

# The Question of Takeshima/Tokdo\*

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## I. Introduction

I have decided to write this article because of the following reasons. Within one month after I published an introductory booklet entitled *Korean History*, one of the New Modern Books published by the Kodansha publishing firm in October last year (1977), I received postcards from two readers as follows:

"In the Korean topographical part of the map on page 17, Takeshima is marked as Tokdo and indicated as a Korean territory. What is the reason for that? I would like to ask its real meaning, or at least an explanation."

This was a letter from Mr. S, a 27-year-old office worker living in Ota-ku, Tokyo. Afterwards, I received a similar postcard from Mr. A, an university student in the city of Sapporo. Both postcards displayed a way of criticizing the map on the assumption that "Korea is illegally occupying Takeshima although it is clearly

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the inherent Japanese territory beyond all question.”

I sent a reply to these two men as the editorial department suggested. Here is the full text of the reply although it might be a bit long.

I am replying to your question concerning my humble writing. Your question about the map on page 17 seemed to have been based on the belief that Takeshima/Tokdo is a Japanese territory, but do you know whether such an assertion has any basis? And do you know under what circumstances the incorporation of Takeshima into Japanese territory was made? (It was in 1905).

Please open your map and observe carefully to which country it is nearer, Japan or Korea. Of course, the natural geography is not an absolute deciding factor, but if argued on that basis, the northern territory such as Sakhalin has more grounds for claim as our territory than Takeshima, I believe.

Therefore, the map itself on page 17 showed all four directions with Korea as the center, and followed all the Korean designations such as “East Sea” and “South Sea.” Naturally, as the problem of Takeshima/Tokdo still remains unsettled, the national boundary was not marked on the map.

However, at present, both South and North Korea believe Tokdo, to be as a “brother” island of or an island attached to Ullŭngdo and an inherent Korean territory. To be fair, and so far as today’s concept of national territory is concerned, I think such a claim has a considerable foundation historically and under international law. The unification of the South and the North must be achieved first if the problem of Takeshima/Tokdo is to be finally resolved. (There can not be any final solution of the problem through negotiations with South Korea only.) If the Korean peninsula were unified and a fair organization made the judgment, I think the possibility is not slim of the decision being that Tokdo belonged to Korea.

I have no further explanation to make since I did not mark it that way carelessly. I hope you will change your way of thinking by judging sober historical facts and by bearing in mind the future task of overcoming exclusionism concerning this problem. (I will send you, if necessary, the data which could serve as a good reference.)

When I read it again, I thought I had written what I wanted to say, but as it was written in a stiff and formal manner, it could not be a kind and elaborately written reply. And that weighed on my mind. After this reply, there was no communication from Mr. S but a courteous reply came from Mr. A saying that "I am very grateful for your kind reply, and your explanation was very easy to understand even for a beginner like me, but regretfully I cannot agree with you, and hope you will make further research." In other words, I failed to persuade him.

In any case, I was surprised to find that minuscule print on a map attached to a book triggered an enormously sensitive reaction. The readers tolerated a considerable part of the contents in my book which ran counter to the anti-foreign national feeling or understanding of Korea, but regarded it inadmissible to designate "Takeshima" as "Tokdo."

I thought this strong feeling was produced by the so-called "territorial issue," but the two men belonged to the young generation which "does not know war." Only two postcards have been delivered to me directly, but they could be considered representative of the feelings of the ordinary Japanese people. So, I have written this article to try a dialogue with Mr. A once again. In order words, I do not start my article from the general consideration that our views on national territory or national consciousness should be sublated, but rather from the study of the particular case of the Takeshima/Tokdo question and proceed to generalization in the overall framework of the existing territorial disputes.

## II. Japanese People's Understanding of Takeshima/Tokdo

That the majority of Japanese people believe Takeshima/Tokdo is a "clearly inherent Japanese territory" is demonstrated straightforwardly by the newspapers' readers' columns. The Takeshima issue flared up again in February 1977, after the tense atmosphere somewhat cooled down for a while after 1965, and the seven articles published in the readers' columns of the *Asahi Shimbun* on this issue, are all written on the premise that it is Japanese territory, although the nuances may be different.

Certainly, the newspapers' readers' columns carry the subjective views of individual writers, but they also reflect the subjective selection of articles by the editor. I cannot go into a detailed analysis of their consciousness, but the majority of the contributors believe that Korea is unilaterally acting willfully, and these readers are fretful about the weak position of the Japanese government and are applying exclusionist pressure on it.

In such a situation, the Japanese government is also held responsible as it has only publicized the claims of the Japanese side without presenting the Korean argument in detail. Many Japanese undoubtedly think that "there must be a considerable basis since Premier Fukuda explicitly declares that it is an inherent territory of Japan." It is quite natural to have such an understanding if one reads obediently all the documents released until now by the Japanese Foreign Ministry.

Sato Yoshiyuki, head of the Northeast Asia Section of the Foreign Ministry, said in a reply to the newspaper contributors that "our country is taking the position that Takeshima is clearly our inherent territory historically and under international law. Our country has strongly protested and presented to Korea the documents explaining in detail that the Korean claim has no basis, but the Korean side does not agree." (*Asahi Shimbun*, March 12, 1978)

It may be quite natural for more than 99 percent of the

Japanese people, who believe naively such a view or who have no data or time to spare to examine the matter critically come to have an intensified feeling of mistrust of Korea's "highhandedness" and to think suspiciously of the Japanese government's weak attitude.

However, such a consciousness is extremely different from the perception of the Koreans in the South and the North. Many of them are taking the critical attitude that the weak Japanese position is attributable to the "collusion between Korea and Japan" or "an act of corruption." This reminds me of the hard-line external policy advocated by the right-wing civil rights movement during the Meiji Restoration and the Hibiya Incident (Hibiya yakiuchi jiken).\*

But, that is the confusion of issues different in dimension, and is the result of an oversight of the causes of the claim by the Japanese side. On the other hand, I think it is a relatively fair argument that Mr. Kisu Takaya is demanding "the Foreign Ministry's explanation in order to settle the issue by the method that will convince both people, and by the presentation of sufficient evidence by both sides." This would provide a way out from this dubious situation.

Really, is the Japanese side 100 percent right on the Takeshima/Tokdo problem, while the Korean claim has no basis whatsoever? If the government does not inform us on the matter, we have to find out on our own.

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\* On Sept. 5, 1905 some right-wing Japanese politicians and citizens who were dissatisfied with the contents of the Portsmouth Peace Treaty ending the Russo-Japanese war (1904-5) tried to hold a mass rally in the Hibiya Park in Tokyo. As the rally was broken up by the government, an angry mob attacked and set fire to the residence of Foreign Minister Komura Jutaro who represented Japan at the conference, police boxes and newspaper offices in Tokyo. See *The Cambridge History of Japan* (6:274).

### **III. South and North Korea's Basic Position**

In Korea, in direct opposition to the above mentioned view of the Japanese side, people believe that "Tokdo is clearly a Korean territory without any room for doubt."

... As we ponder over the matter at this crucial time, the reports are that Japan is spreading a groundless and preposterous speculation during the Diet debate on our territory of Tokdo, and is exposing its persistent ulterior motives to turn this issue into a tool of political deal. This is driving us to an indescribably complicated situation, at a time when we are trying to deal with Japan with a new frame of mind.

One cannot find any historical evidence or basis under international law that Tokdo belongs to Japan, but on the contrary, the records and documents showing that it is a Korean territory are being discovered one after another, as days go by. Why is it that the Japanese government leaders and intellectuals who should be well aware of this situation are repeatedly making such a clamor?

We are no longer interested in arguing pros and cons. When the international community is so democratized, could diplomacy and international politics be conducted so brazenly and oppressively as Japan does? We are really caught by a deep feeling of despondency and disillusionment.

The present international situation and the reality of politics do not allow us to sit idly by and watch Japan advance a baseless and unfounded claim. Accordingly, I have rather hesitatingly collected several theses related to our territorial rights to Tokdo, to serve as a warning to a Japan which has not yet awakened from a pre-modernist illusion, and also as reference materials for those concerned people.

The above statement is a part of the introductory remarks

made by Minister without portfolio in charge of Economic Affairs Wŏn Yong-Sŏk in a collection of theses entitled *Tokdo* which was published by the Korea Public Information Co. in November 1965. Mr. Wŏn took part in the Korea-Japan negotiations and has now left the government post, but these articles could be said to represent straightforwardly the Korean government's consistent stance since the early 1950s until now.

