (Matsushima)" referred to Ulleungdo and it was sufficient to examine only that one island.

## 5. Perceptions of Shimane Prefecture (Chapter 3 and 4)

Chapter 3 onward examines the background and surrounding circumstances of the 1877 Instruction of the Council of State. Chapters 3 and 4 focus on the perceptions of Shimane Prefecture. Chapter 3 essentially highlights Sakai Jirō, the top decision-maker in Shimane Prefecture on the "Inquiry on the Incorporation of Takeshima and the Other Island in the Sea of Japan into the Land Register," while Chapter 4 mainly discusses the Shimane Prefecture file "1876 Land Register."

Chapter 3 ("The Instruction of the Council of State' in Light of the History of the San'in Region" by Sugihara Takashi, special advisor to the Shimane Prefecture Takeshima Archive), focuses on Sakai Jirō, who served as Vice-Governor of Shimane Prefecture at the time, while examining the 1877 Instruction of the Council of State based on sources related to the history of the San'in region to be found in Shimane Prefecture. It shows that ① a request to develop "Takeshima" (1871) submitted by Fuji Shigechika (born in Fukuoka Prefecture), who served as Vice-Governor of Oki and Hamada Prefectures in 1869–1870, indicates his perception that "Takeshima" and "Matsushima" refer to the same island. Sakai Jirō then asked Fukuoka Prefecture about Fuji around the same time that the "Inquiry on the Incorporation of Takeshima and the Other Island in the Sea of Japan into the Land Register" was submitted to the Ministry of Home Affairs in 1876, and the author points out the possibility that he may have wanted to know about Fuji's perception of equating "Takeshima" with "Matsushima." Moreover, ② (a) when Sakai Jirō (then Governor) received a request to develop "Matsushima" (actually Ulleungdo) from Ōya Kensuke and another person in 1880, he asked the Ministry of Home Affairs if the policy regarding the island had changed since the 1877 Instruction of the Council of State to "establish it within the country's territory" and (b) Sakai Jirō's subordinate Shimizu Seitarō's *Oki no Kuni Chishi Ryaku* (Simplified Geographical Records of Oki Province) only mentions "Takeshima" when introducing the geography of Oki Province. This leads the author to argue that "Takeshima" and "Matsushima" may have been used interchangeably (meaning that they were the same island). Based on this, he writes that Sakai used the phrase "Takeshima and the other island" in the "Inquiry on the Incorporation of Takeshima and the Other Island in the Sea of Japan into the Land Register" to make sure that the inquiry would concern an island whose existence was certain. Although he knew that he had been asked to inquire with the Ministry of Home Affairs about the "Takeshima" land register, the existence of Argonaut Island as "Takeshima" was unclear and often drawn with dotted lines at the time, while "Matsushima" in the same position as Dagelet Island was drawn with solid lines. By adding "the other island" in his inquiry, Sakai avoided the situation where Shimane Prefecture inquired only about a non-existent island.

Chapter 4 ("Incorporation into the Shimane Prefecture Land Register and the 'Inquiry on the Incorporation of Takeshima and the Other Island in the Sea of Japan into the Land Register'" by Uchida Teruko, temporary staff member at the Shimane Prefecture Takeshima Archive), analyzes the "1876 Land Register," a document file prepared in Shimane Prefecture as the Ministry of Home Affairs conducted the land register incorporation project, and examines historical facts related to Shimane Prefecture's inquiry to the Ministry of Home Affairs dated October 16, 1876, which served as the prelude to the 1877 Instruction of the Council of State. In particular, the author focuses on a visit to the prefecture made by land register incorporation supervisors (Sugiyama Eizō and Tajiri Kenshin) from the Land Register Division, Geography

Bureau, Ministry of Home Affairs. She then points out that Sugiyama Eizō was from Tottori Prefecture and had served as an official of Tottori Prefecture until 1873 (Oki belonged to Tottori Prefecture at the time). Moreover, when Tottori Prefecture was asked to check the “Compendium of Japanese Geography, First Draft” (out of “Takeshima” and “Matsushima” it only mentions the former in the part about Oki) drafted by the Geographical Record Division of the Central State Council in 1873, the Prefecture advised after much deliberation that both “Takeshima” and “Matsushima” ought to be mentioned, which was accepted by the Geographical Record Division as they added a reference to “Matsushima” in the revised “Compendium of Japanese Geography.” The author points out that Ōtsuka Shōzō from the former Tottori Prefecture, who was involved in this, still belonged to Shimane Prefecture’s Tottori Branch Office (Tottori Prefecture was incorporated into Shimane Prefecture in August 1876) when Sugiyama visited the prefecture. Moreover, she writes that documents referenced in Shimane Prefecture’s inquiry, including “the old documents of the Ōya and Murakawa families,” merchants in Yonago who conducted abalone fishing and sea lion hunting on Ulleungdo in the 17th century, and old maps were produced in the area of Tottori Prefecture and that the Tottori Branch Office must have been involved in the drafting of the *Summary of Background Information* and the *Simplified Map of Isotakeshima*.

