

The Invention of a Basis for the Possession of Takeshima by the Korean Government*

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Abstract

With respect to Takeshima, the ROK has asserted that (i) Dokdo (the Korean name for Takeshima) was the first Korean territory to fall victim to the Japanese aggression against Korea, (ii) Because it was not a signatory to the Peace Treaty, the ROK was unable to receive any benefits or assurances with regard to the issue of territorial rights over “Dokdo;”, (iii) Up until the mid-1950s the United States strongly supported Japan’s position on Takeshima as a result of Japan’s vigorous diplomacy toward the United States. This research paper aims to critically examine the legitimacy of the ROK’s assertions. The author examined ROK and US government documents including those the author has found and concluded that the ROK government has invented historical basis for its claims by concealing a part of the documents that are inconvenient for them.

Introduction

In recent years, newly acquired and released diplomatic documents have provided the basis for numerous studies on the territorial dispute over the islets known as Takeshima that flared up after the end of World War II and continued during the negotiations for the San Francisco Peace Treaty in 1951 and the talks for normalizing ties between Japan and the Republic of Korea (ROK) in 1965. Among the documents acquired and released by ROK-based organizations and researchers in particular, many have provided information regarding previously unclear matters. Particularly noteworthy is Note Verbale (No. 187), sent by the US Embassy in the ROK to the ROK’s Ministry of Foreign Affairs on December 4, 1952. It constituted an official re-iteration of the US position, invoking a letter from Dean Rusk, the United States Assistant Secretary of State for Far Eastern Affairs.¹ The letter was sent from Dean Rusk to Yang You-chan, Ambassador of Korea to the United States, in August 10, 1951, about a month before the signing of the San Francisco Peace Treaty. The letter rejected a request of the ROK government to have Takeshima renounced by Japan under the Peace Treaty because the island “had been under the jurisdiction of the Oki Islands Branch Office of Shimane Prefecture of Japan” and “did not appear ever before to have been claimed by Korea.” Note Verbale (No. 187) was sent in response to the ROK government’s protest against an incident in September 1952 in which the US armed forces conducted bombing training using Takeshima as a target, thereby endangering people from Ulleungdo (a larger island to the west-northwest about 88 km away from Takeshima) who were reportedly fishing nearby.

A review of research, analysis, and assertions made by the government, researchers,

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¹ United States National Archives and Records Administration (NARA) (RG59) Lot 54 D422, “Japanese Peace Treaty Files of John Foster Dulles”, Box 8, Korea (in English). The content of this letter was first made public in Foreign Relations of the United States (FRUS) Vol.6, Part 1, 1951, p. 1203, Footnote 3, issued in 1977 and made publicly available in April 1978.

and media in the ROK reveals that their main assertions are (i) Dokdo (the Korean name for Takeshima, known in English as “Liancourt Rocks”) was the first Korean territory to fall victim to the Japanese aggression against Korea; upon the liberation of Korea, it returned to its country. It is a symbol of Korea’s independence; historically it was Korean territory but it was seized by Japan and returned to the ROK when Japan was defeated;² (ii) Because it was not a signatory to the Peace Treaty, the ROK was unable to receive any benefits or assurances with regard to issues including the issue of territorial rights over “Dokdo;”³ and (iii) Up until the mid-1950s the United States strongly supported Japan’s position on Takeshima as a result of Japan’s vigorous diplomacy toward the United States and lobbying by Japanophiles such as William J. Sebald, who was US Political Adviser to the Supreme Commander for the Allied Powers (SCAP), head of the Diplomatic Section of SCAP, and chairman and member of the Allied Council for Japan,⁴ but later switched to a neutral position.

The second session of Shimane Prefectural Government’s Takeshima Issue Research Group also focused on the post-war territorial dispute over Takeshima and studied documents that it acquired that were related to the dispute. The documents show that there is no basis for the Korean assertions.

This research paper aims to critically examine the legitimacy of the ROK’s assertions by presenting new documents in addition to those already discussed in existing research to reconstruct the circumstances that led to Takeshima being omitted from the list of islands to be renounced by Japan under the San Francisco Peace Treaty. Detailed examination of assertion (i) in particular highlights the process by which, despite a lack of clear historical evidence, the post-war government of the ROK asserted that Takeshima was historically the ROK’s territory and brought it inside the Syngman Rhee line, then distorted official letters and statements from the United States describing Takeshima as Japanese territory in order to fabricate new “evidence.”

(1) Pre-World War II—The Origins of the Territorial Dispute over Takeshima

At a routine press conference on August 12, 2011, the ROK’s minister of foreign affairs and trade, Kim Sung-hwan, alleged that Dokdo was the first victim of Japan’s aggression against Korea, and that upon the liberation of Korea, Dokdo had returned to its country’s embrace. It was indeed the symbol of Korean independence, he claimed, and whoever touched this island should be prepared to face stubborn strong resistance from all the Korean people. Any attempt by Japan to seize Dokdo would signify the re-invasion of Korea, according to Kim.

Kim was said to be directly quoting an official letter written 57 years earlier by minister for foreign affairs Byun Young-tae.⁵ Likewise, the ROK’s Ministry of Foreign Affairs uses the 1943

² “Why did Kim Sung-hwan bring up Byun Young-tae’s letter of 57 years ago?,” *Joong-ang ilbo* (Korea Joongang daily), online version, August 15, 2011 (in Korean), available at http://article.joinsmsn.com/news/article/article.asp?total_id=5973972 (as of February 15, 2012).

³ Park Jin-hee, “The Korea-Japan post-war relationship and the San Francisco Peace Treaty,” *Korean Historical Research*, No.131, 2005, pp. 3–4 (in Korean).

⁴ Jung Byung-joon, “William J. Sebald and the Dokdo Territorial Dispute,” *Korea Focus* Vol.13, No. 4, 2006, p. 80 (in English). Jung states that Japan spread inaccurate information and engaged in “intrigue” without the knowledge of Korea before the creation of the ROK, using Sebald to actively lobby the United States in order to have Dokdo recognized as part of Japan’s territory (p.77).

⁵ *Supra* note 2.

Cairo Declaration regarding territories “which Japan has taken by violence and greed”⁶ as its foundation to assert the illegality of Japan’s claim to ownership. However, no maps or documents have yet been found to prove categorically that Korea historically recognized Takeshima as its territory prior to the formal incorporation of Takeshima by Japan in 1905. In order to establish that Takeshima was “the first victim of Japan’s aggression against Korea” and Japan had “taken” the islands, the ROK’s historical records must clearly show that Takeshima was a territory of the ROK before it was incorporated into Japan’s Shimane Prefecture.

However, from the 18th century, when inspectors began to be posted regularly to Ulleungdo, maps of Korea compiled by the government depicted Usando (alleged by the ROK to be the previous Korean name for Dokdo) not as Takeshima (Dokdo), but as Chikusho (called “Jukdo” in the ROK),⁷ and Takeshima was not included in any of the geographies, pre-modern maps, and annotated charts with coordinates produced from the end of the Kingdom of Joseon until the Empire of Korea.⁸ The “Seokdo” referred to in the Empire of Korea’s Imperial Edict No. 41⁹ issued on October 25, 1900 (Seokdo being the old name for Takeshima, according to the government of the ROK) has never been directly proved to correspond to Dokdo,¹⁰ and even in printed materials written by those not under the sway of the Japanese government, such as Korean independence campaigners in exile overseas or members of the Korean diaspora living in the United States,

⁶ “(omitted)···in the midst of the Russo-Japanese War (1904-1905), which had been triggered by Japan’s imperialistic invasion scheme toward Northeast Asia since the 1890s, disseized Dokdo and incorporated the islands into the Shimane Prefecture by issuing Shimane Prefecture Public Notice No. 40(1905). Japan’s annexation of Dokdo constituted a violation of international law, and cannot be justified under any circumstances, for it is a clear infringement on the undeniable sovereignty of Korea over the islands from ancient times to the recent Empire of Korea. More importantly, Japan’s actions carry no legal validity under international law.” “Korea was annexed to Japan in 1910 and the colonial rule ended in 1945 with Japan’s defeat in World War II. In 1943, while the war was still being fought, the three Allied Powers—the United States, Britain and China—issued the Cairo Declaration, vowing that Japan would “···be expelled from all other territories which she has taken by violence and greed.” In 1945, when Korea regained its independence, Dokdo, too, was returned to Korea as a matter of course.” Ministry of Foreign Affairs, Republic of Korea, “Dokdo: Korean Territory—The Basic Position of the Government of the Republic of Korea on Dokdo”, 2008, p. 6–7.

⁷ Park Chang-seok, *Ulleungdo Do-hyeong* (Map of Ulleungdo), 1711; “Ulleungdo Jido” (Map of Ulleungdo), *Joseon-jido* (Map of Korea), around 1770, etc. (all in Korean). Until then Usando had generally been depicted to the west of Ulleungdo.

⁸ Lee Kyu-won, *Ul-leung-do-oe-do* (Survey map of outer Ulleungdo), 1882; Heul-beop (Homer Hulbert), *Sa-min-pil-ji* (Knowledge necessary for all) (Baek Nam-kyu and Lee Myung-sang, Trans.), 1895; Hyun Chae, *Dae-han-ji-ji* (Geography of the Korean Empire), 1899; *Dae-han-Jeondo* (Complete map of Korea), 1899; *Dae-han-yeu-ji-do* (Map of the Korean Empire), around 1900; Jang Ji-yeon, “Ji-ri-il” (Geography 1), *Dae-han-ja-gang-hoe-wol-bo* (Korean Self-Strengthening Society monthly magazine), No. 3, 1906, pp. 25–28; Jang, *Dae-han-sin-ji-ji* (A new geography of Korea), 1907, etc. (all in Korean).

⁹ Even in the ROK, scholars have not been aware of this edict for very long. It was first introduced in Lee Han-ki, *Territory of Korea*, Seoul National University Press, 1969, p. 57 (in Korean).

¹⁰ Ikeuchi Satoshi, “Takeshima/dokdo to ishijima no hitei mondai: noto” (Is there any island referred to as Seokdo?) *Tekusuto fuchi no kaishakugakuteki kenkyu to kyoiku* (HERSETEC), Vol.4, No. 2, 2010, pp. 1–9 (in Japanese).

there is no mention of Takeshima as being a seized territory, as far as I am aware.¹¹

Following a Japanese cabinet decision on January 28, 1905 to incorporate Takeshima into the country, and Shimane Prefecture's issuance of Notification No. 40 on February 22, Takeshima's incorporation into Shimane Prefecture was reported in newspapers¹² and academic journals on numerous occasions.¹³ The year 1905 was also when the Battle of Tsushima took place. On May 28, the battle was decided in the vicinity of Takeshima, so the island and its location came to be known throughout Japan via official gazettes,¹⁴ newspapers,¹⁵ and magazines.¹⁶

The name Takeshima would naturally have come to the notice of the more than 300 Koreans,¹⁷ including members of legation staff and students, said to be living in Japan in 1905, and the information in the Japanese official gazettes was also reported in Korea.¹⁸ However, there is nothing in the historical records to suggest that Koreans appeared to harbor any reservations with regard to the territorial incorporation of Takeshima into Japan.