Generally speaking, the consistent position of the Korean government is that there is absolutely no reason to negotiate with Japan as far as the problem of Tokdo is concerned. "It is past all doubt that Tokdo is an inherent Korean territory." This is the view of not only the Korean government authorities but also that of the entire Korean people. This was affirmed by a student rally at the Seoul National University on June 13, 1978, which strongly criticized the weak attitude the Korean government was taking toward the Tokdo issue.

On the other hand, North Korea has not taken up the Takeshima/Tokdo issue in particular, apparently because its influence does not reach the island. But, it is certain that North Korea regards Tokdo as "traditionally an inherent Korean territory." Particularly, a commentary in the *Rodong Shinmun* dated February 11, 1977, made clear that position and criticized the Park Chung-hee regime's stance on Japan for failing to persuade Japan which was resolutely claiming it as its own territory. Now, the North Korean position has become clear.

#### **IV. Documents on the Dispute Between the Governments of Korea and Japan**

The situation being such, we should not tackle the great differences between the two countries only emotionally, but formulate an accurate understanding by perusing and comparing the basis of

the arguments of both sides. Above all, it is important to correctly understand the basis of argument of the South and North Korean side which is little known, and then make a sound judgment.

The exchange of official notes verbales between the Korean and Japanese governments on Takeshima/Tokdo started when the Korean government proclaimed "the Peace (Syngman Rhee) Line" on January 18, 1952, after the conclusion of the U.S.-Japan San Francisco peace treaty. Up to 1960, a total of 42 notes were exchanged: 24 times by Japan and 18 times by Korea. Among them, the following three expatiate on the claims from the historical standpoint as well as under international law.<sup>1</sup>

1-Japanese note dated July 13, 1953. Korean note dated September 9, 1953.

2-Japanese note dated Feb. 10, 1954. Korean note dated Sept. 25, 1954.

3-Japanese note dated Sept. 20, 1956. Korean note dated Jan. 7, 1959.

Among them the second one touches on the very core of the subject. The first note from the Korean side was translated and published in this journal, No. 11, and the Japanese note is said to have been made public by the Foreign Ministry. I have not seen the third note, but could infer its contents as they are supposed to have complemented the insufficient parts in the second note.

An examination of all 42 notes reveals that the Japanese Foreign Ministry did not make public the documents of the two sides in a systematic way at all. It seems to be taking the attitude of "you just watch quietly what the government is doing." On this point,

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1. Morita Yoshio, "*Takeshima ryoyuo meguru nikkanshiki no rekishiji no kenkai* (Historical Views on Japan-Korea Dispute over Takeshima)," *Gaimusho chosa geppo* (Ministry of Foreign Affairs Research Monthly), Vol. II, No. 5, May 1961.



the Korean side is showing a rather fair attitude by formally publishing the documents such as the Foreign Ministry's Documents *Exchanged between Korea and Japan over Tokdo's Territorial Rights and An Outline of the Tokdo Issue*.<sup>2</sup> We did not read these publications, but could find out their main points to a certain degree through the Korean records citing them. Also, *the Collection of Data on Korea-Japan Relations* Vol. 1 (1976) by the Korea University Asian Affairs Institute published the full texts of several notes.

On the other hand, the issue was not an official agenda of the talks in the process of concluding the Korea-Japan normalization treaty, and there are no official records left on either side as no exchange of explicit instruments was made on this matter.<sup>3</sup> However, as there are articles by the negotiators on both sides, written after the conclusion of the treaty, which, though unofficial, can be regarded as representing or elaborating on the official views.

From the Japanese side, *Takeshimano rekishi chirigakuteki kenkyu* (A Historical and Geographical Study of Takeshima) by Kawakami Kenzo (Tokyo: Kokinshoin, 1966) is said to be a representative work. Although he asks the reader to understand in advance that it is a personal writing from "the purely historical and geographical standpoint," he admits that he worked continuously on the problem of Takeshima/Tokdo at the Japanese Foreign Ministry and took part in writing the official documents, and, therefore, his view is thought to have been colored strongly by the official position.

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2. Lee Han-ki, *Han'guk ūi yŏngt'o* (Korea's Territory), (Seoul: Seoul National University Press, 1969).

3. Regarding the question of Tokdo, the Japanese side took the position of settling the issue by stipulating it in the treaty, but the Korean position was that this could not be dealt with as one of the leading issues of the Korea-Japan talks since the island is an inherent part of Korean territory, and thus the question was excluded. Republic of Korea, *Hanil hoedam paeksŏ* (The White Paper on the Korea-Japan Conference), Seoul: 1965, p. 16.

On the other hand, in Korea the *Han'guk ŭi yŏngt'o* (Territory of Korea), (Seoul National University Press, 1969) by Professor Lee Han-ki, is a systematic work of a remarkably high academic standard. The author took part in the Korea-Japan negotiations as a specialist,<sup>4</sup> and although he could not be called a spokesman of the Korean government, his writing can be regarded as representing Korea's position in a broad sense, including the refutation of Kawakami's writing.

Since then, there have been no new outstanding writings on either side; the exchange of official documents from 1977 till now appears to be a prolongation of the Kawakami-Lee Han-ki argument, which sums up the views of both sides to the 1960s. Also, the thesis by Japanese international law scholars were mostly written to support and complement *a priori* the Japanese government's claim.

The late Yamabe Kentaro\* presents quite a divergent view and he particularly criticizes the Japanese government for trying to gloss over the imperialist and aggressive nature of Japan in the process of the incorporation in 1905. This journal also made a similar criticism, though insufficiently, in the articles by Yoshioka Yoshinori\*\* in Vols. 11 and 16, and I think that the viewpoint should be inherited and developed.

As mentioned above, we citizens without any special privileges have tried to put in order the results of our maximum efforts to collect related records and documents. We have a scarcity of published data, but we have grasped roughly the claims and positions of both governments from our collected documents. Hereafter, I will try to present our own understanding of this question from the results of

4. An Interview with Prof. Lee Han-ki, *Sindonga*, July 1978.

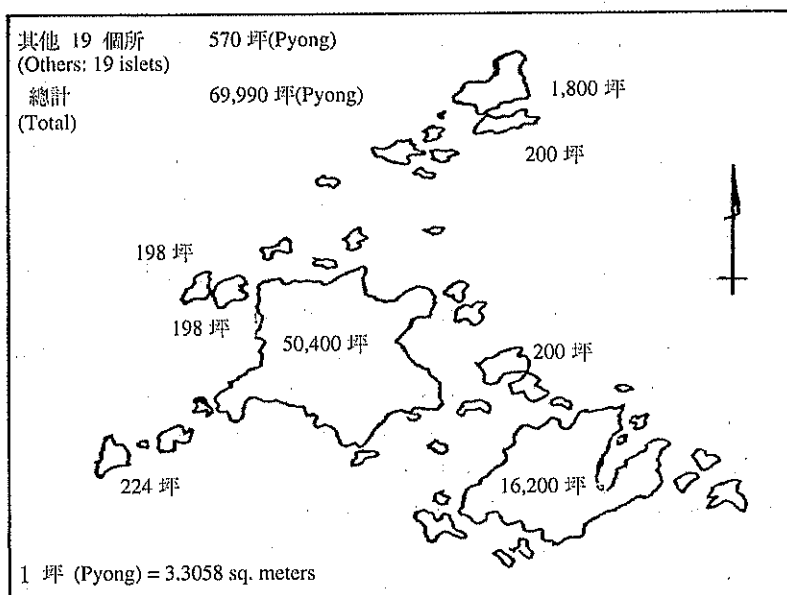
\* Yamabe Kentaro, "Takeshima mondaino rekishiteki tenkai (Historical Development of the Question of Takeshima)," *Korea hyoron* (Korea Review), 2-7, 1965.

\*\* Yoshioka Yoshinori, "Takeshima mondai towa nanika (What is the Question of Takeshima)," *Chosen kenkyu geppo* (Study of Korea Monthly), Nov. 1962.

our examination and comparison of various records and documents. I will not judge which side is right or wrong.

## V. Natural Condition of Takeshima/Tokdo

Chart 1



Area of Takeshima/Tokdo

Takeshima/Tokdo is a group of volcanic rocks located in the middle of the East Sea at 131°51'22" east longitude and 37°14'18" north latitude. It is composed of the two main islets of East and West, about 100 meters apart and 30-odd small reefs surrounding them, and the whole area is 186, 121 square meters (measured by the Korean Alpine Society survey team in November 1952.) So the whole area could be converted into a regular square with one side about 400 meters long. It is no bigger than Hibiya Park in

Tokyo.