Moreover, Sugiyama was in Toyooka Prefecture right before arriving in Shimane Prefecture, and the Governor of Toyooka at the time was Miyoshi Kanesuke. Miyoshi had previously served as Vice-Governor of Tottori Prefecture, being in charge also when the aforementioned revisions to the “Compendium of Japanese Geography” were discussed. After returning to Tokyo from Shimane Prefecture, Sugiyama and Tajiri sent a document dated October 5, 1876 and based on verbal discussions during their visit, requesting that Shimane Prefecture investigate old sources about “Takeshima” and make an inquiry to the Ministry of Home Affairs (Otsu No. 28). This document was shared by Shimane Prefecture with Hyogo Prefecture (which had just been reorganized from Toyooka Prefecture) on the following day, October 6. Considering these facts, she points out that Miyoshi and others in former Toyooka Prefecture were interested in “Takeshima” and likely brought it up also when Sugiyama was in Toyooka Prefecture.

While Otsu No. 28 makes mention of only “Takeshima,” the title of Shimane Prefecture’s inquiry to the Ministry of Home Affairs mentions “Takeshima and the other island.” The author draws attention to the fact that “the other island” only appears in the title, and the main text only talks about “Takeshima.” The appendices thought to be based on documents held by the former Tottori Prefecture and drafted by prefectural officials—*Summary of Background Information* and *Simplified Map of Isotakeshima*—clearly mention both “Takeshima” and “Matsushima.” In this regard, she points out that the authors of the main text and the appendices were likely not the same, as well as that “Takeshima and the other island” may have been inserted into the title in consideration of the appendices. She then goes on to argue that, since there is no indication that Shimane Prefecture asked the central government about the interpretation of the 1877 Instruction of the Council of State after its issuance and the prefecture asked the Ministry of Home Affairs about any changes to the “last Instruction” after receiving Ōya Kensuke’s “Matsushima Development Request” (“Matsushima” here meaning Ulleungdo) in 1881, it seems that people in Shimane Prefecture also thought that both “Takeshima” and “Matsushima” referred to Ulleungdo. Meanwhile, Watanabe Kōki, the director of the Records Department at the Ministry of Foreign Affairs, wrote that “[a]lthough it is said that Matsushima and Takeshima refer to the same island, namely what the Koreans call Ulleungdo, the governor of the former Tottori Prefecture argued that they are definitely two islands.” He pointed out that this means a certain governor of the former Tottori Prefecture thought “Takeshima” and “Matsushima” referred to different islands. As we consider that the main text of the inquiry, the *Summary of Background Information*, and other appendices were drafted by different people, it is likely that not all the officials in Shimane Prefecture (especially those from the former Tottori Prefecture) shared the understanding that

“Takeshima” and “Matsushima” were the same island.

Considering Chapters 3 and 4 as a whole, it is suggested that not all Shimane Prefecture officials involved in the drafting of its inquiry, including those from the former Tottori Prefecture, shared the same understanding on what island(s) the prefecture had inquired about in the “Inquiry on the Incorporation of Takeshima and the Other Island in the Sea of Japan into the Land Register.” We also cannot deny the possibility that Shimane Prefecture’s inquiry itself could be the product of a compromise of the two views that “Takeshima” and “Matsushima” were the same island (main text of the inquiry) and that they are separate (appendices). As pointed out in Chapter 3, maps printed in the West and by Japanese government organizations such as the Japanese Imperial Army and Navy treated “Takeshima” as “E.D.” (existence doubtful). On the other hand, mentions of “Takeshima” were overwhelmingly more numerous than those of “Matsushima” in old documents in Japan. One way to think about this is that “Takeshima” and “Matsushima” did refer to the same island, but the old documents clearly said that they were separate and, as the existence of “Matsushima” had been visually confirmed on the sea route between Nagasaki and Vladivostok, some continued to insist that “Matsushima,” a large and resource-rich island different from Ulleungdo, must exist.

## 6. The nature of “1877 Instruction” as a government document (Chapter 4, cont.)

Chapter 4 also examines the relevant regulations of the Council of State on inquiries from various ministries as well as regulations on the selection of documents in the *Kōbunroku* and the *Dajōruiten* (太政類典, Precedents and Rules of the Council of State).

The Council of State was asked by other ministries to make decisions on various matters ranging from important to trivial ones. For instance, listed in the *Kōbunroku* right before the documents on the “Inquiry on the Incorporation of Takeshima and the Other Island in the Sea of Japan into the Land Register” are those concerning the “Inquiry on the Transfer of Land from Nagasaki Hospital to the Pharmaceutical Inspection Office” and the “Inquiry on Relocation Payments to Purchase Foreign National Residences in Yamate, Yokohama.”

Recognizing that they were making decisions about various matters of differing importance, the Coordination Bureau (Secretariat) of the Council of State proposed to categorize official documents based on their importance, saying “[w]e believe that governmental affairs range from the important to the trivial and this holds true in documents. We currently have so many pending documents that we fear troubles and complications might occur unless they are categorized according to importance.” [A rule on documents approved by the Council of State on February 14, 1877, titled “Official Documents Shall be Divided into the Four Categories of Laws (法律), Regulations (行政規則), Bylaws (訓條) and Replies (批文).”] According to the rule, instructions (指令) of the Council of State are distinguished from laws and regulations such as “ordinances (布告), directions (達) and ministerial ordinances (布達),” and are described in general as “[i]n addition to instructing ministries that have asked about unregulated matters, instructions of the Council of State ordinarily include instructions in response to legal queries and other minor matters, with dozens of documents being transacted on a daily basis, thereby shifting the responsibilities of the ministries.” [ibid.] A red stamp that says “*Hibun* (Replies)” can be found outside the top row of the inquiry of the Ministry of Home Affairs discussed in this report. This is defined as “providing directions to those who ask questions about laws, regulations, and bylaws or about unregulated matters.”