In March 1906, a party from Shimane Prefecture stopped off at Ulleungdo as it was going to inspect Takeshima and informed Sim Heung-Taek, the magistrate of Uldo-gun (the Korean county within which Ulleungdo was located), of the incorporation of Takeshima into Shimane Prefecture. The magistrate filed a report notifying the government of the Empire of Korea about

¹¹ Tae-Baek-Gwang-No, *Han-guk-tong-sa* (Painful history of Korea), 1915; Park Eun-sik, *Han-guk-dok- lib-un-dong-ji-hyeol-sa* (The bloody history of the Korean independence movement), 1919–20 (both in Korean). Tae-Baek-Gwang-No was the pen-name of Park Eun-sik, the second president of the Provisional Government of the Republic of Korea in Shanghai. The former work put the eastern boundary of Korea at 130 ° 50' east longitude, while the latter work records the 1906 incident in which the party from Shimane Prefecture visited Ulleungdo and reported the news of Takeshima's formal incorporation into the prefecture as an event that had to do with Ulleungdo. *Sin-han-min-bo* (The new Korea) (San Francisco 02.10.1909–1980) was a newspaper published in San Francisco by North and South Koreans living in the United States. All these publications had a strongly nationalist bent.

¹² "Oki no shinto" (Oki's new island), *San-in shimbun* (San-in newspaper), February 24, 1905; "Shogen," *ibid.*, February 25, 1905; "Oki-no-kuni kyodo no bocho" (Oki boundary expanded), *Oki Shimpō* (Oki news), No. 16, March 1905, etc. (all in Japanese). Thereafter, the *San-in Shimbun* continued to carry articles relating to Takeshima.

¹³ "Teikoku shinryodo takeshima" (The Empire's new territory of Takeshima), *Chigaku zasshi* (Journal of Geography), Vol.17, No. 4, 1905, p. 282 (in Japanese).

¹⁴ "Correction," *Official gazette*, June 5, 1905 (in Japanese). The initial account of the report of Togo Heihachiro, Commander-in-Chief of the Combined Fleet of the Imperial Japanese Navy, received by telegram on the morning of May 29 of the same year, had referred to Liancourt Rocks, but this was corrected to Takeshima.

¹⁵ "Riyankorudo iwa" (Liancourt Rocks), *Yomiuri Shimbun* (Yomiuri newspaper), June 1, 1905; "Tenchi genko" *Niroku Shimbun* (Niroku newspaper), June 16, 1905; "Daikaisen no ato (matsue)" (The site of a great sea battle (Matsue)), *Tokyo Asahi Shimbun* (Tokyo Asahi newspaper), June 25, 1905; "Shin sagamimaru to takeshimamaru" (The new Sagami-maru and Takeshima-maru vessels), *Tokyo Asahi Shimbun*, August 11, 1905, etc. (all in Japanese).

¹⁶ Tayama Katai, "Senji sowa—riyankorudo iwa" (Collection of Wartime Stories—Liancourt Rocks), *Nichiro senso jikki* (True Record of the Russo-Japanese War, 75th edition, 1905, pp. 115–117; Nozu Chosui, "Aa takeshima" (Ah, Takeshima), *ibid.*, 76th edition ("Kankoku shashinjo" (Album of Korea), *Shashin gaho rinji zokan* (Special illustrated supplement) 25), 1905, p. 35, etc. (both in Japanese).

¹⁷ Morita Yoshio, "Zainichi chosenjin shogu no suii to genjo" (Present circumstances and trends in the treatment of Koreans in Japan), Homu kenshujo homu kenkyu hokokusho (Training Institute of the Ministry of Justice legal research report), 43rd series, No. 3, 1955, p. 4; Morita, *Suji ga kataru zainichi kankokujin, chosenjin no rekishi* (A history of North and South Koreans in Japan through numerical data) (new edition), Akashi Shoten, 1996, p. 173 (both in Japanese).

¹⁸ "Miscellaneous—Official gazette of the Japanese fleet," *Hwang-sung sin-mun* (Hwang-sung newspaper), June 2, 1905, (in Korean).

the incorporation of Takeshima into Japan (in his report, the magistrate referred to Dokdo “being under our jurisdiction”), and the government ordered an investigation,¹⁹ but there is no evidence of the Japanese resident-general of Korea subsequently being approached with any inquiry regarding the matter, let alone any protest. The ROK government and researchers who support its position assert that “Korea’s situation was such that it had been deprived of its diplomatic power and it was therefore not able to lodge any diplomatic protest,”²⁰ but this assertion is not based on historical records.

The Empire of Korea was at that time frequently lodging protests and taking other administrative and diplomatic measures to address tree felling and other acts by Japanese citizens that had become common on Ulleungdo before 1900. However, right up to the compilation of the Uldo-gun rule book (*Uldogunjeolmok*; 1902), in which the Empire of Korea’s Ministry of Home Affairs laid down administrative guidelines for Uldo-gun, and which was discovered in Korea in 2010, there were no statements indicating that islands such as Takeshima, which was 90 km away, were included within Korea’s area of administration.²¹ Moreover, there is no evidence that any measures were taken to deal with fishing by Japanese citizens around Takeshima, which had most likely already started by 1903, or surveys by the Ministry of the Navy of Japan.²²

Moreover, a Japanese diplomatic note of October 1905 records that the Korean minister for foreign affairs, Park Che-soon, protested verbally to Hayashi Gonsuke, Japan’s minister to Korea, as well as in a letter to the British minister,²³ about the description of Korea’s status included in the treaty for the second Anglo-Japanese Alliance. Subsequently, in February 1906, a Japanese resident-general of Korea was appointed, and from March 13 the Council for Improvement of Korean Administration met every Tuesday, providing a forum for ministers of the Empire of Korea’s State Council to discuss a diverse range of matters including Korea’s judicial system with residents-general such as Ito Hirobumi and Japanese advisors.²⁴ Moreover, the historical records of the Empire of Korea’s State Council (the Ministry of Home Affairs) include records stating that inquiries were made to the resident-general and others on the Japanese side with regard to a wide

¹⁹ “Special report,” “Directive No. 3,” *Gak-gwan-chal-do-geo-re-an* (各觀察道去來案), Kyujanggak Archives of Seoul National University, 奎 17990, 1906 (in Korean). This historical document was first introduced in Shin Yong-ha (1989), “Joseon wangjo eui dokdo ryeongyu wa ilbon jegukjueui eui dokdo chimryak” (Korean dynasty’s possession of Dokdo and invasion of Dokdo by imperialistic Japan), *Han-guk-dok-lib-un-dong-sa-yeon-gu* (Journal of Korean independence movement studies) 3rd series (also in Korean).

²⁰ ROK Ministry of Foreign Affairs and Trade, *Refutation of the assertion of sovereignty over Dokdo by Japan’s Ministry of Foreign Affairs*, 2008, p. 12 (in Japanese).

²¹ *Daegu Internet News*, January 4, 2011 (in Korean), available at <http://www.dgnews.co.kr/ArticleView.asp?intNum=23465&ASection=001003> (as of January 14, 2012).

²² JACAR (Japan Center for Asian Historical Records), Ref. C09050402800, *Gunkan Tsushima senji nisshi* (Wartime journal of the battleship Tsushima), Vol.5, National Institute for Defense Studies (in Japanese).

²³ “Dai 384-go nichiei domei joyakuchu kankoku ni kansuru kitei ni tsuki kan gaibudaijin yori eikoku koshi ni kogi no ken” (No. 384 The Korean foreign minister’s protest to the British minister regarding provisions relating to Korea in the Anglo-Japanese alliance treaty), *Nikkan kyoyaku teiketsu narabini tokanfu secchi no ken fu zaikan kakkoku koshikan teppai no ken* (Conclusion of the Japan-Korea Treaty and appointment of the Japanese resident-general of Korea & removal of countries’ legations in Korea), October 17, 1905 in *Gaimusho—Nihon gaikobunsho dijitaru akaibu*, (Ministry of Foreign Affairs of Japan—Digital Archive of the Documents on Japanese Foreign Policy) Vol.38, Part 1, 1905 (in Japanese).

²⁴ JACAR, Ref. A04017269100, *Tankosho—Kankoku shisei kaizen ni kansuru kyogikai yoryo hikki—kankoku genro no ito tokan shotaikai sekijo danwa yoryo* (Monograph—Notes on key points from the Council for Improvement of Korean Administration—Key points of discussions at banquet of Korean elder statesmen attended by resident-general Ito (National Archives of Japan) (in Japanese).

range of matters that came up involving the Japanese. Particularly notable was the fact that the Empire of Korea made inquiries to the resident-general about a suspected transaction of land at a coastal area in Jukbyeon, Uljin-gun. In December 1905, the Korean minister of internal affairs, Lee Ji-yong, suspected that a Japanese citizen had illegally obtained land on the former site of the Japanese Navy's watchtower. He reported the suspected transaction to Park Che-soon, who was by then prime minister, and unlike Takeshima, Park made an inquiry to the resident-general. As a result, Park received a response that no land transaction had taken place, and in April of the same year Lee received a report to that effect.²⁵

In July 1906, after the incorporation of Takeshima into Japan, when Ikeda Juzaburo, chief of the Administrative Bureau of Communications of the Japanese resident-general, inquired about the islands belonging to the county of Uldo-gun and the date when the county office was established, the official response of the Empire of Korea was: "The islands under that county's jurisdiction are Jukdo and Seokdo, and the county extends 60 *ri* (approximately 24 km) from east to west and 40 *ri* (approximately 16 km) from north to south, totaling over 200 *ri* (approximately 80 km)" Thus the response excluded Takeshima, at a distance of 90 km from Ulleungdo, from the area included in Uldo-gun.²⁶ Yet, if one follows the ROK government's subsequent assertion that Takeshima was originally under Korean jurisdiction, the Uldo-gun magistrate Sim Heung-Taek would have committed a blunder by overlooking the incorporation of Takeshima into Japan's Shimane Prefecture for more than a year. However, there was no evidence that he suffered any kind of punishment by the Korean central government, and what is more, he continued to receive pay raises and promotions steadily thereafter.²⁷

In light of these facts, it would be most natural to infer that the investigation by the government of the Empire of Korea, after it had received a report from the magistrate referring to "Dokdo... being under our jurisdiction," revealed that Dokdo was neither an alternative name for Ulleungdo, nor was it Chikusho (Jukdo), which was 2 km off the east coast of Ulleungdo, nor was it any of the islands or reefs in the waters around Ulleungdo. It was, rather, an island outside the Empire of Korea's territory that had never before appeared in any maps of Korea. Thus the central government must have noticed the report by the local official was mistaken in saying Dokdo was an island "under our jurisdiction," and it did not lodge any protest.