There is a crater between the two islets of Tongdo (East) and Sōdo (West) like a part of a somma. As the entire islets are rocks, there is almost no sand, let alone soil. Its periphery consists mostly of cliffs and what could be called seaside is a narrow space of gravel on the side of the waterway in Tongdo. In recent times, there was once a small hut built by fishermen, but it was washed away by typhoons, so there could not be a permanent dwelling. There are several caves around the cliffs for temporary shelter of people, but they are better used by sea lions as the waves beat against them.

The upper parts of the islets are difficult even to crawl up, and particularly the considerably large Sōdo (West Islet) is formed almost entirely by steep slopes of nearly 60 degrees. The lighthouse and the guard house built by Korea are fixed solidly by cement on a moderate slope near the peak on Tongdo (East Islet); such durable facilities cannot be built easily by human hands. The altitude of the islets is said to be 174 meters high at the summit of Tongdo, and 99.4 meters at Sōdo (measured in 1970).

Report has it that there is a well on the mid-slope of Sōdo which could be used for drinking. Apart from it, water drops were found in several places inside the caves through a close survey recently, but it is of very small amount and dries up soon according to season. It cannot be used as drinking water, since it is polluted by sea lions excrement. Korean fishermen now normally use rain water collected in receptacles for cooking and the drinking water is generally brought from the mainland.

Next, there are virtually no trees on Takeshima/Tokdo; some grass grows in the cracks of rocks. It is no place for a big tree to grow. According to a survey by Korean biologists, 67 kinds of plants were confirmed to be growing there including spindle trees and some shrubs. Among them are said to be weeds and herbs which appear to have been carried there with the supplies for the

police garrison.<sup>5</sup> Therefore, it is absolutely not a place which can be cultivated. Thus, Takeshima/Tokdo is quite different from Ullungdo which is several hundred times bigger and possible for human habitation. Therefore, even if the territorial rights were settled, it will continue to be an uninhabited island.

The resources with economic value on Takeshima/Tokdo are only the marine animals and plants such as sea lions, shells and seaweeds. An annual amount of catch estimated by Shimane prefecture is 200 sea lions, 20 tons of abalone, 40 tons of turbos, a small quantity of sea urchins and sea cucumbers, four tons of wakame seaweeds, and four tons of agar-agar, but these figures are believed to have been calculated at their maximum.<sup>6</sup> There is a danger of immediate extinction if sea lions are overcaught. Abalone and turbos are found growing abundantly when they are not gathered, but if they were gathered regularly, Takeshima/Tokdo will undoubtedly become an ordinarily small fishing ground.

The economic value of Takeshima/Tokdo itself is often reported by both Korea and Japanese sides with exaggeration. Apart from the marine products, there is a guano deposit, but the total quantity is only about 160,000 tons and the contained phosphoric acid is not of good quality (9.88 percent) and therefore regarded as low in commercial value.<sup>7</sup> Since the pre-war period, the Japanese have set up a mining zone; it was never commercially mined. After the war, a Japanese named Tsuji Tomikura obtained a mining permit from the Japanese government, and as he was levied a tax while it was impossible to actually mine because of the relations with Korea, he filed a lawsuit and lost.

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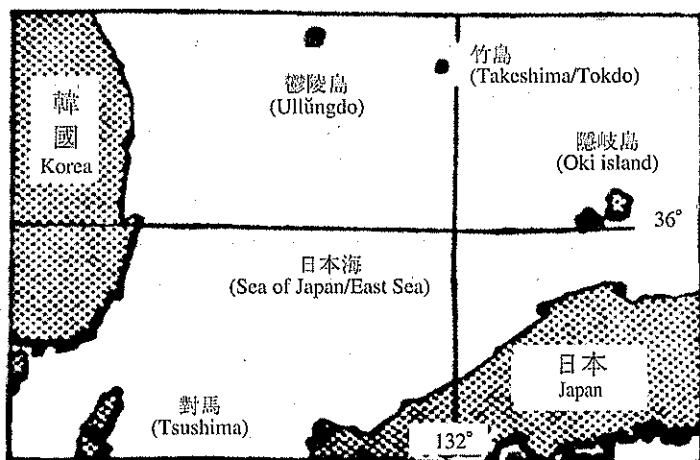
5. Yun Il-byong, *Tokdo nŭn sara itta* (Tokdo Is Alive), *Sindonga*, July 1978.

6. Kawakami Kenzo, *Takeshimano rekishi chirigakuteki kenkyu* (A Historical and Geographical Study of Takeshima), (Tokyo: Kokinshoten, 1966), Chapter III.

7. Ibid.

## VI. Geographical Location of Takeshima/Tokdo

Chart 2



Location of Takeshima/Tokdo

It is clearly the Korean territory of Ullungdo which is nearest to Takeshima/Tokdo; Takeshima/Tokdo is situated 49 nautical miles southeast of Ullungdo. On the other hand, Takeshima/Tokdo is at a distance of 90 nautical miles north from the northernmost Japanese island of Oki, which is therefore twice the distance from the Korean territory. Takeshima/Tokdo is 120 nautical miles from the Korean mainland of Ulsan County, Kyongsang-pukto province, while it is about 110 nautical miles from the Japanese mainland of Hinomisaki. The Japanese side emphasized the logic of the distance from the mainlands of both sides, but it is a bit high-handed.

The Korean side consistently defined Takeshima/Tokdo as being attached to Ullungdo or as its "brother" island, while the Japanese side consciously attempted to separate the two islands. Ullungdo has several adjoining islands within a distance of one

nautical mile, and two of them are slightly smaller than Takeshima/Tokdo but habitable. Takeshima/Tokdo is definitely too far away to be treated in the same way as these attached islands.

However, Ullŭngdo and Takeshima/Tokdo are both volcanic islands of the same nature belonging to the Paektu volcanic range, and there is no land around them. They are situated at the deepest place in the middle of the Sea of Japan (East Sea) towering somewhat apart from each other. Therefore, no theory of continental shelf applies here. In other words, comparing the two islands to the "brother" islands of Japan's Hachijo island and Aoga island is of an unnatural analogy from a natural and geographical standpoint.

Under the present international law and practice, the natural geographical conditions do not become a deciding factor in the problem of territory. But, the fact that the two islands are brother islands could exert an influence on the historical fact of being an inherent Korean territory, I believe. In fact, in ancient times, the Japanese regarded the two islands as such.

During the Edo era in Japan (to be elaborated on later), Ullŭngdo was called Takeshima or Isotakeshima, and Takeshima/Tokdo of today, Matsushima. To call an island Matsushima (Pine Tree Island) because there are pine trees leads us to think that Matsushima came first and Takeshima (Bamboo Island) later to pair "Pine" off with Bamboo following the Eastern fashion (Pine and Bamboo always make a natural pair).

That bamboo grows naturally on Ullŭngdo is a conspicuous feature. The origin of what is believed to be an earlier name of Isotake (Shore Bamboo) is theorized by such Korean scholars as Shin Sŏk-ho and Hwang Sang-gi as the Japanese rendition of the Chinese characters (五十岳) standing for the Korean *Komusuri* (弓嵩—today's Sŏnginbong).

According to Kawakami, as the earth is round, an absolute and physical visibility range between two points on earth is calculated by the formula:  $D=2.09 \times (\sqrt{H} + \sqrt{h})$ . Here D is the visible dis-

tance (nautical mile),  $H$  is the height of an object above the sea level,  $h$  represents the height of a man's eyes (meter).

Under this formula, Kawakami explains that from Ullŭngdo Takeshima/Tokdo cannot be seen as it is 49 nautical miles away, since he calculated the visibility range at about 30 nautical miles from a boat on the surface of the sea off Ullŭngdo to the peak of Takeshima/Tokdo. This calculation itself is accurate, but Kawakami only assumed a visibility range from an altitude of zero meter at Ullŭngdo.

Since Ullŭngdo's highest peak, Sŏnginbong rises 985 meters above the sea level, as Professor Lee Han-ki said, the range of vision changes completely, even under the same formula if one goes up the mountain to look out.

When calculated with Takeshima/Tokdo's highest peak at 174 meters, Takeshima/Tokdo can be seen from a place above an altitude of 120 meters on Ullŭngdo. In other words, from a point 120 meters high from the sea level on Ullŭngdo, Takeshima/Tokdo's peak (174 meters) is visible as a point, and the part above 50 meters in altitude on Takeshima/Tokdo could be ascertained with the naked eye from a point about 284 meters above the sea level in Ullŭngdo. At the same time, one can see the part of Takeshima/Tokdo above 96 meters from a point 200 meters high from the sea level on Ullŭngdo, and thus the triangular part of the peak at Takeshima/Tokdo's Sŏdo (West Islet) is visible.

Namely, at the altitude of 200 to 300 meters at the Southeast side of Ullŭngdo from a wide open place, Takeshima/Tokdo can be seen on the horizontal level, however small it may be. One can find out easily on the map of Ullŭngdo that there are many places offering this range of visibility.