As such, the assertion of a Korean researcher that the “1877 Instruction is an extremely legally binding document as it is an official document issued by the Council of State (the prime

minister today) as the highest political decision-making organ in Japan at the time<sup>4</sup> is erroneous. As suggested by the fact that the document was categorized as “Replies,” the 1877 Instruction was a response to an inquiry from the Ministry of Home Affairs/Shimane Prefecture (an interaction between government agencies) and neither a law nor a regulation. Of course, this does not deny that the 1877 Instruction of the Council of State is indicative of the judgment and perception of the Council of State and the Ministry of Home Affairs, but it is necessary to discuss what their perception was in light of their decision to respond to the inquiry with a reply (批文).

## 7. Perceptions of the Ministry of Home Affairs and the Council of State (1) (Chapter 5) : Analysis of maps published by central government agencies

Chapter 5 (“‘Takeshima and the Other Island’ from the Perspective of the Parties Concerned—Ministry of Home Affairs and Council of State” by the Takeshima Documents Study Group) examines the perceptions of the Ministry of Home Affairs and the Council of State by looking into maps issued by central government agencies. It points out that the discussions about the “Inquiry on the Incorporation of Takeshima and the Other Island into the Land Register” were held around the same time that perceptions about “Takeshima” and “Matsushima” were changing in Japan. Against this background, it is noted that determining the scope of “Takeshima and the other island” in the 1877 Instruction of the Council of State requires considering maps published by central government agencies at the time.

Checking maps published by government agencies such as the Army, the Navy, and the Geographical Record Section of the Department of the Council of State in the five years between 1872 and 1877, “Matsushima” on all the maps showing “Matsushima” in the figure below refers to Dagelet Island (Ulleungdo). Examining the maps made by the Geographical Record Section of the Council of State, the Section perceived Argonaut Island to be “Takeshima” and Dagelet Island to be “Matsushima” around 1873–1874. Then, as shown in the figure below, it became common for Argonaut Island to not be drawn or to be drawn with dotted lines, and its non-existence became widely accepted. “Matsushima” consistently refers to Ulleungdo on all the maps published by Japanese government agencies.

Considering the above, it is clear that “the other island” in the 1877 Instruction of the Council of State, or “Matsushima,” refers to Ulleungdo. In addition, while the Japanese government perceived “Takeshima” to be Argonaut Island in 1873–1874, by the time that the 1877 Instruction was issued, the non-existence of Argonaut Island had become widely accepted. In this regard, it is likely that government agencies such as the Ministry of Home Affairs and the Council of State considered both “Takeshima” and “the other island (Matsushima)” in the 1877 Instruction to refer to Ulleungdo, as indicated by a passage in Kitazawa Masanari’s report *Takeshima Kōshō* (A Study of Takeshima) showing that the majority of officials in the Ministry of Foreign Affairs believed “Takeshima” and “Matsushima” were the same island around 1876.

<sup>4</sup> 송휘영 「17세기 일본의 독도 인식과 ‘고유영토론’」 『일본의 독도 영유권 주장의 허상』 (동북아역사재단, 2018) [宋彙榮 「17世紀日本の独島認識と‘固有領土論’」 『日本の独島領有権主張の虚像』 (東北アジア歴史財団, 2018年) Song Hwi-Yeong, “Japanese Perception of Dokdo in the 17th century and assertion of inherent territory,” *Myth of Japan’s territorial claim over Dokdo* (Northeast Asian History Foundation, 2018)] p.106.

### Perceptions about “Takeshima” and “Matsushima” on Maps Made by Japanese Government Agencies in the Early Meiji Period

	Argonaut Island	Dagelet Island	Present-day Takeshima
<b>Carte du L’Empire du Japon</b> (made by a cartographer of the Geographical Record Division of the Council of State and possibly exhibited at the International Exposition in Vienna in 1873)	Take I.	<b>Matsou I.</b>	Not depicted on the map
<b>The Complete Map of Korea (朝鮮全図)</b> (made by General Staff Office, Imperial Japanese Army, in 1875)	Takeshima (with dotted lines)	<b>Matsushima</b>	Outside of the area covered by the map
<b>Map of East Coast of Korea (朝鮮東海岸図)</b> (made by Hydrographic Bureau, Ministry of the Navy, in 1875 and revised in 1876)	Argonaut Island	1875 Ver.: Dagelet Island 1876 Ver.: <b>Matsushima</b>	Olivutsa and Menelai
<b>Map of East Asia (亜細亞東部輿地図)</b> (made by General Staff Office, Japanese Imperial Army, in 1875)	Takeshima (with dotted lines)	<b>Matsushima</b>	Not depicted on the map
<b>The Complete Map of the Land and Sea of Japan and Adjacent Areas of Korea and Sakhalin (大日本海陸全図聯接朝鮮全国並樺太)</b> (made by Hydrographic Bureau, Ministry of the Navy, in 1875)	Not depicted on the map	<b>Matsushima</b>	Olivutsa and Menelai
<b>The Complete Map of Japan (大日本国全図)</b> (made by Geographical Record Section, Historiography Bureau, Council of State, in 1876 as an exhibit for the International Exposition in Philadelphia) (the exhibition was canceled because the map was not completed in time)	Not depicted on the map	Not depicted on the map	Not depicted on the map
<b>The Complete Map of Japan (大日本国全図)</b> (made by the Geographical Record Section, Historiography Bureau, Council of State, probably around 1876 to show the locations of lighthouses)	Takeshima	<b>Matsushima</b>	Not depicted on the map
<b>The Complete Map of Japan (大日本全図)</b> (made by General Staff Office, Japanese Imperial Army, in 1877)	Not depicted on the map	Not depicted on the map	Not depicted on the map
<b>The Complete Map of Japan (日本全図)</b> (made by Ministry of Education, in 1877)	Takeshima (with dotted lines)	<b>Matsushima</b>	Not depicted on the map