This awareness about Takeshima being outside Korea is also evident from the petition of the Korean minister of internal affairs, Lee Geon-ha, for Imperial Edict No. 41 of 1900, which raised the status of Ulleungdo to a *gun* (county). He stipulated an area that excluded Dokdo from the

²⁵ *Official documents of the Ministry of Internal Affairs*, Vol.1, February 26, 1906 in *Inquiry No. 3*, (Kyujanggak Archives of Seoul National University, 奎 17768), and *State Council Inquiry No. 56*, April 17, 1906. These documents were introduced in Shin Yong-ha, "The Japanese Empire's attempt to annex Dokdo during 1904–1905 and criticism thereof", *Research on the history of the Korean independence movement*, 11th series, Institute of Korean Independence Movement Studies, Independence Hall of Korea, 1996 (all in Korean).

²⁶ "Facts on arrangement of Uldo County," *Hwang-sung-sin-mun* (Hwangsung newspaper), July 13, 1906 (in Korean); this document was discovered by Sugino Yomei; "Ishijima=Dokdo setsu hitei no kijutsu mitsukaru" (Description negating the theory that Seokdo corresponds to Dokdo discovered), *San-in Chuo Shimpō* (San-in Chuo News), February 22, 2008 (in Japanese); "Ikeda's official letter," *Dae-han-mae-il-sin-bo* (The Korea daily news), July 13, 1906 (in Korean).

²⁷ Sim Heung-Taek was appointed to the post of Uldo-gun magistrate and *sonin* (senior official) of the 6th rank on January 26, 1903 (*Dae-han-je-guk-gwan-bo* (Official gazette of the Empire of Korea), January 29, 1903) and was promoted to the post of Hoengseong-gun magistrate and *sonin* (senior official) of the 3rd rank on March 13, 1907 (*ibid.*, March 15, 1907). Furthermore, on October 1, 1906 he received a pay increase to wage grade five (*ibid.*, October 13, 1906), and a further increase to wage grade four on March 14, 1907 (*ibid.*, March 27, 1907). I was informed about this document and related information by Matsuzawa Kanji.

new Ul-do-gun, saying “the area where the islands are located should be about 80 *ri* in length and 50 *ri* in width.” The name Dokdo that first appeared as the written name for Takeshima in the magistrate’s report had not existed in any Korean records until then, and despite the fact that newspapers and other media had carried stories on the magistrate’s report and the directive from the Empire of Korea’s Ministry of Home Affairs,²⁸ there were no Korean references to Dokdo immediately afterwards. Even after Korea was annexed by Japan, the issue of territorial rights was raised with regard to another island, Tsushima,²⁹ but in the records relating to the issue of Ulleungdo’s ownership,³⁰ there is nothing referring to Takeshima. This is further underlined by the fact that even among independence campaigners and members of the Korean diaspora living in the United States, there were no Koreans who asserted Korea’s territorial rights over Takeshima. As the above account shows, the Korean historical records found to date contain no evidence that Korea officially owned Takeshima in 1905 or earlier. When the ROK government claims that Takeshima was “the first victim of Japan’s aggression against Korea,” or that Japan took Takeshima “by violence and greed” or “invaded” the island, it is therefore alleging actions that were by definition impossible.

(2) From the End of World War II to the Signing of the Peace Treaty

So, is it true to say that “upon the liberation of Korea, Dokdo returned to its country’s embrace”? In fact, even during the period of US military administration immediately after the war, when Korea was “liberated” from Japanese rule, Takeshima was still not depicted in Korean maps

²⁸ “Mu-byeon-bu-yu” (無變不有), Dae-han-mae-il-sin-mun (The Korea daily newspaper), May 1, 1906 and “Ur-sui-bo -go-ne-bu” (鬱倅報告内部), the Hwang-sung-sin-mun (Hwangsung newspaper), May 9, 1906 had stories on Sim’s report and the content of the directive by the ministry of internal affairs, but the accounts show no accurate understanding of the location of “Dokdo” or the fact that it was an uninhabited island. Hwang Hyun’s O-ha-gi-mun (梧下記聞) and Mae-cheon-ya-rok (梅泉野錄) (Vol. 5, April 5, 1906) (both 1906) also have stories on the articles carried in the Hwang-sung-sin-mun, but the same limitations apply (all sources in Korean).

²⁹ “The appeal of an isolated island—Visits to Tsushima Island (5)—Tsushima Island definitely Korean territory in ancient times,” *The Dong-a ilbo* (East Asia daily), August 7, 1926 (in Korean). Moreover, according to Morita Yoshio, Syngman Rhee described the return of Tsushima Island as one aspect of the Korean provisional government’s policy toward Japan in his letter of November 1942 to Victor Chitsai Hoo (胡世沢), vice-minister for foreign affairs of the government of the Republic of China (Morita Yoshio, “Nikkan kankei” (Japan-Korea Relations), edited by Yoshizawa Seijiro, *Nihon gaikoshi dai 28-kan—Kowago no gaiko 1—tai rekkoku kankei (jo)* ((Diplomatic history of Japan) Vol. 28—Diplomacy after peace 1—Relations with other nations (first part)), Kajima Kenkyujo Shuppankai, 1973, p. 23.

³⁰ There were many articles that referred to territorial disputes with Japan during Ulleungdo’s history: Lee Eul, “Ul-leung-do-tam-bang-gi” (Ulleungdo report), *Gae-Byeok* (開闢) No. 41, 1923; Lee Yoon-jae, “The marvelous An Yong-bok—Korean diplomatic issues of two hundred years ago, focusing on Ulleungdo,” *Dong-gwang* (Eastern Light), No. 1 & No. 2, 1926; “Island pilgrimage toward Ulleungdo (6)—Lush forests on every cliff, just like an enchanted land at sea,” *The Dong-a ilbo* (East Asia daily), September 6, 1928; Su-chun-san-in, “An Yong-bok—The pleasant hero of the sea who won back Ulleungdo with his eloquence,” *Byeol-Gun-Gon* (別乾坤) No. 65, 1933; Chwi Un-saeng (翠雲生), “Seol-hwan Ul-leung-do-bi-sa” (Seol-hwa (雪禍)—A secret history of Ulleungdo), *Byeol-Gun-Gon* (別乾坤), No. 70, 1934, etc. (all in Korean). Most of these articles alleged that Ulleungdo had come close to being seized by Japan, but Korea had managed to take the island back; however, there was no mention of the present-day Takeshima.

and documents.³¹ It was not included within the eastern limit of Korean territory specified in geography textbooks and other reference works of the period.³² Indeed, Korean textbooks and maps during the US military administration set Ulleungdo as the country's eastern limit, placing Takeshima outside national territory.³³

This lack of awareness of Takeshima ended in the summer of 1947, when the citizens of Ulleungdo complained to the military government in North Gyeongsang Province that Japanese citizens had traveled to Takeshima and asserted ownership rights over the island. This was the beginning of the Takeshima issue in the ROK after World War II.³⁴ Subsequently, a range of research was conducted within the ROK,³⁵ including surveys by the Korea Alpine Club, but historical evidence for Korean ownership of Takeshima remained inconclusive. Up to 1952, the year the peace treaty went into effect, the ROK identified Sambongdo, which was another name for Ulleungdo, as the old name for Takeshima,³⁶ and the key current assertion that the island referred to as Usando in pre-modern maps and documents is the modern-day Takeshima did not appear until 1953, after the territorial dispute had flared up.³⁷

On June 8, 1948 an incident occurred in which a large number of Korean fishermen who had landed on Takeshima were killed or injured by bombing conducted by the armed forces of the United States. The US forces apologized and paid compensation to the victims and their families, and subsequently, the ROK used this incident as grounds to assert that the United States had recognized the ROK's ownership of Takeshima. According to reports at that time, the ROK claimed that Takeshima was the ROK's territory for a number of reasons, including (i) assertions to the effect that Takeshima had been called Sambongdo since ancient times, (ii) assertions to the effect that in the local dialect, the name Dolseom (Seokdo) had changed to Dokseom (Dokdo), and (iii) the victims of the bombing were Korean citizens and the US forces had dealt with the ROK to resolve the matter.³⁸ However, the key assertions of the ROK government during negotiations with the United States over reparations immediately after the signing of the peace treaty were that Takeshima had historically been under Korean jurisdiction and comprised islets

³¹ Kim Jin-bok, *Complete Map of Korea*, Joong-ang Publishing, 1946; (in Korean), etc. According to Jung Byung-jun in "The Post-Liberation ROK's Awareness of Dokdo and Policy Toward It (1945– 51)", *Journal of Northeast Asian History* 5-2, 2008, p. 3 (in English), the first map issued in hangul (the Korean alphabetic script) after liberation was the *Map Attached to the Geography of Korea* published by the interim government's printing office and edited by the education ministry's editorial office. He states that he was not able to view the map itself, but it is very likely that Dokdo was not included in it.

³² Jung Hong-heon et al., *Jo-seon-ji-ri* (Geography of Korea), Jeong-eum-sa, 1946, etc. (in Korean).

³³ *Supra* notes 15 and 16, No Do-yang, *Jung-deung-guk-to-ji-ri-bu-do* (National geographic student atlas for middle school), Mun-u-sa, 1947; Choi Nam-sun, *Jo-seon-sang-sik-mun-dap* (Questions and answers regarding common knowledge of Korea), 1947; Choi, *Jo-seon-sang-sik* (Common knowledge of Korea), 1948, etc. (all in Korean).

³⁴ *Supra* note 31 (Jung, 2008), pp. 3–5.

³⁵ One typical example of such research is Shin Seok-ho, "On where Dokdo belongs", *Sa-hae*, first issue, 1948 (in Korean).

³⁶ Song Seok-ha, "Seeking the ancient, historic site of Ulleungdo," *Guk-je-bo-do* (International Report), January 1948, Part 3, No. 1 (new year's issue; in Korean), etc. In the section on the "Ulleungdo-Jaeng-gye" (Ulleungdo dispute) in his set of books entitled *Chun-gwan-ji* (春官志) (1745), which was a compilation of the records of the ministry of rites (the governmental department charged with diplomacy and protocol), Lee Maeng-hyu stated that Sam-bong-do was Ulleungdo.

³⁷ Fujii Kenji, "Takeshima mondai ni okeru kankoku no shucho no keisei" (The shaping of the ROK's position on the Takeshima issue), *Shimane-ken [dai-ni-ki] Takeshima Mondai Kenkyukai Saishu Hokoku-sho* (Final report of the Shimane Prefectural Government Takeshima Issue Research Group [second session]), 2012, pp. 52–53 (in Japanese).