Of course, Kawakami was not unaware of such simple facts. So he explains that "Ullŭngdo of old times was entirely covered with thick forests and it was not only difficult to climb high on the mountains, but even if one did, one's range of vision must



undoubtedly have been obstructed by the trees." But this inference is unjustifiable, too. No need for one to climb up to a point 985 meters high. An altitude of 300 meters is good enough, and there are numerous places above that altitude.

In fact, until the vacant island policy was finally enforced in 1438, at least officially, many Koreans lived on Ullŭngdo. They were not only engaged in fishing but also presumed to have been farming. On Ullŭngdo, too, the coastal area is generally formed with steep slopes, and there are many plains areas suitable for cultivation on the elevated area 200 to 300 meters high, where even today many houses are seen and fields are plowed. Particularly, the fire-field farming in ancient times must first have been done on such lands. Accordingly, the assertion that Takeshima/Tokdo was not visible from any point on Ullŭngdo due to obstruction by thick forests is not too persuasive.

Besides, the above argument ignores the clearness of the air, so Takeshima/Tokdo comes into the view in good weather. The absolute distance from Tokyo to Mt. Fuji is much further than that between Ullŭngdo and Takeshima/Tokdo, but we can easily see Mt. Fuji from Tokyo with the naked eye on a clear winter day.

It is true that as fog and mist form often on the horizon, the condition of visibility is not good at a low altitude. But the air in the middle of the East Sea is much clearer than in the smog-bound Tokyo. Therefore, it would be unreasonable to argue that it is impossible to see it with the naked eye. At the same time, there is a record in Japan that Tokdo was visible from the mountain-top north of Oki Island in the 18th century, although there is no way to ascertain it.

To presume that the existence of Takeshima/Tokdo was not known to those people who lived and engaged in farming on Ullŭngdo for several hundred years is caused by a prejudice regarding Koreans as half-witted.

## VII. Historical Designations of Takeshima/Tokdo

The names for Takeshima/Tokdo in the Korean records and documents are summarized in chronological order: Usando at the time of King Sejong (1418-1450) and King Munjong (1450-1452); Sambongdo before and after King Sŏngjong (1470-1494); Kajido at the time of King Chungjo (1777-1800); Sŏkto at the time of development after 1881; and the name of Tokdo appeared for the first time in 1906. There was also a time when these names were written erroneously or using different Chinese characters as Chasando (子山島) or Ch'ŏnsando (千山島) for example.

As for the most recent origin of "Tokdo," there are many theories, but, the theory which seems cogent is that it comes from the Kyŏngsang dialect, "tok" from "tol" which means stone or rock in Korean. In other words, it appears to be most reasonable to theorize that the island called "tolsŏm" or "toksŏm" out of its external feature is written as "Sŏkto (石島)" or "Tokdo (獨島)" in Chinese characters. However, the Japanese only recognize the Tokdo meaning "lonely island," rather than stone or rock, for today's Takeshima/Tokdo. Its propriety will be discussed in the next chapter.

On the other hand, the Japanese settled on the name of Matsushima for today's Takeshima/Tokdo in 1618 and thereafter when frequent voyages were made to today's Ullŭngdo which was then called Isotakeshima or Takeshima. Then, a German Philipp Franz von Siebold (1796-1866), in making a map of Japan used the name of Matsushima for Ullŭngdo of today, and confusion arose from the end of the 19th century as that map was imported back to Japan.

Ullŭngdo has been called Takeshima or Matsushima, while Takeshima/Tokdo of today has been called Matsushima or Liancourt Island (after the French whaler to be discussed later) and almost never called Takeshima. The name of Takeshima for today's Takeshima/Tokdo became fixed at the time of Japan's

incorporation of the island into Shimane prefecture in 1905, and from this time on, the name of Ullŭngdo continued to be used.

Therefore, when reading the Japanese data written during this period of confusion of names from the end of the 19th century to 1905, one should be careful about which name stands for which island. "Takeshima" was used not only for Ullŭngdo, and for Takeshima/Tokdo of today, but also for its attached island called Takeshima (竹嶼: Chuksŏ in Korean) one mile east of Ullŭngdo which is also called Takeshima (竹島: Chukto in Korean). This islet is being officially called Chuksŏ in Korea.

The changing names of Takeshima/Tokdo have been emphasized by the Japanese scholars since the research by Tabohashi Kiyoshi before the war, and the Korean researchers also have no difference of opinion on the change in name itself, and this is not a point of dispute.

What the Japanese side is emphasizing lately is to assert that the record of the Japanese government in 1696 recognizing Takeshima (Ullŭngdo) of that time as Korea's territory and banning Japanese fishermen's voyage there should not be confused forthwith with Takeshima/Tokdo of today. This is true, but the Korean side does not advance such a rough argument at least today.

Conversely in Japan, there is often spreading a contention among the public that the Japanese voyages to Ullŭngdo in the 17th century are proof of Japan's direct management of Takeshima/Tokdo,<sup>8</sup> but Kawakami *et al.* do not make such a poor claim. At the same time, the names given to Takeshima/Tokdo by Westerners are Liancourt Rocks after the French ship in 1849 and Hornet Rocks after the British vessel in 1855.

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8. For example, see "Sankei Excerpt," *Sankei shinbun*, Oct. 26, 1977.

### VIII. Acknowledgement of Takeshima/Tokdo

Under the practice of international law today, historical facts provide partially, not wholly the grounds for a ruling on an international dispute. The facts are generally to determine which side knew the territory first (fact of cognition) and to what extent one side utilized it (fact of effective management). As to which side knew first the existence of this island, when the old records and documents of both Korea and Japan are examined impartially, the Korea side is conclusively a bit earlier.

Of course, there is a legend that the stepping-stones from Ullŭngdo to Oki Island through Takeshima/Tokdo served as a corridor linking Silla with Izumo (a country which existed in east Kyushu, Japan), but it is only a legend and not based on any documents or records. Ullŭngdo appeared on the records for the first time in the report of Usan'guk surrendering to Silla in the 13th year of King Chijung (512 A.D.). Since then through the Koryŏ period (918-1392), as far as Ullŭngdo is concerned, there is evidence that Koreans lived there and the government attempted to control it politically.

Viewing *a priori* that Takeshima/Tokdo was appendant to Ullŭngdo, some Koreans think that the island must have been a part of usan'guk. But there is no direct proof, that Takeshima/Tokdo, which was uninhabited and rather far off, belonged to Usan'guk.

From the Japanese side, Ullŭngdo has been known by the name of Uruma-no-shima from the 11th century, but Takeshima/Tokdo was not known at all. What is peculiar is that the old-time Japanese name of Uruma could be interpreted as the way Ullŭng was pronounced in Korean:

(uru=鬱-蔚-于-武-茂; me=山-陵)

The island which is different from Ullŭngdo showed up in Korean history books for the first time in the mid-15th century as

"Usando" and that is about 200 years earlier than its appearance in the Japanese records and documents. Particularly, in the oldest book, *Sejong sillok chiriji* the (Gazetteer of the Annals of King Sejong) published actually in 1432 but formally in 1454, the Section on Uljin prefecture records that "the two islands of Usan and Mullŭng are situated due east of the prefecture."

"The two islands are not too far apart and could be seen from each other on a windy but clear day." This is a description regarding Ullŭngdo and Takeshima/Tokdo as two different islands and which concurs fully with the above mentioned natural conditions.

However, the records in the two publications which came out somewhat later—*Koryŏsa chiriji* (the Gazetteer of the History of Koryo, 1451) and *Sinjŭng tongguk yŏji sŭngnam* (Revised and Augmented Survey of the Geography of Korea) (gradually appearing from 1481 to 1531)—are a little confusing as the former treated Ullŭngdo mainly as one island and attached a note that "one theory has it that Usan and Mullŭng are two islands," while the latter primarily mentioned the two islands but attached a note referring to one-island theory.

On this basis, the Japanese side has been launching a denial campaign, asserting that Usan and Mullŭng (Ullŭng) were no more than the same island with different names. Particularly, Kawakami's above-cited book regarded the *Koryŏsa* (History of Koryo) as most accurate on the basis of the apparent time of its publication, and stretched the argument to criticize the *Sejong sillok chiriji*. However, in view of the bibliographical knowledge of today, this is a distortion of historical materials. As the Japanese side asserts, both Usan (于山) and Mullŭng (武陵) are definitely different transcription in Chinese characters of the old Japanese name of "Urume." But, as time changes and knowledge increases there is the possibility of using the two names of Usan and Mullŭng for two different islands. This is true of Japan using the name Matsushima for two different islands (Ullŭngdo and Takeshima/Tokdo)

around the end of the 19th century.