### 8. Perceptions of the Ministry of Home Affairs and the Council of State (2) : Exchanges between the central government and the governor of Nagasaki Prefecture

The report of the Takeshima Documents Study Group concluded that present-day Takeshima was beyond the scope of “Takeshima and the other island” in the 1877 Instruction of the Council of State. After the publication of the report, two new documents were confirmed as a result of investigation and research by Shimane Prefecture, and Fujii Kenji wrote an article about them. These documents not only support the conclusion of the report but also prove that the Ministry of Home Affairs and the Council of State perceived both “Takeshima” and “Matsushima” to be

Ulleungdo in the process of examining the inquiry on “Takeshima and the other Island.”

One of these documents is a reply letter dated August 18, 1877 from Ōkubo Toshimichi, Minister for Home Affairs, to Kitajima Hidetomo, Governor of Nagasaki Prefecture.<sup>5</sup> In the letter, Ōkubo denied Kitajima’s request expressed in his letter dated July 13, 1877 to develop “Matsushima” under the jurisdiction of Nagasaki Prefecture. This “Matsushima” must be Ulleungdo because Kitajima’s letter stated that “the island is covered by dense forest, and big trees can be found around the island.” Present-day Takeshima is a group of small rocky islands with poor vegetation. In his reply letter, Ōkubo stated that, with respect to “the island in question,” the Ministry had decided “there is no relation to Japan” as a result of an examination of the exchanges between Japan and Korea pertaining to the Genroku Takeshima Incident in the 17th century, and the Ministry’s judgment had received approval from the Council of State. In other words, Ōkubo specified that, with respect to the 1877 Instruction of the Council of State, “Matsushima” had been the subject of discussion in both the inquiry from the Ministry of Home Affairs and the reply from the Council of State. On the other hand, as mentioned above, the Ministry of Home Affairs only identified Takeshima as the subject of discussion in its inquiry pertaining to the 1877 Instruction of the Council of State. Therefore, it has become crystal clear that both the Ministry of Home Affairs and the Council of State considered both “Takeshima” and “Matsushima” to refer to the island that was discussed in the Genroku Takeshima Incident, i.e., Ulleungdo.

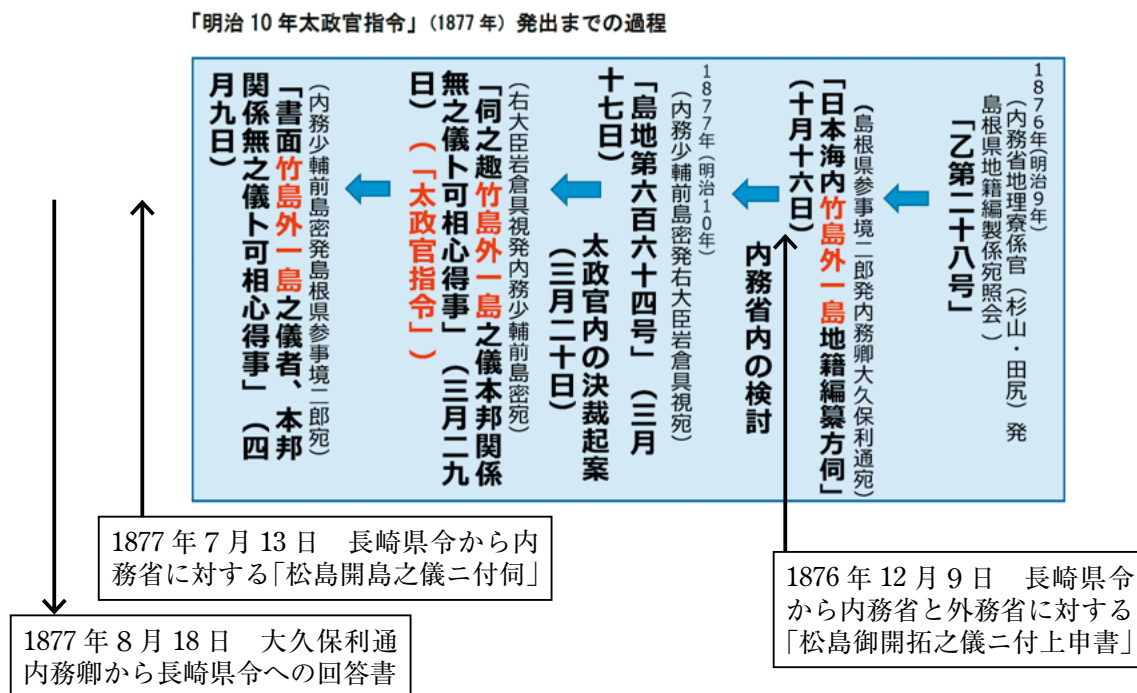
Another such document was the “Petition on the Development of Matsushima”<sup>6</sup> dated December 9, 1876 that Kitajima submitted to Ōkubo Toshimichi, Minister for Home Affairs, and Terashima Munenori, Minister for Foreign Affairs. In this petition, Kitajima stated that it would be profitable if Japan were to export lumber from “Matsushima” to Vladivostok. This “Matsushima” must be Ulleungdo because it is the only island on which forestry could develop in the Sea of Japan. It is important that this petition was sent to both the Ministry of Home Affairs and the Ministry of Foreign Affairs. In December 1876, the Ministry of Home Affairs was still conducting the investigation it had begun in response to the inquiry on “Takeshima and the other island” from Shimane Prefecture. It is not plausible that the Ministry of Home Affairs, which had the latest geographical information, depended upon only the old Edo-era information in the *Summary of Background Information* and the *Simplified Map of Isotakeshima*, the appendices of the inquiry from Shimane Prefecture. It is quite natural that the Ministry of Home Affairs drafted its inquiry to the Council of State while taking into account the latest geographical perception that “Matsushima” referred to Ulleungdo.