³⁸ *Supra* note 31 (Jung, 2008), pp. 18–21.

that “belonged to” Ulleungdo, that in 1905 Japan had “seized” Takeshima for the purposes of the Russo-Japanese War, and that Supreme Commander for the Allied Powers Instruction Note (SCAPIN) 1033, addressed to Japan, had placed Takeshima in the “Korean fishing zone.”³⁹

SCAPIN 1033 demarcated the boundary within which Japanese fishing boats could operate. In accordance with the “MacArthur line,” Japanese vessels were prohibited from approaching or landing on Takeshima, but waters outside the line (i.e. on the Korean side) were not designated as an area in which Korean fishing boats could operate exclusively, and the line did not lay down stipulations on territory. The Supreme Commander for the Allied Powers (SCAP) was not authorized to transfer territory, and the fifth paragraph of SCAPIN 1033 specified that “[t]he present authorization is not an expression of allied policy relative to ultimate determination of national jurisdiction, international boundaries or fishing rights in the area concerned or in any other area.” This statement was backed up by the August 1947 activity report issued by the US armed forces administration⁴⁰ and the November 27, 1952 letter to the US Embassy in Korea from the US Army Forces, Far East⁴¹ (communicated as the opinion of Mark Clark, commanding general, US Army Forces, Far East and commander in chief, UN Command). Both of these documents stated that SCAPIN 1033 did not lay down stipulations on territory.

In 1951 the ROK government asserted its basis for the ownership of Takeshima by citing SCAPIN 677,⁴² which excluded Takeshima from the scope of Japanese administrative authority. However, the sixth paragraph of this instruction note stated that “[n]othing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration.” Furthermore, the fact that this instruction note bears no relation to territorial rights over Takeshima is indicated by the fact that on February 13, 1946, the officer in charge of the Government Section at the General Headquarters of the Allied Powers (GHQ) replied to an inquiry by a liaison officer of the Japanese Ministry of Foreign Affairs that “the directive relating to administrative separation was issued merely for the administrative convenience of the Allied Powers and it had nothing to do with the territorial issue, which should be decided by means of a peace treaty to be concluded at a later date.”⁴³ Moreover, the article reporting SCAPIN 677 in *The Dong-a Ilbo* (East Asia Daily), then the leading Korean newspaper, did not mention that Takeshima had been specifically cited

³⁹ *Supra* Note 37, p. 53.

⁴⁰ NARA (RG331), GHQ/SCAP Records, United States Army Forces in Korea, No. 1, Aug. 1947 (U.S. Army Military Government—South Korea Interim Government activities; in English). According to this report, “Formerly belonging to Japan, a recent occupation directive which drew an arbitrary line demarcating Japanese and Korean fishing waters placed Tok-to within the Korean zone. Final disposition of the islands’ jurisdiction awaits the peace treaty.” However, the US armed forces administration in Korea was misunderstanding the nature of the MacArthur line (M line) when it described the seas that lay outside the M line from the Japanese point of view as Korean fishing waters. The M line was drawn up under the exclusive authority of SCAP and was supposed to be beyond any interference by other countries (Fujii Kenji, “Kankoku no kaiyo ninshiki—Ri shoban rain mondai o chushin ni” (Maritime perceptions of South Korea—Centered on the Syngman Rhee line problem), *Kankoku Kenkyu Senta nenpo* (Annual report, the Research Center for Korean Studies), 2011, p. 55 (in Japanese)).

⁴¹ NARA (RG84), “Records of Foreign Service Posts of the Department of State,” Entry 2846, Korea, Seoul Embassy, *Classified General Records*, 1953–55, Box 12 (in English).

⁴² *Supra* note 37, p. 53.

⁴³ Public documents of the Ministry of Foreign Affairs of Japan, “2. Gyosei no bunri ni kansuru shireibu gawa to no kaidan” (2. Talks with SCAP regarding administrative separation), *Kyu Nihongaichi jokyo zakken* (Miscellaneous matters relating to circumstances in former Japanese territories outside Japan) (in Japanese).

in the instruction note;⁴⁴ Takeshima thus was clearly of no concern to Korean people at that time. Subsequently, on July 6, 1951, SCAPIN 2160 designated Takeshima as a bombing range, and Japan's government was informed of this designation.⁴⁵

Meanwhile, on November 21, 1945, the Japanese government established the Research Committee on Peace Treaty Issues within the Ministry of Foreign Affairs and started preparing for the eventual signing of the treaty. The committee prepared seven booklets of documents regarding territorial issues, which it submitted to the United States. Included among these was a document entitled "Minor Islands Adjacent to Japan Proper, Part IV. Minor Islands in the Pacific, Minor Islands in the Japan Sea" (June 1947), which cited the two islands of Takeshima and Ulleungdo in the Sea of Japan, describing their geographies, histories, and industries. The document stated that Korea could not assert its territorial rights over Takeshima because, unlike Ulleungdo, "Liancourt Rocks" had no Korean name and did not appear on any maps drawn up in Korea. On the last page of the booklet, a map by Nagakubo Sekisui (Revised Complete Map of Japanese Lands and Roads) was attached. In 1946 the election regulations for the lower house of the Japanese Diet (the national legislature) designated "Takeshima within Goka Village under the Oki Islands Branch Office of Shimane Prefecture" as an area for the purposes of elections (Imperial Ordinance No. 97),⁴⁶ and in the same year, Japan's Ministry of Commerce and Industry registered prospecting rights for two Japanese citizens, including a person named Hidaka Fusaichi, to mine resources such as silver, copper, and iron sulfide.⁴⁷

As it dealt with the aftermath of World War II, the South Korean government at the time was focusing on issues relating to the return of national assets and demands for reparations from Japan; its demands in terms of territorial issues centered on frequent demands for the "return" of the island of Tsushima, rather than Takeshima. On January 23, 1948, 60 members of South Korea's interim legislature signed and submitted a "petition for the return of Tsushima Island,"⁴⁸ and in a session of the National Assembly on February 17, the lawmakers proposed requesting the return of Tsushima Island at the peace conference with Japan.⁴⁹ In a press conference on August 17, 1948, immediately after the new government of the ROK was established, President

⁴⁴ "Reduced Japanese territory—Only the mainland remains as the country is torn apart," *The Dong-a ilbo* (East Asia daily), February 5, 1946 (in Korean).

⁴⁵ On March 22, 1951, the US Pacific Air Force Headquarters drew up the Korean Air Defense Identification Zone (KADIZ) to include Takeshima, and on June 20 the second-in-command of the Eighth United States Army (EUSA) asked the ROK government for permission to use Takeshima as a bombing range. The ROK's view is that this action by the US armed forces constitutes proof that the United States recognized Takeshima as Korean territory. However, the US forces had no authority to determine territorial boundaries, and as stated in the aforementioned activity report by the US armed forces administration, they assumed that territorial boundaries would be defined in the subsequent peace treaty.

⁴⁶ JACAR, Ref. A04017805000, "Showa niju nen chokurei dai nana hyaku nana go (Shugiingiin senkyo ho shikorei chu kaisei no ken)" (1945 Imperial ordinance No. 707 (Amendment of enforcement ordinance for election law of the members of the House of Representatives)), Original with imperial signature and seal; "Showa nujuichi nen chokurei dai kyuju nana go" (1946 Imperial ordinance no.97) (National Archives of Japan; both in Japanese).

⁴⁷ March 5, 1953, 15th Diet Session, "Sangiin gaimu, homu rengo iinkai kaigiroku" (Minutes of the Foreign and Legal Affairs Commission of the House of Councillors), No. 1 (in Japanese).

⁴⁸ "Tsushima Island was originally Korean territory—Should its return be demanded in the peace conference with Japan?" *Seoul-sin-mun* (Seoul newspaper), January 25, 1948 (in Korean).

⁴⁹ "Proposal to request the return of Tsushima Island," *The Dong-a ilbo* (East Asia daily), February 19, 1948 (in Korean).

Syngman Rhee stated that “Tsushima is Korean territory.”⁵⁰ On September 10 of the same year, a South Korean presidential envoy held a press conference in Tokyo, where he proposed that Tsushima be made part of the ROK.⁵¹ On January 7, 1949, Rhee strongly asserted his country’s territorial rights over Tsushima, saying in his new year’s press conference that “Tsushima should be returned.”⁵² On August 5, 1948, members of a private organization in the ROK called the Patriotic Old Men’s Association sent a petition to Douglas MacArthur, the Supreme Commander for the Allied Powers, in which they called for the return of Dokdo and Parangdo, as well as Tsushima, to the ROK.⁵³

These events demonstrate that there was no evidence the South Korean government recognized Takeshima as part of its own country’s territory immediately after World War II, and it was only after an incident relating to territorial rights occurred in the summer of 1947 that it became aware of the existence of “Dokdo” for the first time. Moreover, Japan had clearly indicated the historical basis for its sovereignty over Takeshima to the Allied Powers early on, whereas Korea, which continually insisted on the return of Tsushima from Japan, failed to give a clear historical basis for ownership of Takeshima—an island which did not appear on any of its own maps—instead relying mainly on SCAP’s directives to provide the basis for its territorial claims. Thus the ROK’s assertion that “upon the liberation of Korea, Dokdo came back to its country’s embrace” does not hold true either.

(3) Preparation of the peace treaty draft and the ROK government’s actions

The peace treaty draft went through several rounds of revisions,⁵⁴ after which the US draft dated March 23, 1951, was passed on to the ROK government. The ROK government then sent a letter dated April 26 requesting amendments to the draft.⁵⁵ These included a request to specify Tsushima as ROK territory, but there was no mention of Takeshima, and the activities log of the Committee to Investigate Peace with Japan established by the South Korean diplomatic mission in Japan made no mention of Takeshima in connection with any territorial issue.⁵⁶ The islets were also not mentioned in the opinions presented by various countries with regard to Article 2, Paragraph 2 of the joint US-UK peace treaty draft of May 3 (which excluded the ROK’s

⁵⁰ “Tsushima no katsujo—Ri daitoryo yokyu” (President Rhee to demand that Tsushima is ceded), *Yomiuri Shimbun* (Yomiuri newspaper), August 19, 1948. The *Asahi Shimbun* (Asahi newspaper) article of August 19, 1948, “Tsushima no henkan—Ri daitoryo yokyu” (President Rhee to demand return of Tsushima), reported that on August 18 Rhee responded to a question by an AP reporter, saying that he would demand the return of Tsushima.

⁵¹ “Tsushima Island was Korean territory 300 years ago: Its return to the ROK is reasonable in terms of national defense,” *Kyung-hyang-sin-mun* (Kyunghyang newspaper), September 12, 1948 (in Korean).

⁵² “Plans for participation in peace conference with Japan— President Rhee states in new year press conference that he will demand the return of Tsushima Island,” *The Dong-a ilbo* (East Asia daily), January 8, 1949 (in Korean).

⁵³ “Request for Arrangement of Lands Between Korea and Japan” (Records of the U.S. Department of State relating to the internal affairs of Japan, 1945–1949: Department of State decimal file 894; in English).

⁵⁴ Tsukamoto Takashi, “Heiwa joyaku to takeshima (sairon)” (The Peace Treaty and Takeshima (revisited)), *Refarensu* (The Reference), No. 518 (March edition), National Diet Library, 1994, pp. 31–56 (in Japanese).