Accordingly, in the Korean documents nowadays, it is true that Ullŭngdo of today is described as "Usando." But, it is not reasonable to draw the conclusion that Usando refers only to Ullŭngdo. Then why is it that the "two-island theory" has repeatedly appeared? In short, there was a confusion in the designation of Takeshima/Tokdo used by Koreans in the 15th century, but it is certain that Koreans acknowledged, though vaguely, the existence of two separate islands in the Sea of Japan (East Sea). It is difficult to conclude that "usando" is completely fictitious. In fact, An Yong-bok accurately knew at the end of the 17th century that Usando meant Takeshima/Tokdo.

The increasing confusion in the records and documents of the Korean side as time went by is attributable to Korea's vacant island policy for Ullŭngdo itself. This is a policy that the Korean government enforced to ban voyage to Ullŭngdo and move the inhabitants there to the mainland to prevent tax evaders from escaping to the island and also to avoid possible damage from the Japanese marauders. This policy was taken in 1416 and implemented in earnest in 1438, and continued until 1881.

The Korean side claimed that the vacant island policy did not mean abandonment of its territorial rights since the government regularly conducted inspections, and the Japanese side did not directly raise any objection. But it is true that the evacuation from Ullŭngdo has made the knowledge of Takeshima/Tokdo somewhat nebulous.

That is why the publications which were compiled with parts taken from various books are confusing, although the *Sejong sillok chiriji*, published before the island was being vacated, is relatively free of confusion. The Japanese side is distinguishing official perception by the Chosŏn dynasty government from that of the civilians, and is attacking the confusion of the former, but is that argument persuasive?

Generally, the power of the feudalist society did not cover all of the people's lives as in modern states. On this point, the Japanese are similar, and rather than the literati living in the capital, the fishermen on the coasts of the East Sea had far more accurate knowledge, and that is often reflected in the records and documents. One cannot conclude that the vacant island policy completely ended smuggling, but that policy made it difficult to mention Ullŭngdo and even Takeshima/Tokdo in the official documents. Furthermore, this vacant island policy served to open an era of Japanese voyaging to Ullŭngdo in the 17th century.

Next, as for "Sambongdo" which comes up in the Korean records at the end of the 15th century, the same thing can be said basically as in the case of "Usando." Namely, South and North Korea claim it to be the name for Takeshima/Takdo, while the Japanese side asserts that is a fictitious name or refers to Ullŭngdo. There are some records which do not regard Sambongdo as Takeshima/Tokdo, but this cannot serve to deny that it refers to Takeshima/Tokdo.

Sambongdo appears frequently in the *Annals of King Sŏnjong*, because there were people who related that "there is Sambongdo in the East Sea, separate from Ullŭngdo." At that time, the Korean government dispatched search party several times to that island, thinking that the people could escape there to evade paying taxes. But only the search party led by Kim Cha-ju succeeded in searching Sambongdo in 1476.

In addition, there were officials who made reports mistaking Ullŭngdo for Sambongdo and the Korean government gave up search party sent to find people. At the same time, to justify the action, the Korean government unified the theory of fictitious Sambongdo and the theory of Sambongdo/Ullŭngdo into an official view, and this was believed to have been recorded later, with additions and embellishments, by officials and writers who were ignorant of the real situation.

But, would it not be natural to think that the man who reported for the first time the existence of a separate island had very accurate knowledge? The government made an impossible inference that people escaped to the island but it had a proper knowledge of Ullŭngdo and its appendant islet, and sent a special search party to an island other than Ullŭngdo and its adjoining islet already known, and that the island could be none other than Takeshima/Tokdo in that sea area.

The report by Kim Cha-ju who succeeded in discovering this separate island, stated: "When one looks at the island by anchoring the vessel at a distance of about 7 to 8 *ri* (17-19.5 miles) from the west of the island, three rocks stand side by side to the north of the island, and next to them islets and reefs are standing in a row. Next is seen what could be the middle island at this place, and to the west of this island there is another islet, and between all these islands flow the sea current. Between the islands are standing some 30 doll-like objects." Korean professor Shin Sŏk-ho says that this record is well in accord with the view of Takeshima/Tokdo seen far from the sea, and interprets "the doll-like objects" as sea lions. But Kawakami explains that it is the scenery of the northern coast on the lower side of Ullŭngdo.

However, as I compared this with a topographical map, it seems to correspond with the configuration of Takeshima/Tokdo. When Tokdo is looked at from the east side, the East Islet and the West Islet are overlapped and seen as one, and the "middle island" in the report appears to put together the two islets, and "sea waters flow through" must be a description of small islets being covered by waves. Another record by Kim Cha-ju saying that "the doll-like objects looked like Koreans clad in white clothes" could be an embellishment to match the expectations of the Korean government.

In any case, we could believe that the Korean people in the 15th century acknowledged the existence of Takeshima/Tokdo,



however vaguely.

### IX. Effective Management in the 17th Century?

The first appearance of Takeshima/Tokdo in the Japanese documentary records is much later than that in the Korean. Saito Hosen, a retainer of Izumohan, records, for the first time in Japan in 1667, in his *Onshu sicho goki* (Records on Observations in Oki Province), the name of Matsushima separate from Takeshima (Ullŭngdo). From this time on, the shape of the island was rapidly known in considerable detail and not a small number of historical materials still remain.

That is due to the difference in preserving documents and historical materials defined in the history of the two countries since then, but fundamentally, it is because the knowledge about Takeshima/Tokdo increased as the island stood in the way to Ullŭngdo when the two families of Otani and Murakawa, who were merchants in Yonago, obtained permission from the Japanese government to go to Ullŭngdo and made voyage there. On the other hand, for the Korean side, there was almost no need to go to this uninhabited island far in the East Sea, unless this island itself became the object of a voyage.

The so-called "management of Takeshima (Ullŭngdo)" continued for about 80 years in the 17th century thanks to Korea's vacant island policy. Murakawa's merchant ship had drifted to Ullŭngdo following the shipwreck in 1617, and requested the Shogunate government for permission to make voyage to the island, after noticing an abundance of resources there. A fleet of several boats with dozens of people was sent to Ullŭngdo in the spring to gather the resources for one or two months, before making return voyage in the fine weather. Judging by the navigational technique of that time, it is questionable if the fleet made the trip

every year after obtaining the permit as it was dangerous undertaking. But from 1650 for about 40 years, it is acknowledged that voyages were made quite frequently.

The gathered materials appeared to be such worthy lumber as paulownia and sandalwood, abalone and sea lion oil. It is believed to have been too dangerous to go there for abalone and sea lion oil only.

It is even criminal for Japan to present a wrong image for such a temporary management by using the exaggeration "having built it with blood and sweat." If so, what would become of the blood and sweat shed by the generations of Korean on Ullŭngdo? The object of the "Takeshima management" at that time was totally Ullŭngdo and never Takeshima/Tokdo of today.

Therefore, if Japan claims unreasonably the ownership of Takeshima/Tokdo on the basis of its management of Takeshima/Ullŭngdo, it should be Ullŭngdo rather than Takeshima/Tokdo that Japan should first claim as its territory. On the other hand, even if Korea comes out with a bold counter-argument that Tsushima is a Korean territory since Korea once managed it, that would be nothing abnormal.

It is also unnatural to think that a fleet was formed to uniquely manage Matsushima (Takeshima/Tokdo of today), completely apart from the management of Ullŭngdo. It appears that for whatever reasons the two families of Otani and Murakawa obtained permission to make voyage to Matsushima, separately from Takeshima, it is unthinkable that they regularly went only to Matsushima for fishing: Abalone were abundantly found at Oki Island as well as at Ullŭngdo, while sea lion oil did not have much commercial value. And there was no lumber on Matsushima worthy of being coveted by the Shogun.

The utilization of Matsushima by the Japanese seems to be as follows if various data presented in Kawakami's book are put together: first, it was definitely used when navigation was made with Ullŭngdo as the destination. But, normally they passed by the

islands and did not always stop there. Unless it is a barge, a big boats could find no place to moor safely and there was nothing much to gain by landing there. But, from time to time, while waiting for the winds to calm down they went there by small boats to catch abalone and sea lions as a parting gift.

It is not a fair attitude for Japan to argue for customary management of Matsushima on the basis of the data describing temporary events, and largely by inference.

Such management of Takeshima by the Otani-Murakawa families by taking advantage of Korea's vacant island policy finally led to a large-scale clash with the Korean fishermen led by An Yong-bok who came to Ullŭngdo for fishing from Kyōngsando province in 1693.