The two above-mentioned documents, one of which was prepared right after the issuance of the 1877 Instruction of the Council of State and the other when the Ministry of Home Affairs was examining the inquiry from Shimane Prefecture, make clear the perception of the Ministry of Home Affairs on “Matsushima.” They support the conclusion of the report by the Takeshima Documents Study Group. Moreover, they prove that the Ministry of Home Affairs and the Council of State perceived “Takeshima” and “Matsushima” to be Ulleungdo. The chart below shows the relevant documents in chronological order. “The other island,” namely “Matsushima,” referred to present-day Takeshima in the appendices of the inquiry from Shimane Prefecture.

<sup>5</sup> The document is filed in “Hanabusa Yoshimoto related documents” owned by Tokyo Metropolitan University Library (東京都立大学附属図書館蔵『花房義質関係文書』「書類の部」「A朝鮮国関係4公務類・公信類」「2) 対朝鮮交渉のための書類一綴り明治9年6月10日～明治10年11月23日」).

<sup>6</sup> The document was confirmed in a file in Nagasaki Museum of History and Culture. The title of the file is 『明治九年 外務課事務簿 拾遺書類 雑之部 第二 .』 For more detail, please see Fujii Kenji, “Research on the Dajōkan Instruction has come to a new phase,” *Mid-term Report of the 5th term of the Takeshima Issue Research Group* (Shimane Prefecture, 2023)[藤井賢二「新局面を迎えた「太政官指令」問題研究」第5期竹島問題研究会編『第5期「竹島問題に関する調査研究」中間報告書』(2023年)].

The Ministry of Home Affairs considered “Takeshima” and “Matsushima” to be Ulleungdo and drafted its inquiry based on such understanding, and the Council of State endorsed the Ministry’s judgment. The 1877 Instruction in which the Council of State “understand(s) that, with respect to the inquiry on Takeshima and the other island, there is no relation to Japan” concerns Ulleungdo, which was called “Matsushima” and “Takeshima” at the time, and it had nothing to do with present-day Takeshima.



### Examination Process of Inquiry on “Takeshima and the Other Island”

- October 5, 1876 Two land register incorporation supervisors of the Ministry of Home Affairs sent a letter (Otsu No.28) to Shimane Prefecture proposing that the prefecture conduct an investigation on Takeshima (Ulleungdo) and send the Ministry an inquiry over whether the prefecture should incorporate the island into its land register.
- October 16, 1876 Sakai Jirō, Vice-Governor of Shimane Prefecture, sent an inquiry on “Takeshima and the other island” to Ōkubo Toshimichi, Minister for Home Affairs (“Inquiry on the Incorporation of Takeshima and the Other Island in the Sea of Japan into the Land Register”).
- December 9, 1876 Kitajima Hidetomo, Governor of Nagasaki Prefecture, submitted a petition on the development of Matsushima to Ōkubo Toshimichi, Minister for Home Affairs, and Terashima Munenori, Minister for Foreign Affairs.
- March 17, 1877 Maejima Hisoka, Vice-Minister for Home Affairs, sent an inquiry (Shimachi No. 664) to the Council of State to get its approval for the Ministry’s judgment that “there is no relation to Japan.”
- March 20, 1877 A Council of State official drafted an approval document for the 1877 Instruction of the Council of State (Draft No. 20).
- March 29, 1877 The 1877 Instruction of the Council of State was sent from Iwakura Tomomi, Minister of the Right, to Maejima Hisoka, Vice-Minister for Home Affairs.
- April 9, 1877 Maejima Hisoka, Vice-Minister for Home Affairs, instructed Sakai Jirō, Vice-

Governor of Shimane Prefecture, to “understand that, with respect to the inquiry on Takeshima and the other island, there is no relation to Japan.”

July 13, 1877 Kitajima Hidetomo, Governor of Nagasaki Prefecture, submitted “the inquiry on the development of Matsushima” to the Ministry of Home Affairs.

August 18, 1877 Ōkubo Toshimichi, Minister for Home Affairs, replied to the inquiry by Kitajima.

## 9. The political situation at the time (Chapter 6)

Chapter 6 (“The Political Situation at the Time of the 1877 Instruction of Council of State: Neither the Emperor nor the Chancellor of the Realm Were Involved with the Issuance of the Instruction” by Kanji Matsuzawa, former Program Director of NHK World Radio Japan) highlights the fact that Ōkubo Toshimichi and other key persons in the Meiji government were in western Japan dealing with the Satsuma Rebellion when considering who was involved in the decision-making for the 1877 Instruction of the Council of State.