⁵⁵ *Dae-han-min-guk-sa-ja-ryo-jip 30, Rhee Syng-man Gwan-gye-seo-han-ja-ryo-jip 3* (Documents on the history of the ROK 30—Letters relating to Syngman Rhee 3), National Institute of Korean History, 1951, pp. 233–236 (in Korean).

⁵⁶ Nam, Kijeong, “saenpeulansiseuko pyeonghwajoyag han-ilgwangye -‘gwandaehan pyeonghwa’ wa naengjeon-ui sang-gwanseong- (Taking Diplomacy Seriously: Japan and Korea on the Road to the Treaty of Peace with Japan),” *Journal of Northeast Asian History*, Vol. 22, 2008 (in Korean), pp.63- 64.

request regarding Tsushima). Subsequently, on July 9, the revised US-UK draft dated June 14 was presented to South Korea via Yang You-chan, the ROK ambassador to the United States. As the request for Tsushima had been rejected immediately by the United States, on July 19 the ROK agreed to withdraw its request on Tsushima, but sent a letter asking that Takeshima and Parangdo instead be deemed to belong to Korea.⁵⁷ President Rhee sent a letter dated August 3 to ambassador Yang expressing fury that the request for Tsushima had been rejected.⁵⁸ Yet there was nothing in the eight-page letter referring to Takeshima. Thereafter, the opinions of various countries relating to the US-UK joint draft were compiled in the “Treaty Changes” document dated August 7, and the ROK’s requests for Takeshima and Parangdo were included in Article 2, Paragraph a.⁵⁹ However, other countries’ opinions with regard to the paragraph were not recorded.

In talks on July 19, the ROK requested John Foster Dulles to have Takeshima and Parangdo specified as territories to be renounced by Japan in the peace treaty. Dulles replied that provided there were historical justifications for the requests, there would be no problems. However, an internal investigation conducted by the State Department showed that the ROK had no historical basis for its requests. Robert A. Fearey of the US Embassy in Japan wrote a letter dated August 3 to the Assistant Secretary of State for Far Eastern Affairs, John M. Allison, informing him that S.W. Boggs, the Department of State’s geographer, had “tried all resources in Washington, but had been unable to identify Dokdo (Takeshima) and Parangdo”. Fearey said he also “asked the South Korean Embassy and they told him they believed Dokdo was near Ulleungdo, or Takeshima Rock, and suspected that Parangdo was too. Apparently, he said, that was all they could learn, short of sending a cable to Muccio.”⁶⁰ In response, on August 7, US Secretary of State Dean Acheson

⁵⁷ Supra note 54. The ROK government currently asserts its territorial rights based on the reasoning that Takeshima is a satellite island that is an extension of Ulleungdo, but this letter indicates that there was no such recognition. Prior to this, a letter from S.W. Boggs of the Department of State’s Geographical Office to Robert A. Fearey dated July 16, 1951, stated “If it is decided to give them [the Liancourt Rocks/Takeshima] to Korea, it would be necessary only to add ‘and Liancourt Rocks’ at the end of Art. 2, par. (a).” This again makes it clear that Takeshima was treated as Japanese territory in the peace treaty (NARA [RG59], Department of State, Decimal File 1950–54, 694.001/7-1351; in English), and the preamble to the Treaty on Basic Relations between Japan and the Republic of Korea signed in 1965 also invokes the peace treaty provisions.

⁵⁸ Supra note 55, pp. 330–331.

⁵⁹ NARA (RG59) Records of the Bureau of Public Affairs, Records Relating to the Japanese Peace Treaties, 1946–1952, Lot 78D173, Box 2 (in English). In recent years there have been comments posted on the Internet to the effect that the Rusk letter lacks force because it was not disclosed to the Allies and the Japanese government at the time, and because Secretary of State Dulles wrote in an internal memorandum a couple of years later that the US view regarding Takeshima was simply that of one of many signatories to the treaty. However, the Rusk letter was a diplomatic document exchanged between the US and the ROK in the process of drafting the peace treaty and it serves as a supplementary means of interpreting the treaty, attesting to the course of events by which Takeshima came to be regarded as Japanese territory as a result of the two governments discussing the issue of the attribution of Takeshima. As such, it was not the type of document that would usually have been made available to third parties, let alone one for which the issue of validity or invalidity was applicable. Bearing in mind, moreover, that drafts of the treaty were sent to the relevant countries other than the United States and that the treaty was drafted, agreed to and signed after the opinions of the countries were incorporated, it is clear that the assertions about the letter’s lack of validity are not true. It is also significant that the 1965 preamble to the Treaty on Basic Relations between Japan and the Republic of Korea invokes the relevant peace treaty provisions.

⁶⁰ NARA Confidential U.S. Lot 58 D118 and D637, Records of the Office of Northeast Asian Affairs, Japan Subject Files, 1947–1956, Reel 39 (in English). “Muccio” refers to John J. Muccio, the US ambassador in the ROK’s Busan (then known as Pusan).

notified Muccio that “Neither our geographers nor [the] South Korean Embassy have been able locate Dokdo and Parangdo Islands. Therefore unless we hear immediately [we] cannot consider this South Korean proposal to confirm their sovereignty over these islands.”⁶¹ The following day the US was informed of Takeshima’s coordinates (latitude and longitude), and at the same time, the US was notified that the ROK government had withdrawn its demand for Parangdo. As a result of this course of events, the Assistant Secretary of State for Far Eastern Affairs, Dean Rusk, formally notified Ambassador Yang on August 10 of the US view that Takeshima was Japanese territory, stating (in the Rusk letter) that Takeshima had not been claimed by Korea as its own territory prior to 1905. Subsequently, on August 16, Yang and Rusk held talks, but no opinions relating to Takeshima were recorded.⁶²

Thus, up until July 19, 1951, there was no evidence that the ROK government had made any official assertions of territorial rights over Takeshima directed toward third parties. Moreover, the peace treaty was signed without any of the other countries involved raising any objection to the fact that Takeshima was excluded from the territories to be renounced by Japan. However, perhaps in an attempt to avoid US intervention in a dispute between the ROK and Japan, the Rusk letter notifying the official view of the United States was not made public until 1978. As a result, therefore, the letter failed to prevent the ROK’s illegal occupation of Takeshima and perpetuated the cause of conflict thereafter.

The only historical document of this period indicating the Japanese government’s assertions with regard to sovereignty over Takeshima is entitled “Minor Islands Adjacent to Japan Proper, Part IV. Minor Islands in the Pacific, Minor Islands in the Japan Sea,” and no records have been found to suggest that Japan actively lobbied the Allied Powers. As demonstrated by a series of US Department of State documents, the South Korean government asserted its territorial rights over not only Tsushima, but also over Takeshima when the treaty was being drafted. And despite the fact that the ROK was given an opportunity to explain the historical evidence for its ownership of Dokdo (Takeshima), which did not appear on any of its maps, it failed to do so. These, therefore, are the likely reasons why Takeshima was regarded as Japanese territory in the peace treaty. Accordingly, the ROK’s second and third assertions as described in this research paper’s introduction are also incorrect in the sense that, with regard to the second assertion, the ROK was given several opportunities to make comments on drafts of the peace treaty despite the fact that it was not a signatory to the treaty. With respect to the third assertion, the US declined to support the South Korean claim over Dokdo not because of Japanese lobbying, but because South Korea could not provide historical evidence for its claim.

Having had both its ownership of Takeshima and the continuing existence of the MacArthur line rejected during the drafting of the peace treaty, the ROK government decided on the day before the treaty’s signing to establish a “fisheries protection zone.” A vast expanse of the Sea of Japan that was not a major fishing area, including Takeshima, was added to a “fisheries jurisdiction zone” that had been created by the ROK’s Ministry of Commerce and Industry.⁶³ That “fisheries jurisdiction zone” had added Socotra Rock (a submerged rock that the ROK asserted was Parangdo, located in a valuable fishing area in the Yellow Sea) to the area marked out by

⁶¹ *Supra* note 55, p. 110.

⁶² For more details on the series of events, see *supra* note 54.

⁶³ The actions taken within the ROK government at the time are analyzed in detail in Fujii Kenji, “Ri shoban rain senpu e no katei ni kansuru kenkyu” (Research on the process leading to proclamation of the Syngman Rhee line), *Chosen gakuho* (Journal of the Academic Association of Koreanology in Japan), Vol. 185; 2002, and Fujii, “Ri shoban rain sengen to kankoku seifu” (The declaration of the Syngman Rhee line and the ROK government), *Dai-ni-ki Takeshima Mondai ni Kansuru Chosa Kenkyu Saishu Hokoku-sho* (Final Report of the Research Survey on the Takeshima Issue (second session)), Shimane Prefecture, 2011 (both in Japanese).

the MacArthur line and the “fisheries protection zone” was even wider, adding vast areas of the Sea of Japan that included Takeshima to the “fisheries jurisdiction zone.” Kim Dong-jo, leader of the Government Affairs Bureau in the ROK’s Ministry of Foreign Affairs, recalls that the reason they included Takeshima within the Syngman Rhee line despite opposition from some quarters was that the ROK had become convinced it was necessary to create a precedent for exercising sovereignty.⁶⁴

As described above, a mere two months before the signing of the peace treaty, the ROK demanded that Takeshima, rather than Tsushima, be specified as one of the islands to be renounced by Japan. However, the ROK was unable to respond to inquiries regarding Takeshima’s exact location and a clear historical basis for its sovereignty over the islets, and its demand was consequently rejected by the United States. Then, immediately before the peace treaty was signed, the ROK’s Ministry of Foreign Affairs attempted to expand the country’s territory by making preparations to incorporate Takeshima into South Korea by force, under the pretext of protecting fisheries.

(4) Actions after the signing of the peace treaty and the ROK’s tricks

The seizure and detention of Japanese fishing boats by the ROK that had started in 1947 took place even more frequently after the Syngman Rhee line was declared, while the ROK’s government maintained an uncompromising stance with regard to Takeshima, and started to construct an after-the-fact basis for its actions to make up for the lack of historical evidence to defend its positions.