According to An's statement, he claimed that both Ullŭngdo and Takeshima/Tokdo were Korean territory, and he pursued the Japanese and twice went over to Japan (Japanese records say that he was taken as a hostage the first time), and conducted negotiations by posing as a Korean government official, and received courteous treatment. I feel ashamed when reading Kawakami's articles which intentionally tried to belittle An Yong-bok's bold action.

However, the question was brought to the formal diplomatic channel between the two governments, and after many turns and twists, the Japanese government confirmed Takeshima/Ullŭngdo as Korean's inherent territory in 1696, and took the measure of prohibiting completely Japanese from making voyage there.

Then, the Japanese government did not state clearly whether or not Matsushima (Takeshima/Tokdo Today) was covered in the injunction. That is why the two sides are continuing to exchange inconclusive notes, with the Korean side claiming that Takeshima/Tokdo was also included in the prohibition under the concept of treating Takeshima and Matsushima as one, while the Japanese side is asserting that no clearly-written ban was made for the

island. However, there are no historical materials positively proving that the Japanese government consciously distinguished Takeshima from Matsushima, while there are many data indicating the generally accepted idea of one body for the two islands.

There is one thing worthy of examination in the court ruling made on the "Takeshima smuggling incident" for Aizuya Hachiue-môn, a shipping agent in Sekishu-Hamada, in 1839, in which a chief retainer of Hamadahan was quoted as saying that "(they) went over to Takeshima under the pretext of making a voyage to Matsushima." But it was a minority opinion at that time, and the incident was not providing any basis of judgment on the permission of voyage to Takeshima. As a matter of fact, it is certain that voyage to Matsushima with no economic value completely stopped after the ban to Takeshima/Ullŭngdo until the end of the 19th century. There is not a single historical material which proves positively a voyage solely destined to Matsushima.

In the meantime, as Korea continued its vacant island policy, it is not certain to what extent the effective management of Takeshima/Tokdo was carried out, setting aside Ullŭngdo. But those fishermen having the radius of action like An Yong-bok must have gone there, and the popular knowledge of the island must have increased to a certain degree.<sup>9</sup> Apparently reflecting on it, suddenly the name Kajido showed up in the the *Annals of King Chŏngjong* in its entries on the events in 1796.

This name undoubtedly denotes sea lions in the old Korean word Kaje (Kajiō and Ashika in Japanese) meaning Kaji fish, and both South and North Korea regard it as designation for Takeshima/Tokdo.

On the other hand, Kawakami in his book mentioned above, argues that since it was impossible to ply between Ullŭngdo and

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9: Last year (1978), a Korean academic research team reportedly found *Ullŭngdo saejok ki* (A Record of Historical Remains of Ullŭngdo), but its contents have not yet been made public.

Takeshima/Tokdo in three days, Kajido must be the northeastern part of Ullŭngdo. But it would not be impossible to ply between the two islands in three days in a favorable wind, and an islet claimed by Kawakami cannot be found, even by consulting the *Annals of King Chŏnjong*. It is not unreasonable to regard Kajido as Takeshima/Tokdo, although it cannot be taken as proof of the effective management.

## **X. Awareness of Title to Takeshima/Tokdo**

The real effective management of Takeshima/Tokdo by both countries during pre-modern time was not worth claiming as neither side carried it out continuously. The degree of its utilization had ups and downs by periods, and during the period centering on the 17th century, the Japanese side appears to have the upper hand, but that was a matter of temporary nature related to the management of Takeshima. This uninhabited island in the far-off sea basically continued to remain a paradise for sea lions. However, its existence was clearly acknowledged by both Korea and Japan beginning in the 17th century. In that case, were the people of that time conscious of which country the uninhabited island belonged to?

First, the Korean side had a common notion of "one body with Ullŭngdo without any doubt" by asserting that the island clearly belonged to Korea as recorded in the *Annals of King Sukchong* concerning the An Yong-bok incident at the end of the 17th century. There is no record or document at all which denies positively Korea's title to the island. On the other hand, in Japan the records and documents considering it Japanese territory or regarding it as Korea's or at least thinking it different from Japan's inherent territory coexist. But the former are rather few and fragmentary, while the general notion appears to side with the latter.

For example, the expression of "Matsushima Island in the Province of Oki" appearing in "*Takeshima zusetsu*" (Iconographic Takeshima) by Hokugen Tsuan (in the middle of the 18th century) is definitely the former. But among the records and documents the Japanese side is citing as examples of the former, there are some which cannot frankly be regarded as such. The above mentioned expression in the *Records on Observations in Oki Province* should be interpreted as expressing Oki Island as the boundary of Japanese territory, as the Korean side points out.

A record in *Chosei takeshimaki* (An Account of the Long Living Takeshima, 1801), by Yada Takemasa which states that the far-off sea around Matsushima (Takeshima/Tokdo) is "the end of our west sea" should not be considered as regarding Matsushima as Japanese territory, but rather not to consider it Japanese territory. At the time when there was no notion of territorial waters, if Matsushima was Japanese territory, "the end of our west sea" should not be considered to refer to the side of Matsushima, but to the side of Ullungdo.

The two families of Otani and Murakawa often expressed that the Shogunate government bestowed Matsushima and also Takeshima to them, but in reality, the government only issued a permit of voyages to the two islands and did not give these islands to them. Apparently, the two are stretching the interpretation in their favor. To be exact, it should be construed as "bestowal a permit of voyage."

The word "voyage" (or crossing sea) means voyage to a foreign country (since a permit is not needed for going to a domestic island), and the fact that the Japanese government issued a permit of voyage to Matsushima means that the Japanese government did not regard it as a Japanese territory. There are precedents of issuing permits for voyage abroad to other specially designated places, and this practice does not contradict the general isolation policy enforced at that time. Some Japanese newspapers conducted a cam-

paign of "inherent territory" by utilizing the expression of "bestowal by the government" and misled the people. The Otanis and Murakamis claimed they had been bestowed Takeshima/Tokdo prior to Matsushima.

As seen above, this confused state of cognition by the Japanese or a common idea not to regard Takeshima/Tokdo as Japan's continued up to the early Meiji period when the boom in taking passage abroad started. During the period of 1876-78, applications for permission to go to Ullŭngdo and develop its abundant resources were made in succession. The Meiji government turned down all of them. Then in the confusion of the names of the islands, some Japanese called Ullŭngdo Takeshima, and others called it Matsushima, while in applying for the development, some tried to make it another island. Therefore, authorities were obliged to take up Matsushima (today's Tokdo/Takeshima) in connection with these applications.

At this time, at the Japanese Foreign Ministry, some officials said "Matsushima was named by the Japanese, but it is, in fact, Usando belonging to Korea's Ullŭngdo (Director Tanabe Daichi of Official Communication Bureau) while the others remarked "that the maps of all the countries marked Hornet Rocks as Japan's possession." (Director Watanabe Koki: This is not true—the author).

However, the majority opinion was that the problem was unsettled (Director Tanabe), that is, since it was uncertain, a study had to be made. If the "effective management" had been carried out consistently since the days of the Edo government, the views of the Foreign Ministry of the centralized Meiji government could not have been so ambiguous. Definitely, there was not any notion that "Tokdo/Takeshima was an inherent Japanese territory."

But, irrespective of the official attitude of the Japanese government at the end of the 19th century, the Japanese built vessels with a wider range of operation with improved technology before Koreans, and once again started to cross over to Ullŭngdo illegally

from around 1877. Upon learning about it by a report from Ullŭngdo inspector Yi Kyu-wŏn, in 1881, the Korean government lodged a stern protest with Japan, and changed its vacant island policy to start a positive management of the island by moving inhabitants there from the mainland in 1883.

The Japanese government apologized for the illegal act and took measures to evacuate all the 254 Japanese staying on Ullŭngdo.<sup>10</sup> Accordingly, during the period of 1887-97 there was not a single Japanese on Ullŭngdo officially at least. In fact, clandestine Japanese voyages seem not to have ceased, but they were on an extremely a small scale, when compared to that in 1877.

The main purpose for the Japanese to cross over to Ullŭngdo during the period of 1877-87 was first lumbering and some fisherman wanted to gather abalone and agar-agar but they did not catch sea lions. It is also confirmed that there were one or two cases of Japanese calling briefly at Takeshima/Tokdo on their way to and from Ullŭngdo, but none was solely destined to the island.

On the other hand, it is certain that Korea proceeded to develop Ullŭngdo rapidly after 1881, but it is not certain about Takeshima/Tokdo. Naturally, Takeshima/Tokdo being an island that can be seen by the naked eye, the inhabitants presumably went there for fishing, and the names of Sŏkto and Tokdo must thus have been created. But it is necessary to have concrete evidence.