He points out that the approval document of the 1877 Instruction of the Council of State only has the approval seals of four officials (State Councilor or higher): Minister of the Right Iwakura Tomomi, Councilor Ōkuma Shigenobu, Councilor Ōki Takatō, and Councilor Terashima Munenori. Just as the draft of the 1877 Instruction of the Council of State was being prepared on March 20, 1877, government forces were successfully concluding a major attack that took Tabaruzaka during the Satsuma Rebellion. He then introduces the fact that Emperor Meiji appointed Iwakura Tomomi as regent to handle matters in Tokyo while the emperor visited Kyoto in January 1877. Iwakura was specifically instructed that “[i]mportant matters should be reported to the traveling court for approval, while matters that cannot wait may be decided and subsequently reported,” meaning that Iwakura Tomomi as regent was entrusted with political matters, but that important matters needed to be reported to and approved by the emperor (although urgent matters could be decided and then reported to the emperor). He then draws attention to the fact that there are no traces of discussions with or reports to the emperor about the 1877 Instruction of the Council of State. As an example of east-west communications, he presents the fact that Iwakura Tomomi in Tokyo presented his views about the Satsuma Rebellion to Sanjō Sanetomi and Kido Takayoshi in Kyoto. Considering the above, it is unlikely that the 1877 Instruction of the Council of State decided such an important matter as changing the borders of Japan. He concluded that “Takeshima” (Ulleungdo) had been determined to be Korean territory in the Edo-period Genroku Takeshima Incident, and the 1877 Instruction of the Council of State merely confirmed that decision from the Edo period. Regarding the Instruction, Iwakura thought that there was no need to report it to or discuss it with the emperor.

Moreover, he points out that the Ministry of Foreign Affairs was not involved in the decision-making behind the 1877 Instruction of the Council of State, considering the following facts: 1) in the *Kōbunroku* the March-April 1877 “Inquiry about Incorporating Takeshima and the Other Island into the Land Register” has a “regional” seal rather than a “diplomatic” seal (as categorized in the *Precedents and Rules of the Council of State*), 2) there were no inquiries about “Takeshima” from the Ministry of Foreign Affairs to the Council of State around that time, and 3) the *Takeshima Kōshō*, an 1881 compilation of documents about the discussions on “Takeshima” and “Matsushima” in the Ministry of Foreign Affairs, makes no reference to the 1877 Instruction of the Council of State. The author concludes that, if the 1877 Instruction of the Council of State had determined a new national border, then the Ministry of Foreign Affairs would naturally have been consulted, so this again shows that the decision in the Genroku Takeshima Incident was simply confirmed.

As an addendum, he points out that his conclusion that the 1877 Instruction of the Council of State followed the decision in the Genroku Takeshima Incident strangely matches what the South



Korean side is saying. In this regard, he tries to reconsider what was decided in the Genroku Takeshima Incident. He reaffirms that what was discussed between Japan and Korea at the time was “Takeshima” (Ulleungdo) only, as confirmed by the primary sources from South Korea and Tsushima Domain in the Genroku period. Moreover, when it comes to an exchange between the Edo Shogunate and Tottori Domain (Tottori Domain replied to a Shogunate inquest that “Takeshima” and “Matsushima” did not belong to the provinces of Inaba and Hōki, over which Tottori Domain was reigning) that the South Koreans consider evidence for their argument, he points out that there is no mention of “Matsushima” in any diplomatic exchanges between Japan and Korea at the time, so the reply from Tottori Domain is not meaningful as a historical source to verify what was discussed between the two countries. He also criticizes the Korean interpretation of all instances of the name “Ulleungdo” to mean “Ulleungdo and Dokdo,” since this automatic interpretation prohibits any meaningful dialogue when it is doubtful there is any truth to the Korean claim that Dokdo is a dependency of Ulleungdo.

## 10. The 1883 Order of the Council of State (Chapter 7)

Chapter 7 (“Examining the 1883 Order of the Council of State” by Yamasaki Yoshiko) points out that the 1877 Instruction of the Council of State should not be isolated as a single moment to be discussed but should be considered as a part of the Meiji Government’s efforts to get an accurate grasp of the islands in the Sea of Japan from a comprehensive perspective on the Japanese government’s geographical perception of “Takeshima” and “Matsushima” from the Genroku to the Meiji period. She points out that, in the diplomatic exchanges between Japan and Korea from the 17th through the late 19th century, the Korean side never raised the issue of the ownership of present-day Takeshima. She looks in particular at legislation enacted in 1883 in which the Japanese government conveyed the perception that both “Takeshima” and “Matsushima” refer to Ulleungdo to the Japanese public and prohibited Japanese from traveling to the island (the 1883 Order of the Council of State). The Order was originally prompted by the Korean government’s complaint to the Ministry of Foreign Affairs that Japanese nationals were engaged in lumbering on Ulleungdo. She points out that the Order provides a stark contrast with the 1877 Instruction of the Council of State, which was nothing more than a confidential instruction to Shimane Prefecture. In the case of the 1883 Order, for instance, ships were dispatched to Ulleungdo to repatriate Japanese after the Order was issued. In addition, documents dispatched across Japan to promulgate the Order are still extant in various prefectures (the author surveyed many prefectural archives and presents some in her paper). In her analysis, she especially focuses on the first volume of the *Retrieval and Punishment of Japanese Illegally Crossing over to Ulleungdo, Korea*, a document file about a proposal made by the Ministry of Foreign Affairs to the Council of State that resulted in the issuance of the 1883 Order. The Ministry proposed that all Japanese leave the island and that the Japanese government inform the Korean government of the fact it had prohibited Japanese from going to the island based on the Korean complaint. The file includes the 1877 Instruction of the Council of State, the original inquiry from Shimane Prefecture, and Kitazawa Masanari’s text on “Takeshima” (the *Takeshima Hanto Shozoku Kō*, an abridged version of the *Takeshima Kōshō*). The author points out that the Ministry reached the final judgment, after considering all the relevant facts including the 1877 Instruction of the Council of State, that it was only Ulleungdo that fell outside Japanese territory. What is especially important are the exchanges between the Ministry of Home Affairs and the Ministry of Foreign Affairs when a request to develop “Matsushima” was submitted by Ōya Kensuke and another person (see Chapter 3). “Shimachi No. 1114,” which is an inquiry from the Ministry of Home Affairs concerning the request, articulated that “the other island” in the 1877 Instruction of the Council of State was “Matsushima.” Based on such understanding, the government clearly expressed once again its view that “Matsushima” and “Takeshima” referred to Ulleungdo in the