On September 21, 1951, following the signing of the San Francisco Peace Treaty on September 8, the ROK’s foreign minister, Byun Young-tae, again contacted Ambassador Muccio to assert South Korea’s ownership of Takeshima.⁶⁵ The “definitive” grounds Byun gave for his argument were largely based on SCAPIN 677, followed by the fact that Takeshima had been placed on “the Korean side” of the MacArthur line, and also the fact that after the bombing incident by the US military aircraft over Takeshima in 1948, the US armed forces had apologized to the Korean victims. Byun also alleged that substantial documented evidence existed to demonstrate that Takeshima had been Korean territory for several hundred years before it was “surreptitiously incorporated into Japan” in 1905. However, in a letter dated October 3 from the US Embassy in the ROK’s Busan to the Department of State, the embassy official who dealt with the matter wrote, “the Ministry of Foreign Affairs did not possess a compilation of such ‘evidence’ at this time. Although it was pointed out to the Minister that the Embassy would welcome the submission of such ‘evidence’ for transmittal to the Department, it appears doubtful that such information will be forthcoming.” Subsequently, in the preparatory discussions held from October 20, 1951 prior to ROK-Japan diplomatic normalization talks, the ROK’s proposal to replace the MacArthur line with an alternative zone excluding Japanese fishing boats from international waters was rejected. In a special committee meeting of Japan’s House of Representatives on October 22, Kusaba Ryuen, the parliamentary vice-minister for foreign affairs, who served as plenipotentiary advisor for the Japanese delegation to the San Francisco peace conference, expressed the opinion that the peace treaty clearly confirmed Takeshima as Japanese territory. Spurred by his words, an *Asahi Shimbun* newspaper reporter went ashore on Takeshima and wrote an article for the newspaper

⁶⁴ Kim Dong-jo, *Hoe-sang-30-nyeon Han-il-hoe-dam* (30 Years of ROK-Japan talks recollected), Joong-ang-ilbo-sa, Seoul, 1986, p. 16 (in Korean), translated into Japanese by Hayashi Takehiko, “Kan-nichi no wakai—Nikkan kosho 14 nen no kiroku” (Reconciliation between the ROK and Japan—A record of 14 years of Korea-Japan negotiations), Simul Press, 1993, p. 11.

⁶⁵ *Dok-do-ja-ryo—Mi-guk-pyeon* 巻 2 (Dokdo documents—The United States, Vol. 2), National Institute of Korean History, 2008, p. 110 (in Korean and English).

dated November 24.⁶⁶ The ROK government issued a condemnation following the article, but the grounds it gave for Korean ownership were SCAPIN 677 and the fact that the governor of the ROK's Gyeongsang Province had built a memorial monument to the 1948 bombing incident.⁶⁷

Then on January 18, 1952, the ROK declared the creation of the Syngman Rhee line. The line excluded Japanese fishing boats from valuable fishing areas in the East China Sea and the Yellow Sea, while at the same time asserting South Korea's sovereignty over an extensive area of international waters included within the line and also designating Takeshima and Socotra Rock as ROK territory. By declaring the line, the ROK asserted its intention to maintain and exercise its national sovereignty, as well as its fisheries jurisdiction rights by placing the marine products and fisheries industries under the control of the government in order to preserve natural resources.⁶⁸

In response, the Japanese protested by sending a Note Verbale dated January 28, 1952, indicating their concern about the illegality of the Syngman Rhee line and the occupation of Takeshima. The United States also sent a letter on February 11, expressing considerable concern about the ROK wielding administrative authority over an extensive area of international waters.⁶⁹ On February 12, the ROK government issued a Note Verbale rebutting the Japanese government's concerns, but with regard to Takeshima it made only a brief assertion of its territorial rights based on SCAPIN 677 and the MacArthur line. On April 25 of the same year, three days before the peace treaty went into effect, the MacArthur line was abolished, and on the same day the Japanese government issued a rebuttal to the ROK government's Note Verbale. However, the ROK government was unable to respond to the rebuttal with any clear indication of the historical basis for claiming Korean sovereignty over Takeshima. On May 20, the Shimane prefectural government submitted a petition to Japan's minister for foreign affairs and the minister for agriculture and forestry asking for Takeshima, which it described as within the jurisdiction of the Oki Islands Branch Office of Shimane Prefecture, to be excluded from use by the US armed forces in Japan as a bombing range.⁷⁰ However, on July 26, 1952, pursuant to an

⁶⁶ "Nihon ni kaeru mujin no takeshima—Kuhaku junen no shima no zenyo o saguru" (The uninhabited Takeshima returns to Japan—Exploring 10 blank years in the island's full story), *Asahi Shimbun* (Asahi newspaper), November 24, 1951. For more details, see Terao Munefuyu, "Hi wa tsuketa kedo—Takeshima shuzai hoi" (I lit it: Supplement to Takeshima reporting), *Asahi Shimbun* Osaka head office local news section, ed., *Osaka Shakai-bu Sengo Nijunen-shi Nakanoshima San-chome San-banchi* (Osaka local news section history of the 20 years after the war, Nakanoshima 3-chome, 3-banchi), 1966, pp. 168–175 (both articles in Japanese).

⁶⁷ "November 26, 1951, Comments on Dokdo by Chief of Public Relations Lee," *Gwang-bok-30-nyeon Jung-yo-ja-ryo-jip Wol-gan-jung-ang 1-wol-ho Byeol-chaek-gi-rok* (30 years since liberation: Key documents, Monthly Joongang, January edition, supplementary volume of records), Joong-ang-ilbo-sa, Seoul, January 1975, p. 140 (in Korean).

⁶⁸ Fujii Kenji, "Kankoku no kaiyo ninshiki—Ri shoban rain mondai o chushin ni" (Maritime perceptions of South Korea, centering on the Syngman Rhee line problem), *Kankoku Kenkyu Senta nenpo* (Annual report, the Research Center for Korean Studies), 2011, p. 58 (in Japanese). Socotra Rock is a submerged rock located southwest of Jeju Island in the East China Sea. At the time the Syngman Rhee line was declared, the ROK government called this submerged rock Parangdo and asserted that it was Korean territory. The ROK has now named it Ieodo and built a maritime research station there. This has resulted in friction with China, which calls it the Suyan Rock.

⁶⁹ "Issues associated with the proclamation of the peace line 1953–55" (Documents of the ROK relating to the Japan-ROK talks), 0119–0122 コマ (in Korean).

⁷⁰ Sugihara Takashi, "Zoku takeshima no gyogyoken no henshen ni tsuite—okinoshima gyogyo kyodokumiai rengokai no doko o chushin ni" (Regarding the changes in fishing rights around Takeshima, Part 2—Centered on movements of the Okinoshima Federation of Fisheries Cooperatives), Shimane Prefecture Web Takeshima Issue Research (in Japanese), available at <http://www.pref.shimane.lg.jp/admin/pref/takeshima/web-takeshima/takeshima04/takeshima04-1/takeshima04-230701.html> (as of February 16, 2012).

administrative agreement between the United States and Japan, Takeshima was re-designated as one of the marine exercise and training zones to be provided to the US forces in Japan by the Japanese nation.⁷¹

On September 15, 1952, an incident occurred whereby some people from Ulleungdo who were fishing around Takeshima narrowly escaped injury by a US bomber conducting exercises over the islets. At the time, the second Ulleungdo/Dokdo academic survey team sponsored by the Korea Alpine Club was staying in Ulleungdo to conduct a survey. The team reported the incident to the ROK government on September 20, and on November 10 the ROK government issued a protest to the US Embassy in Busan alleging that the bombing had targeted “ROK territory.”⁷²

The correspondence between the US Embassy and the Department of State relating to territorial sovereignty over Takeshima in relation to this incident is explained in the final report of the first session of the Research Survey on the Takeshima Issue.⁷³ The exchange of messages indicates that the content of the Rusk letter of August 10, 1951 (i.e., the US position that Takeshima was Japanese territory) had been communicated to US diplomats in overseas diplomatic missions, and had been notified to the ROK government for a second time on December 4. The original text of the Note Verbale of December 4, 1952, written by the US Embassy in reply to the ROK government’s protest, was not available when the final report of the research study’s first session was compiled. However, the author has obtained Note Verbale No. 187, which was a US reply to the ROK government’s protest. The Note Verbale focused on the claim in the ROK government’s protest that Takeshima was ROK territory and stated that the US position remained as described in the Rusk letter of August 10, 1951. The Note Verbale was repeating the official view of the United States that Takeshima was Japanese territory.⁷⁴

⁷¹ For more details, see the Ministry of Foreign Affairs of Japan website, *available at* http://www.mofa.go.jp/mofaj/area/takeshima/g_beigun.html (as of February 16, 2012; in Japanese). <http://www.mofa.go.jp/region/asia-paci/takeshima/index.html> (in English)

⁷² ROK Ministry of Foreign Affairs Government Affairs Bureau, *Dok-do-mun-je-gae-ron* (“Introduction to the Dokdo Issue”), Annex 5 (in Korean and English), 1955.

⁷³ Tsukamoto Takashi, “Takeshima ryo-yuken funso ni kanren suru beikoku kokumusho bunsho (tsuiho)” (Documents of the US Department of State relating to the Takeshima territorial dispute (addendum)), Takeshima Issue Research Group, *Takeshima mondai ni kansuru chosa kenkyu saishu hokokusho* (Final Report of the Research Survey on the Takeshima Issue), 2007, pp. 79–89 (in Japanese).

⁷⁴ *Supra* note 65, p. 255.

Fig. 1 Note Verbale No. 187 from the Embassy of the United States of America to the ROK government, December 4, 1952*

No. 187

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the latter's note of November 10, 1952 stating that a single engined airplane described as being under the command of the United States Forces in the Far East dropped bombs on Dokdo Island on September 15, 1952. The Embassy is advised that the limited amount of information provided in the Ministry's note as well as the very long time which has elapsed since the incident is said to have taken place make it virtually impossible for the United Nations Command to determine the facts in the case. Preparations have, however, been expedited to dispense with the use of Dokdo Island as a bombing range.

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

American Embassy,

Pusan, December 4, 1952

* National Archives of the United States, RG84, Entry 2846, Record of Foreign Service Posts of the Department of States, Korea, Seoul Embassy, Classified General Records, 1953-1955, box12

Re: Embassy 204

No. 187

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the latter's note of November 10, 1952 stating that a single engined airplane described as being under the command of the United States Forces in the Far East dropped bombs on Dokdo Island on September 15, 1952. The Embassy is advised that the limited amount of information provided in the Ministry's note as well as the very long time which has elapsed since the incident is said to have taken place make it virtually impossible for the United Nations Command to determine the facts in the case. Preparations have, however, been expedited to dispense with the use of Dokdo Island as a bombing range.

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

American Embassy,
Pusan, December 4, 1952.
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This Note Verbale was included as an annex to the book entitled *Introduction to the Dokdo Issue* published by the ROK Ministry of Foreign Affairs Government Affairs Bureau in 1955.⁷⁵ It was used as a basis to argue that since the US armed forces had responded to the ROK's protest by deciding that Takeshima would no longer be a bombing range, the US had recognized that Takeshima was ROK territory. Kim Dong-jo, leader of the Government Affairs Bureau in the Ministry of Foreign Affairs, explained in the preface to *Introduction to the Dokdo Issue* that the book's purpose was not to notify the general public of the Dokdo issue, but to enable the heads of diplomatic missions overseas to correctly understand the matter and to provide them with information necessary to counter the unwarranted propaganda of the Japanese—a purpose for which he hoped the book would be frequently put to use. Shockingly, however, the book omitted the section of the Note Verbale that reaffirmed the Rusk letter, thereby concealing the fact that the US considered Takeshima to be Japanese territory not only from ROK citizens, but also from the ROK's own diplomats.⁷⁶

⁷⁵ *Supra* note 72, Annex 6.