It is a well-known fact that the Korean government in 1883 established an official position of the Commissioner for Development of Southeast Islands and Whaling; Kim Ok-kyun was appointed to the post. The job possibly included catching sea lions

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10. The full text of Yi Kyu-wŏn's report is printed in *Tokdo* published by *Taeahan Kŏngnonsa* (Korea Public Information Co.), 1965. This is an interesting data which vividly describes the situation in Ullŭngdo at that time. According to this report, relations between the people of the two countries were not so dangerous. Kawakami also says that the officials of the two countries still maintained an amicable and good neighborly relationship at the time of Japanese withdrawal in 1883.



on Takeshima/Tokdo, It was not carried out, but only demonstrated its intention.

If there were fishing by the Koreans off Takeshima/Tokdo, it may have been conducted by the Korean fishermen with their range of operation increased by the improved boats, not by government initiative. When the Korean side lacks research on this subject, Kawakami draws a conclusion that Korean fishermen had never gone to Takeshima/Tokdo for fishing on their own up to 1905, but had been hired and taught by Japanese fishermen.

Kawakami makes an unreasonable presumption that "the dozens of people going to Ullŭngdo to hunt sea lions in the summer" recorded in the the *Chosen engan suiroshi* (Records on Korean Coastal ways, 1907), by Japan's Hydrographic Department means the Japanese and the Koreans hired by them. The presumption is based entirely on the recollections of Japanese fishermen. Historians have often experienced that the recollections generally filled with the colonizers' arbitrary decisions and prejudice, if they are taken at face value, would often lead to an outrageous interpretation of facts.

To this arbitrary "testimony" by the Japanese, there is a disproof by an elder Hong Chae-hyŏn born in 1862, who moved to Ullŭngdo around 1883, although that disproof may be similarly subjective. Mr. Hong attested<sup>11</sup> that "at the time of the development of the island, the people of Ullŭngdo immediately found Tokdo and sailed there often to pick brown seaweed and abalone and catch sea lions, I myself went there more than a dozen of times."

Also, as for a colonist's statement that the Japanese taught Koreans how to fish as they had neither knowledge of nor interest in fishing, we should consider that the Koreans from the mainland around 1889 were mostly dependent on farming for their living. In

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11. *Tokdo*, *ibid.*, p. 30.

this connection, it is also worth noting that deep-sea fishing tended to be rather specialized even in premodern times and that the people not living in Ullŭngdo possibly came from kyŏngsangdo and Cheju for fishing there when the season came.

We lack the particular records on this and it is doubtful whether the Korean fishing was systematically done. But there is no denying that after 1881 the Korean people's knowledge of Takeshima/Tokdo and their fishing had increased to some extent.

The reflection on this situation is found in the Korean government Imperial Ordinance No. 41 (Article 2) promulgated on Oct. 25, 1900 that stipulates: The (Ullŭngdo) kun office shall be located at Taehadong and its jurisdiction shall cover the whole area of Ullŭngdo, and Chukto and Sŏkto.<sup>12</sup>

Chukto in this ordinance must be Chuksŏ attached to Ullŭngdo, but to consider Sŏkto as another attached islet, Kwanumdo, is difficult to believe from its topography and its history. It is most natural to interpret it as designating Takeshima/Tokdo of today. This data did not attract much attention in the past, but it is important as a disproof of the Japanese view that the island "was in an ownerless state at the time of its incorporation into Shimane prefecture since the Korean government did not administer Takeshima/Tokdo at all before 1905."

## **XI. Imperialistic Incorporation by Japan in 1905**

The Japanese government made a cabinet decision on January 28, 1905, that Takeshima/Tokdo belonged to Japan and named it Takeshima. Under the instruction, the Governor of Shimane prefecture through its Public Notice No. 40 dated February 22 of the same year incorporated it into the Japanese territory and placed the

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12. Lee Han-ki, *op. cit.*, p. 250.

island under the jurisdiction of Oki Island in the prefecture. In other words, it had not been a Japanese territory until then.

When seen from the practice of international law today, it could be one of the biggest points of dispute, whether or not Japan's incorporation of the island in 1905 was an imperialistic act of aggression. The Korean side defines it as clear act of aggression of an inherent territory, while the Japanese side counters that such a serious denunciation of a sovereign state as calling the incorporation of Takeshima an act of aggression that Korea makes, drawing on its arbitrary decision not grounded on the facts, cannot be tolerated at all.<sup>13</sup> However, as Yamabe Kentaro comments, even from the Japanese standpoint, it should be clearly regarded as "a problem in the history of imperialist ambition of territorial expansion."

The Japanese side brazenly it out by saying that it did not receive from the Korean side any international protest over the incorporation until after the end of World War II. But, was Korea at that time in a situation to be able to make such a protest? As is well known, Japan had already started the Russo-Japanese War with the aim of aggression against Korea and placed all of Korea under military occupation, and with the strength of this military power, forced upon Korea the Korea-Japan protocol in 1904, reducing Korea to a virtual protectorate. Further, in August of the year the first Korean-Japanese Treaty was signed, and Japan sent advisors to control the Korean government. All the advisors were Japanese but an American named Stevens was recommended by Japan to serve as diplomatic advisor. It was an act of dissemblance against international opinion. There are no Koreans who would not be enraged by a claim that "Japan has never interfered in Korea's diplomatic rights." In fact, Korean officials intended to make protest but could not do so under this system.

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13. Japanese Foreign Ministry Memorandum dated July 13, 1962 in Lee Han-ki, *op. cit.* It is a pity this has to be quoted from the Korean side.

The procedures of incorporation are also questioned. It was done in the form of a public notice by Shimane prefecture and no notification on the government level was made, and no inquiring was made to confirm whether there was any objection to it. It would have been impossible for the Korean government to lodge a protest by promptly obtaining the information as it had no consulate in Matsue in Shimane. The Japanese side argues that it is the other side's fault for not noticing and yet they had done it surreptitiously.

We see in the present practice of international law the residues of the imperialist "effective prior occupation" that any mode of notification would do. By common sense, we understand that should be limited to a case where there is no possibility of a dispute. If it is an inhabited island, the inhabitants will notice it, but that could not have happened in that uninhabited island.

In fact, the Korean side learned about the incorporation about a year later in March 1906, when a 44-member Japanese delegation led by Director Zinzai Yutaro of the Division III of Shimane prefecture came to Ullŭngdo via Takeshima/Tokdo and informed Ullŭngdo County Chief Sim Hŭng-t'aek of the fact. Mr. Sim, befitting a Confucian scholar, treated courteously these insolent visitors, but was struck with surprise at the information and sent a report to the central government, urging a countermeasure as "the Japanese officials came to say that Tokdo belonging to this County is now Japanese territory."

The expression "Tokdo belonging to the County" concurs with the Imperial Ordinance of 1900 and demonstrates that the County Chief was clearly aware of his jurisdiction over Takeshima/Tokdo. If the Korean government had obtained any information on the Japanese incorporation earlier, Mr. Sim should have been the first to be informed, but he heard it then for the first time. It is presumed, therefore, that until that time the Korean government had had no means to find out the fact.

This was the time when the first-stage aggression was proceeding from the preceding year and the Protectorate Treaty of 1905 was forced upon Korea; its diplomatic rights were completely removed of; and the "Resident-General" was posted in Seoul to start the virtual colonial rule. In this situation, Mr. Sim's dutiful warning could not serve any useful purpose to the Korean government, but the Korean side did not remain indifferent to this question.

Today, no one will object to the fact that the Koreans were deprived of their rights even to protest from 1906 to 1945. The Japanese side has to explain why it failed to notify the Korean side for one year after the incorporation while Japan was aware of Korea's close ties with the island, if it is to prove that the incorporation was not an imperialist act of deceit, but a justified act. What provided a momentum for Japan's incorporation of Takeshima/Tokdo in 1905 was an "application for the incorporation of Liancourt Island into Japanese territory and its lease" submitted to the Japanese government by an Oki islander Nakai Yozaburo in September 1904. Nakai started catching sea lions in 1903 and increased operations to full scale in 1904.

Some records show that the Japanese started catching sea lions on Takeshima/Tokdo on and off beginning several years earlier, but it was done accidentally, when ships were in distress. Nakai's application itself relates this. Nakai was the first Japanese ever to start fishing solely on and off at Takeshima/Tokdo on a large scale and in a planned manner.