1883 Order of the Council of State. As the Order, which only concerns Ulleungdo, states that “[t]he two governments have previously agreed on this,” the author emphasizes that the Meiji government’s view was that Ulleungdo was the only subject of Japan–Korea negotiations during the Genroku Takeshima Incident. She also points out that this fact has been ignored by past Korean studies.

Next, she argues that, even if present-day Takeshima were somehow included in the scope of the 1877 Instruction, the 1883 Order of the Council of State would prevail because of the principle “*lex posterior derogat priori*”; the 1877 Instruction was no more than an instruction to Shimane Prefecture, whereas the 1883 Order was legislation binding people in general. We ought to prioritize the 1883 Order, which clearly did not include present-day Takeshima in its scope, as the government’s decision. She also writes that, unlike the 1877 Instruction of the Council of State, which was drafted in the context of compiling a domestic land register, the 1883 Order of the Council of State was issued following communications between the Japanese and Korean governments (meaning it was a diplomatic measure) prompted by a Korean complaint about Japanese activities on Ulleungdo.

Moreover, the author states that, due to the focus on identifying “the other island” in the 1877 Instruction of the Council of State, which was no more than an internal administrative document of a temporal nature, the discussion on Takeshima has deviated from the essence of the issue. The 1883 Order of the Council of State, which was conveyed to the Korean government as the result of diplomatic negotiations, should instead be prioritized when considering the intents of the parties concerned. Finally, she concludes that the Takeshima issue as a territorial issue should not be discussed only using a historical approach as it requires a comprehensive and interdisciplinary approach that involves international law, domestic law, international relations theory and so on, meaning that it is inappropriate to persistently seek to identify “the other island” in the 1877 Instruction of the Council of State from a historical point of view bereft of other perspectives.

## **11. The Instruction of the Council of State in South Korean research and education (Chapters 8–9)**

Chapter 8 (“South Korea’s Territorial Claim to Takeshima and the Instruction of the Council of State” by Fujii Kenji, Advisor on the Takeshima Island Issue, Shimane Prefecture) examines the impacts that the 1877 Instruction of the Council of State has had on South Korean research on Takeshima. The author points out that, although the first scholar to introduce the 1877 Instruction of the Council of State in an academic paper was Japanese (Hori Kazuo, later a professor at Kyoto University), South Korean papers have built on Professor Hori’s research, including his clear misreadings and mistakes, in particular those parts advantageous to the Korean cause such as the use of the *Summary of Background Information* and the theory that present-day Takeshima is a dependency of Ulleungdo, citing research by Shin Yong-Ha and Song Byeong-Gi. He then points out that these papers have even engaged in the “development” of South Korean narratives using the 1877 Instruction in ways that could be considered a distortion of facts and a manipulation of impressions: this includes but is not limited to the following allegations: 1) the 1877 Instruction of the Council of State is proof that the Japanese side admitted that “Takeshima and the other island” were Korean territory (in reality, it only says that “there is no relation to Japan”) and 2) the *Summary of Background Information* and the *Simplified Map of Isotakeshima* have the same value as Reference Materials No. 1 to No. 4 that formed the basis of the judgment by the Ministry of Home Affairs (looking at the inquiry of the Ministry of Home Affairs, the *Summary of Background Information* and the *Simplified Map of Isotakeshima* were treated as part of the “appendices” of the inquiry submitted by Shimane Prefecture and were not included in the attached documents that formed the grounds for the decision that “there is no relation to Japan”). By so doing, the South Korean side has tried to make the 1877 Instruction of the Council of State into something

more advantageous to South Korea than Professor Hori himself thought. The author is concerned about the current situation where the false image of the 1877 Instruction of the Council of State, including the misrepresentation that the *Simplified Map of Isotakeshima* came attached to the Instruction, is being reproduced in South Korea, with even some Japanese starting to doubt the trustworthiness of the Japanese government's view.

Based on *notes verbales* exchanged between Japan and South Korea in the 1950s and 1960s, the author points out that the South Koreans were utterly defeated in the exchanges about Takeshima as they were unable to produce any grounds for their possession of Takeshima. He introduces one example: although the South Korean government “asked prominent historians and international law experts in South Korea” to produce any objection to the Fourth Japanese View on several occasions in connection with the normalization of relations between Japan and South Korea in 1965, they were unable to do so. He points out that Shin Yong-Ha and other Korean scholars tried to prove Korean possession of Takeshima based on Korean evidence but were unable to produce good results.<sup>7</sup> He concludes that the failure to establish Korean possession based on Korean evidence led to their efforts to deny Japanese possession and establish Korean possession based on Japanese sources, most notably the 1877 Instruction of the Council of State. Then, a few years ago, an examination by the Ministry of Education of a “Japanese History B” textbook for Japanese high schools revealed a footnote in the textbook draft stating that “The Japanese government decided in 1877 that the island corresponding to present-day Takeshima had no relation to Japan.” While the footnote was not adopted, this episode suggests that Japanese, too, are now being influenced by the South Korean arguments about the 1877 Instruction of the Council of State. Lastly, he emphasizes that South Korea ought to show grounds for their possession rather than try to find fault with the Japanese positions by using Japanese documents such as the 1877 Instruction of the Council of State.