⁷⁶ This falsification was first pointed out on Gerry Bevers' blog (in English), available at <http://dokdo-or-takeshima.blogspot.com/2011/08/1955-introduction-to-dokdo-issue-rok.html> (as of February 16, 2012).

Fig. 2 Note No. 187 from the United States Embassy to the ROK government, December 4, 1952, as it appeared in the Ministry of Foreign Affairs Government Affairs Bureau Introduction to the Dokdo Issue (1955). The final paragraph reaffirming the letter from Rusk has been abbreviated to "etc."

APPENDIX 6

No. 187

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the latter's note of November 10, 1952 stating that a single engine airplane described as being under the Command of the United States Forces in the Far East dropped bombs on Dokdo Island on September 15, 1952. The Embassy is advised that the limited amount of information provided in the Ministry's note as well as the very long time which has elapsed since the incident is said to have taken place make it virtually impossible for the United Nations Command to determine the facts in the case.

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Preparations have, however, been expedited to dispense with the use of Dokdo Island as a bombing range, etc.

American Embassy,

Pusan, December 4, 1952

Meanwhile, E. Allan Lightner, Jr., the charge d'affaires ad interim of the US Embassy in Korea, made inquiries to establish the facts about the bombing following the ROK government's protest. He received a reply from a representative on behalf of the commander-in-chief of United Nations Command, Mark W. Clark, stating that, although they had been unable to confirm the facts regarding the bombing, if the use of Liancourt Rocks (Takeshima) as a bombing range were to be suspended, the ROK as well as other interested agencies would be notified, but that questions of territorial sovereignty were beyond the scope of SCAP's authority.⁷⁷ The letter also pointed out that SCAPIN 1033, relating to fisheries, had specified that "it was not to be construed as an expression of Allied policy relative to the ultimate determination of national jurisdiction, international boundaries or fishing rights in the area concerned." Lightner replied enclosing the December 4 notification to the ROK government,⁷⁸ urging that attention be paid to the section invoking the content of the Rusk letter.

On December 13, 1952, the Commander in Chief, Far East (CINCFE) decided to revoke the designation of Takeshima as a bombing range, and the US Embassies in Japan and the ROK deliberated with the commanding general of the Korean Communications Zone (KComZ), Thomas W. Herren, about whether they should notify the ROK of this revocation.⁷⁹ On January 20, 1953, Herren notified the ROK's minister for foreign affairs that Takeshima would no longer be used as a bombing range,⁸⁰ but despite the fact that the Note Verbale of December 4 clearly notified the ROK government that the United States recognized Takeshima as Japanese territory, the December 4 memo was appended as documentary material to a publication compiled for the ROK government's embassy officials to use as grounds to assert the ROK's ownership of Takeshima.⁸¹ Furthermore, the Note Verbale had been falsified by omitting the section reiterating the Rusk letter to give the impression that the United States had acknowledged the ROK's ownership of Takeshima and revoked the designation of Takeshima as a bombing range as a result of the ROK government's protests and demands. Its inclusion in the publication was intended as evidence that the United States had acknowledged the ROK's ownership of Takeshima.

Subsequently, on February 4, 1953, there was an incident in which the Japanese Dai Ichi Daihomaru fishing boat was fired at by the ROK navy in international waters near Jeju Island, resulting in the death of its chief fisherman.⁸² On February 13, the Japanese government protested by sending a Note Verbale to the ROK legation, and on February 18, it demanded compensation and measures to prevent a reoccurrence⁸³. On February 23, after the incident was taken up in the Japanese Diet, the ROK presidential secretariat sent a letter to the Japanese government stating that the ROK had established "a line of sovereignty for the sake of peace"

⁷⁷ *Supra* note 65, p. 251.

⁷⁸ *Supra* note 65, p. 252.

⁷⁹ *Supra* note 65, pp. 262–264.

⁸⁰ *Supra* note 72, Annex 7.

⁸¹ *Supra* note 72.

⁸² February 23, 1953, 15th Diet Session, "Suisan, homu, gaimu iinkai rengo shinsakai kaigiroku" (Minutes of the Joint Review Board for the Fisheries, Judicial Affairs, and Foreign Affairs Committees), no. 1 (in Japanese).

⁸³ February 25, 1953, 15th Diet Session, "Gaimu iinkai kaigiroku" (Minutes of the Foreign Affairs Committee), No. 20 (in Japanese).

called the Syngman Rhee Line.⁸⁴ This was followed on February 24 by an announcement of “the truth about the incident” by the ROK Government Information Agency,⁸⁵ and on February 26, an official at the ROK’s Home Affairs Ministry released a statement about the incident.⁸⁶ Tensions were building between Japan and the ROK, and it was within this context that, on February 27, newspapers reported that the ROK Defense Ministry had issued a statement alleging that the commander of the Far East Air Forces (FEAF), General Otto Paul Weyland, had sent the Ministry a letter acknowledging Takeshima as ROK territory,⁸⁷ and this became a major issue in Japan.⁸⁸ On March 3, Ellis O. Briggs, the US ambassador to Korea, filed a report with the State Department saying that he hoped any future communications relating to Dokdo would be transmitted through the Embassy, thus ensuring there could be no distortion of the US position that the islets were not subject to Korean jurisdiction. He added that the Embassy had not obtained an original copy of the ROK defense minister’s statement, but it was clear that the ROK government (or at least certain elements within it) had distorted the meaning of any such note from Weyland to suit its own purposes.⁸⁹ On March 5 (or 4), the Japanese Ministry of Foreign Affairs asked the US Embassy about whether Weyland had actually acknowledged Takeshima as ROK territory,⁹⁰ and the Japanese Diet also held deliberations on the matter.⁹¹ On March 12, Secretary of State Dulles sent notification to the US Embassies in both Japan and the ROK that the Department of State and the Department of Defense had conducted thorough investigations, but they were unable to discover Weyland’s letter. He also indicated that the Department of State would maintain its position as outlined in Note No. 365 to Busan and Note No. 1360 to Tokyo, both dated November 26. In future, he said, any formal statements affirming or denying the matter would need to be reviewed before being made public.⁹² Note No. 365 to Busan states that the reiteration of the Rusk letter serves only to repeat the existing position of the United States, so it distances the United States from the dispute and might dissuade the ROK from introducing a “gratuitous” issue into Japan-ROK negotiations that have already fallen into considerable difficulties.⁹³ In the end, the ROK government never offered the Weyland letter as evidence of

⁸⁴ “Sovereignty line demarcated for the sake of peace— Letter to Japanese representative from presidential secretariat on Japanese fisherman incident,” *The Dong-a ilbo* (East Asia daily), February 26, 1953 (in Korean).

⁸⁵ “The truth about the Daihomaru incident—Announcement by the Government Information Agency,” *The Dong-a ilbo* (East Asia daily), February 25, 1953 (in Korean).

⁸⁶ “Reinforcement of maritime security unavoidable— Home Affairs Ministry official Jin—Comments relating to ROK-Japan dispute over Japanese fisherman incident,” *The Dong-a ilbo* (East Asia daily), February 27, 1953 (in Korean).

⁸⁷ “Takeshima ryoyu o kakunin—kankoku kokubobu de seimei” (Ownership of Takeshima confirmed—ROK Defense Ministry issues statement), *Mainichi Shimbun* (Mainichi newspaper), February 28, 1953 (in Japanese); “Fears of Dokdo fishermen dispelled—US forces guarantee end of aerial bombing exercises,” *The Dong-a ilbo* (East Asia daily), February 28, 1953 (in Korean), etc.

⁸⁸ February 28, 1953, 15th Diet Session, “Shugiin gaimu iinkai kaigiroku” (Minutes of the House of Representatives Foreign Affairs Committee), no. 21 (in Japanese).

⁸⁹ *Supra* note 65, pp. 272–273.

⁹⁰ *Supra* note 65, p. 279.

⁹¹ March 5, 1953, 15th Diet Session, “Sangiin gaimu, homu iinkai rengo shinsakai kaigiroku” (House of Councillors—Minutes of the Joint Review Board for the Foreign and Legal Affairs Committees), no. 1 (in Japanese).

⁹² *Supra* note 65, p. 285.

⁹³ *Supra* note 65, p. 250. It can be inferred from the content that Note no. 187 was modelled on this.

territorial rights⁹⁴ and consequently it is assumed that the letter was a falsification by the ROK Defense Ministry.

On March 19, 1953, it was agreed at the Japan-US Joint Committee's Marine Subcommittee that the bombing training area at Takeshima would be eliminated, and following approval by the Japan-US Joint Committee, Takeshima was formally removed from the exercise zone.⁹⁵ But it does not follow that the United States and its armed forces acknowledged that Takeshima was Korean territory as a result of the agreement in the Subcommittee, as has been argued by the ROK. It is evident that the US government was treating Takeshima as Japanese territory. Subsequently, a letter from R. B. Finn of the US Embassy in Japan to William Leonhart, First Secretary of the US Embassy in the ROK,⁹⁶ suggested that when the time was right, the US government might consider issuing a statement to clarify the fact that, according to the US interpretation of the peace treaty, sovereignty over the Liancourt Rocks remained with Japan. The letter is believed to have been written in April 1953.⁹⁷

As outlined above, therefore, the ROK government, having been denied sovereignty over Takeshima under the peace treaty, used the Syngman Rhee line to forcefully incorporate Takeshima into its own territory just before the ROK-Japan diplomatic normalization talks were to be held and the peace treaty was to enter into effect. Then it attempted to gloss over its illegal action by concealing a part of an official US document to twist the truth, and may even have gone so far as to distort the words of a high-ranking US military officer to provide a basis for its assertion that the United States had recognized the ROK's territorial rights over Takeshima.

In September 1953, the ROK government sent a Note Verbale to the Japanese government stating for the first time the historical basis for Takeshima to be considered as ROK territory. However, the legitimacy of that alleged historical basis has already been empirically denied for a number of reasons, including the claim that the present-day Takeshima was identified as Usando, an island that appeared on old maps of Korea. The Note Verbale was therefore just another attempt by the ROK government to fabricate a historical basis for its claims.

⁹⁴ *Supra* note 72.

⁹⁵ According to Naito Seichu, the revocation of Takeshima's designation as a bombing range within less than one year was in response to the protest by the ROK government, which knew that the Japan-US Joint Committee had made the designation. In other words, it was based on the official letter sent by the ROK government on February 27, 1953, demanding that the designation be revoked (Naito, *Takeshima=Dokdo mondai nyumon—Nihon gaimusho "Takeshima" hihan* (Territorial issue between Japan and Korea; case of Takeshima/Dokdo: A critique of the "10 issues of Takeshima" published by the Ministry of Foreign Affairs of Japan), Shinkansha, 2008, p. 53 (in Japanese)). Naito also says that for this reason the ROK government sent a letter demanding measures to prevent reoccurrence of the incident to the US ambassador in the ROK on November 10, and after receiving notice on December 24 from the commanding general of the US Army Forces Far East that there would be no more bombing exercises around Dokdo, the ROK-US Joint Committee decided on March 19, 1953 to revoke its status as an exercise area. Naito therefore concludes that the course of events indicates that this series of measures was taken based on recognition by the US armed forces in the ROK that Dokdo was ROK territory (*ibid.*, p. 54). However, I was not able to locate records confirming that a meeting of the ROK-US Joint Committee was held on that date (for details refer to the answer to the third question in the opinions on the Takeshima issue for Dec. 2009 and Jan. 2010 in Shimane Prefecture Web Takeshima Issue Research (in Japanese), available at <http://www.pref.shimane.lg.jp/soumu/web-takeshima/takeshima08/2007/record200912.html> Note that I was also not able to locate the official letter sent by the ROK government on February 27, 1953, or the notice of December 24, 1952.

⁹⁶ *Supra* note 31 (Jung, 2008).

⁹⁷ NARA (RG 84) Memorandum by R. B. Finn to Leonhart, Japan, Tokyo Embassy, Classified General Records 1952-63, Box 23, folder 322.1 (in English).

Conclusion

The ROK government asserts that “Dokdo is a historic land that was invaded in the process of Japan’s imperialist invasion of the Korean peninsula, but then recovered.”⁹⁸ This assertion comes from the “official letter of 57 years earlier” written by minister for foreign affairs Byun Young-tae that was cited earlier in this paper, which is thought to be the basis for the Note Verbale sent by the ROK government on October 28, 1954.⁹⁹ However, as this study has demonstrated, sensationalist comments, such as this, that incite nationalism run counter to the facts of the matter. Nonetheless, the ROK government has for more than 60 years repeatedly incited anti-Japanese sentiment among its citizens and stirred up public opinion for political purposes, or to put diplomatic pressure on Japan.

After World War II, the ROK shocked Japan by petitioning the United States to demand the “return” of Tsushima, an inherent part of Japanese territory.¹⁰⁰ Although the ROK made another formal demand on Tsushima just before the peace treaty was signed, it was denied by the United States. The ROK then immediately asserted territorial rights over Takeshima instead, and despite lacking any basis in the form of geographical or historical documents, it adopted the unquestioning belief that Takeshima was its own territory and demanded that Takeshima be specified in the peace treaty alongside Ulleungdo as one of the islands Japan would renounce. With inadequate historical documents or knowledge relating to the island, however, the ROK was unable to secure US support, and instead ended up prompting the decision to make Takeshima Japanese territory under the peace treaty. The ROK then used force to occupy Takeshima illegally—still without any legal basis—thereby creating a future source of trouble between South Korea and Japan. Furthermore, as this research paper has demonstrated, the ROK did not present documents as they were, but knowingly falsified them prior to inclusion in official publications. The ROK may have distorted or stretched the meaning of the words of a high-ranking US military officer in an attempt to create new evidence for Korean ownership of Takeshima. Consequently, for nearly 60 years, researchers in the ROK were forced to conduct studies and write research papers based on erroneous information,¹⁰¹ thus depriving South Korean citizens of their right to know the truth.

⁹⁸ ROK Ministry of Foreign Affairs and Trade, *Refutation of the assertion of territorial rights over Dokdo by the Japanese Ministry of Foreign Affairs*, 2008 (in Japanese).

⁹⁹ Hyun Dae-song maintains that the minister for foreign affairs, Byun Young-tae, also refuted Japan’s assertion of territorial rights over Dokdo in comments made in September 1954. His comment indicated “a heroic resolve to fight to the last in defense of Dokdo.” (Hyun, *The Birth of Territorial Nationalism: The Politics of the Dokdo/Takeshima Issue*), 2006, p. 278 (in English)).

¹⁰⁰ “Tsushima henkan wa gensoku ni kaesu” (The return of Tsushima goes against fundamental principles), *Asahi Shimbun* (Asahi newspaper), August 28, 1948 (in Japanese). In recent years there have been reports of the discovery of historical documents indicating that the official responsible for the matter at the Japanese Ministry of Foreign Affairs at the time was considering measures to counter the ROK’s demand, in addition to reports of testimony by archaeologists (“Tsushima wa kankokuryo ni taio: shiryo hakken” (Dealing with the assertion that Tsushima is ROK territory: Documents discovered), *NHK Nyusu* (NHK News), July 3, 2008; “Kuni o tadorite—kokkyo to ryodo no kokogaku, daini-bu (2)—Tsukushiboko nihon wo urazuke” (Tracing the nation—the archaeology of borders and territories, Part 2 (2)—Tsukushiboko (ancient bronze pikes) provide evidence for Japanese territory), *Sankei Shimbun* (Sankei newspaper), May 5, 2011.

¹⁰¹ Kim Myung-ki, “A critique of Paragraph 3 of the items relating to the peace treaty with Japan in the “10 issues of Takeshima” published by the Ministry of Foreign Affairs of Japan,” *Dok-do-yeon-gu* (Dokdo Research), 2009 fall issue (No. 7), 2009, pp. 62–70 (in Korean). In this article, Kim states that following the response from the US Department of State, the official intent of the United States was to view Dokdo as ROK territory, “as shown below (in the Annex).” He then quotes Annex 6 of *Dok-do-mun-je-gae-ron* (the Introduction to the Dokdo Issue), which omitted the section relating to the Rusk letter.

However, fewer and fewer people are asserting that the United States discontinued use of Takeshima as a bombing exercise site and recognized the ROK's ownership of the island in response to the ROK's protest. In recent years, even some South Korean researchers are recognizing Usando in the old maps as Chikusho (called "Jukdo" in the ROK),¹⁰² and we are also seeing researchers who, after analyzing official US documents and the ROK's historical documents from when the country was ruled by the US military after World War II, acknowledge that the ROK had only a tenuous awareness of Takeshima.

There have been other developments. In September 2011, the ROK's Ministry of Foreign Affairs and Trade invited a judge who had written a novel imagining that the Takeshima issue had been referred to the International Court of Justice to join the ministry,¹⁰³ and requested budget funds for researching litigation and preparing English-language documents.¹⁰⁴ After the discovery in 2010 of the Uldo-gun rule book, there was a separate announcement about the unearthing of some questions and answer sheets for the civil service exam known as *gwageo* that was administered during the Joseon Dynasty. The test materials, which were discovered as this research paper was being written, asked candidates about measures to deal with the Ulleungdo Dispute that occurred during the reign of King Sukjong.¹⁰⁵ If one reads the texts released, neither the questions nor the answers include any information about Takeshima, and only Ulleungdo is mentioned in connection with the borders of the Kingdom of Joseon and the subsequent Empire of Korea, as well as in territorial disputes with Japan. If anything, the texts that were made public seem to show that Korea's central government, regional officials, and the intellectuals of the day did not recognize the country's boundaries to extend as far as Takeshima. We can only hope that the results of further document collection and empirical research on the part of the ROK will be made available.

Japan's yearly budget for Takeshima is less than 50 million yen, including the budgets for both the Ministry of Foreign Affairs and Shimane Prefecture. The ROK, on the other hand, expends an enormous budget equivalent to more than 5 billion yen annually. Even greater sums will soon be required. It has been reported that there are plans to refurbish accommodations on the islets and to construct sightseeing facilities that will enable visitors to observe a local maritime research station and get views of the sea. Plans are also reportedly being drawn up for facilities such as a quay where 5,000-ton class vessels can berth. Meanwhile, the Japanese government constantly files protests, and while these types of actions by the ROK do not result in Takeshima becoming ROK territory, there is a concern that the ROK may make headway in establishing *de facto* occupation of the island. Japan therefore needs to respond properly. As explained previously,

¹⁰² Oh Sang-hak, (The change in perception of Ulleungdo and Dokdo represented in maps of the Joseon Dynasty), *Mun-hwa-yeok-sa-ji-ri* (Journal of cultural and historical geography), Part 18, No. 1, 2006, p. 92; Kim Hwa-kyung, (Research on perception of Dokdo as it appeared in old Korean maps), *Dok-do-yeong-yu-gwon-hwak-lib-eul-wi-han-yeon-gu* (Research to establish territorial rights over Dokdo), edited by Yeungnam University Dokdo Research Institute, 2010, p. 25 (both in Korean), etc.

¹⁰³ "Dokdo horitsu shimonkan ni hanji ninmei—Gemba gaisho no hatsugen, ikan—kankoku", (Judge appointed as Dokdo legal advisory attorney; ROK expresses regrets over Japan foreign minister Gemba's statement) (in Japanese), *Jiji Tsushin* (Jiji Press; online version), September 6, 2011, available at <http://www.jiji.com/jc/zc?k=201109/2011090600633> (as of February 15, 2012).

¹⁰⁴ "Kankoku seifu, rainen no dokdo kanren gaiko yosan ni go-oku won o tonyu" (ROK government allocates 500 million won in next year's Dokdo-related diplomatic budget), *Joong-ang ilbo* (Korea Joongang daily), Japanese-language online version, October 17, 2011 (in Japanese), available at <http://japanese.joins.com/article/671/144671.html> (as of February 15, 2012).

¹⁰⁵ Daegu District Bar Association website, "Dokdo Committee discovers historical documents relating to Dokdo" (in Korean), available at <http://www.daegubar.or.kr/index.php?status=menu5&code=01&no=420> (as of February 16, 2012).

what the ROK is doing is illegally occupying Takeshima without any evidence that is backed up by historical documents. However, as the number of researchers and government officials in the ROK who use historical documents as a basis for discussions is increasing, it is to be hoped that more people will see through their government's tricks and express their concerns about taxes being squandered.

When Shimane Prefecture established local regulations for Takeshima Day in 2005, many people voiced their concerns about the impact of the measure on Japan-ROK relations, and there was a temporary deterioration in how the citizens of the ROK viewed Japan. As the empirical research of Shimane Prefecture's Takeshima Issue Research Group proceeded, the loud and emotional reaction in South Korea tapered off, and there have been some attempts at conducting empirical research on the subject in the ROK. Meanwhile, there also seems to be a shift in South Korea toward lobbying the Japanese political world¹⁰⁶ and academic circles.¹⁰⁷ The people of Japan need to be aware that territory that is inherently Japanese, Takeshima, has been occupied, and that Japan's sovereignty continues to be violated. The Japanese government needs to make even greater efforts to resolve the issue peacefully by investing funds in empirical research and activities to inform the public.

¹⁰⁶ "Possibility of Dokdo being misused politically because Japan's Democratic Party administration is weak—Interview with Northeast Asian History Foundation," *Jugan Chosun* (Weekly chosun), No. 2136, 2010, pp. 22–23 (in Korean).

¹⁰⁷ Kyoto Sangyo University Institute for World Affairs, ROK and Northeast Asia history foundation, Joint academic seminar, "Kagami no naka no jiko ninshiki—nihon to kankoku no rekishi, bunka, mirai" (Self-perception in the mirror—The histories, cultures, and futures of Japan and the ROK), (October 9–10, 2010) (in Japanese).