Chapter 9 (“The Takeshima Issue in South Korean Social Studies Education and the Instruction of the Council of State” by Fujii Kenji, Advisor on the Takeshima Island Issue, Shimane Prefecture) introduces in detail how the Takeshima issue, including the 1877 Instruction of the Council of State, is treated in South Korean elementary, middle, and high school textbooks as part of social studies education. He concludes that the typical, perverted approach to the 1877 Instruction of the Council of State that seeks “grounds” for South Korean possession of Takeshima in Japanese documents can also be seen in South Korean social studies education. He also writes that in South Korean “Dokdo” education there is a growing tendency to perceive the Takeshima issue as an issue of historical perception by presenting the 1905 Shimane Prefecture incorporation as “aggression.” In this regard, he emphasizes that Japan must reject this assertion and convey that the Japanese side only seeks a peaceful resolution to the Takeshima issue. Moreover, he suggests the importance of communicating accessible information in languages other than Japanese and telling the truth to the young South Koreans who will build the future by, for example, explaining that denial of Japanese possession of Takeshima as such will not establish South Korean possession or that Korean textbooks are wrong to say that the *Simplified Map of Isotakeshima* came attached to the 1877 Instruction of the Council of State.

## 12. Lee Kyu-Won and the Ulleungdo Survey Diary (Supplementary Chapter)

The Supplementary Chapter (“Lee Kyu-Won and the *Ulleungdo Survey Diary*” by Professor Nagashima Hiroki, Kyushu University) is not directly concerned with the 1877 Instruction of the Council of State but reinforces the theme of the report by presenting historical sources that show the Korean perception of “Takeshima” in the same period. The chapter examines

<sup>7</sup> E.g. 신용하 『독도의민족영토사연구』 (지식산업사, 1996) [ 愼鏞廈 『独島の民族領土史研究』 (知識産業社, 1996年) Shin Yong-Ha, *Dokdo from the perspective of Korean National Territorial History* (JISIK SANUP PUBLICATIONS CO., LTD, 1996)].

the *Ulleungdo Survey Diary* authored by Lee Kyu-Won. Lee Kyu-Won was a military official in the late 19th-century Joseon Kingdom and was ordered by King Kojong to survey Ulleungdo in 1881. The *Ulleungdo Survey Diary* is thought to have been a draft of the report he wrote on that occasion. The document is cited by Japanese and South Koreans alike as a source about the perception of Ulleungdo (and non-perception of present-day Takeshima) in late 19th-century Korea. The original text donated by Lee Hye-Eun (then professor of geography education at the College of Education, Dongguk University), a great-grandchild of Lee Kyu-Won, can be found at Jeju National Museum. Having seen it with his own eyes, the author has photographed it and is comparing it with existing transcriptions by South Korean researchers (including Lee Seon-Geun and Shin Yong-Ha).

He points out that the *Ulleungdo Survey Diary* consists of “a rough draft hidden on the back” (first draft), a secondary text with corrections to the first (second draft), and a draft of the report submitted to the king (royal report draft). Next, he comments on two South Korean claims (① “Usando” on premodern maps is present-day Takeshima and ② “Seokdo” in Imperial Edict No. 41 from 1900 is present-day Takeshima) by writing that the *Ulleungdo Survey Diary* “may not be decisive for the latter but has the potential to shoot down the former [...] South Korean claim.” The end of the royal report draft states “when I climbed the height of (Ulleungdo) on a clear day and looked out over the sea, I could not see a single rock or lump of earth” and “Usan is Ulleung likely in the same way that Tamna is Jeju.” Meanwhile, the *Sŭngjŏngwŏn ilgi* (*Journal of the Royal Secretariat*), which is an official record of the Joseon court, states that Lee Kyu-Won, prior to his departure for the survey, answered a question from King Kojong by saying that Usan is the old name for a province, just like Tamna is the old name for Jejudo, showing that he was correctly informed that Usando and Ulleungdo are the same island. In other words, just as the *Journal of the Royal Secretariat* says, Lee Kyu-Won possessed very accurate geographic information about the surroundings of Ulleungdo even before his departure, and the accuracy of his argument was later proven after his on-site survey, as indicated in the royal report draft of the *Ulleungdo Survey Diary*. The author then concludes that this matches the depiction of “Chikdo” and “Tohang” on the *Ulleungdo oedo* (Map of Ulleungdo’s Surroundings), which is thought to have been attached to the royal report.

Moreover, there is a part in the second draft that shows Lee Kyu-Won’s title to be *t’ongjŏng taebu* (通政大夫) so at least this part was very likely written in July and August 1882 since that was when he held the title of *t’ongjŏng taebu*. This is also supported by other parts, so Professor Nagashima points out that, if the *Ulleungdo Survey Diary* was drafted in the summer of 1882, then it is a precious and highly contemporaneous Korean historical record.