As the title of the application shows, Nakai not only did not believe Takeshima/Tokdo to be an inherent Japanese territory, but also acknowledged it as Korean territory and planned to submit the request for lease to the Korean government.<sup>14</sup> It was Director Kimotsuki Kenko of the Japanese Navy's Hydrographic Depart-

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14. This data is said to have been discovered by Ch'oe Suh Myun in the Shimane prefecture Library and is considered meaningful in that the data reconfirms this fact in Nakai's own writing, *Chosŏn Ilbo*, Jan. 7, 1978.

ment that suggested filing the application as he did.

In fact, the Japanese military manipulated from behind by utilizing an action of an individual named Nakai. The imperialist Japanese military tried to obliterate from the minds of the Japanese people a generally accepted notion that "Takeshima/Tokdo is Korean territory." After 1905 and during the era of Japanese imperialism that notion did not disappear, and the Korean side cites considerable numbers of Japanese books that state Takeshima/Tokdo belonged to Korea.

Moreover, as Takeshima/Tokdo under colonial rule was the monopoly of the Japanese under the protection of the imperialist power (although, except for the military purpose, it was only for the hunting of sea lions that the island was actually used and even that was already on the decline in the 1920s due to overhunting), these descriptions of Tokdo as Korea's territory would not have made any significant difference and the Japanese government may have left them as they were. It was only after 1945 that the generally accepted notion of Takeshima as Japan's inherent territory took root among the Japanese.

At present, among the scholars of international law, excluding Mr. Yamabe of Japan today, views are divided over how to interpret the Japanese incorporation of 1905. One view holds that Takeshima/Tokdo has been Japanese territory from ancient times, and the incorporation was only the procedure to confirm it; the other views it as prior occupation of a *terra nullius*. Those belonging to the latter are Ueda Katsuo *et al.* relatively in the minority, while the majority led by Daiju Dotei take the former theory.

The former view was unreasonable as has been explained in detail. The latter is rather close to the professed standpoint the Japanese government took at the time of the incorporation, and one wonders whether the latter can be justified in view of the facts cited in this and the preceding sections. Korean scholars, naturally, negate both theories and argue that imperialist Japan robbed Korea

of it inherent territory. Which one of the three views is the most reasonable, if seen impartially?

## **XII. Post-War Takeshima/Tokdo**

This problem is related to the United States which occupied both Korea and Japan after the War in the name of the Allied Forces. However, the United States dealt with the problem in a very inconsistent manner just to suit the occasion and after the San Francisco Treaty ran away from this problem by letting the two countries work out a compromise. The attitude the U.S. took may not have been designed intentionally to stir up a confrontation between the two countries or to dominate them, but such has been the result.

Until now, there has been an illusion or an opportunist concept in both countries that the United States' views might hold sway over Takeshima/Tokdo's ownership. Thus, an endless argument continues by each side interpreting America's attitude to suit its need. Essentially, America's views do not have any definite meaning.

First, on January 29, 1946, the Supreme Command of the Allied Forces in the memorandum entitled "Government and Administrative Separation of Certain Outlying Areas from Japan" (SCAPIN No.677)" specifically excluded Takeshima/Tokdo from the sphere of Japan's administrative authority; on June 22 of the same year the SCAP banned Japanese vessels from coming close to Takeshima/Tokdo in the "Memorandum Concerning the Establishment of the MacArthur Line (SCAPIN No. 1033)." The Korean side asserts that these memoranda are legally binding to Japan since they implemented in a concrete shape the abstract stipulations in the Cairo and Potsdam Declarations.

The Japanese side brought forth a counter-argument that they

were not a final decision on the territorial problem. The San Francisco Treaty signed in September 1951, and entered into force on April 28, 1952, provides in its Article 2 para (a) that "Japan renounces... all the rights on Korea, including Chejudo, Kōmundo, and Ullŭngdo. It cites mainly the three islands and if Takeshima/Tokdo is assumed to be one body with Ullŭngdo, this provision could be interpreted as incorporating Takeshima/Tokdo into Korea.

However, if one interprets that the three islands are the outer lines of the Korean territory and that Takeshima/Tokdo was not specifically mentioned, this could be interpreted as excluding it from the Korean territory. In the latter's case, it is difficult to explain that other islands exist in addition to the three Korean islands (for example, Marado Island off Chejudo).

As it is possible to interpret in whatever way the stipulation of the San Francisco Treaty, it is different in nature from the above-mentioned two memoranda (SCAPIN 677, 1033) by the Allied Forces General Headquarters. What should be noted carefully is that the process of formulating the San Francisco Treaty in which Japan took part, albeit limitedly, was different from the unilateral memoranda by the Allied Forces General Headquarters. For example, Japan had the opportunity of stating or negotiating that Takeshima/Tokdo was not greedily taken by force, whereas the other parties concerned, South and North Korea, did not have the opportunity of speaking directly. Thus, the first round of dispute started in 1952-54.

The Korean fishermen who were deprived of effective management for 40 years finally recovered the conditions for management and freely and naturally went to Takeshima/Tokdo for fishing. Then, on June 30, 1948, the U.S. military bombing exercise at Takeshima/Tokdo accidentally killed 16 Korean fishermen and wounded six others who were engaged in fishing there.

When the Republic of Korea government was formally launched on August 15, 1948, the Korean side lodged a protest



with the U.S. over the incident, the U.S. Fifth Air Force apologized and admitted that the island had not been designated as its training site. The Korean side considers it the U.S. military's admission of Korea's territorial rights to the island. On this basis, the Korean government immediately took measures to extend its administrative authority to the island registered at No. 1, Todong, Nam-myŏn, Ullŭng-gun, Kyongsang-pukto province. Prior to this, in 1947, academic research teams were dispatched promptly. Under international law, the Korean side did not haphazardly leave the island to itself when possible condition existed, although there was a long vacuum period under Japanese imperialist rule.

This series of strong sovereign acts was taken as the Korean people are firmly convinced in the historical process of having rightly regained the island which was "robbed by Japan's greed." It is unfair to regard it as "the expression of mean nature of a thief who steals in the confusion of a fire" as the Japanese today believe.

This boils down to how one should look at the history of colonization. We should take note of the fact that the Koreans knew well the practice of international law that would not allow Korea to complain even if it lost a territory when it did not take an effective measure to keep a territory to which it had its historical right.

On January 18, 1952, anticipating Japan's recovery of sovereignty, and to counter it, the Korean government announced "the Declaration of Maritime Sovereignty" and set up the so-called "Syngman Rhee Line" which included the sea around Takeshima/Tokdo. This was inevitable to some extent to protect Korean coastal fishermen in view of the great gap caused between the two countries, in terms of fishing techniques, which is attributable to the history of imperialist Japan.

With this as a momentum, the Japanese government started a fierce campaign focusing on Takeshima/Tokdo, and the exchange of the strongly-worded documents with the Korean government followed. During the heated anti-foreign campaign between 1952

and 1954 the notion that "Takeshima/Tokdo is Japan's inherent territory" penetrated into the Japanese for the first time. This campaign was also utilized clearly as a means to push for Japan's military rearmament.

South and North Korea's claim on Takeshima/Tokdo was not reported at all, and the Japanese people came to believe that the Japanese side is right 100 percent. The personal accounts of fishermen that "Japan developed it" were widely and emotionally circulated, but they passed over intentionally the fact that it all took place at the time linked to Japan's aggression and colonial rule since 1904. This continues to obsess Japanese people although they have not really studied the issue.

On July 26, 1952, a meeting of the U.S.-Japan joint committee was called to implement the U.S.-Japan Security Treaty, and it designated Takeshima/Tokdo as a U.S. military training area under Article 2 of the U.S.-Japan administrative agreement. The Japanese side publicized that "the U.S. recognized it as Japanese territory." But following a protest by the Korean government, the U.S. Air Force publicly announced the exclusion of Takeshima/Tokdo from its training areas on Feb. 27, 1953, thus making the Japanese statement meaningless.

Convinced that it could no longer rely on the United States, Japan finally came out with "the use of real power" when Korea continued its "effective management." The Maritime Police patrol vessels came close to Takeshima/Tokdo and interrogated Korean fishermen and even staged an exchange of gunfire.

Particularly in May 1954, fishermen from Oki Island landed on Takeshima/Tokdo en masse under the protection of Japanese patrol craft and gathered resources. It was at the time when each side put up a pole claiming its territorial ownership, and then pulled down the pole of the other side.

Upon learning of these incidents, the Korean National Assembly passed a resolution on the "preservation of Tokdo from

Japanese aggression," and the Korean government built a lighthouse there in August 1954, and stationed a guard unit permanently, and this continues until today. We need to pay attention to the fact that offensive Japanese actions prompted the Koreans to take such a resolute countermeasure.

This guard unit is not a military unit but belongs to the police. Before August 1954, the Tokdo garrison unit is known to have been formed by civilian volunteers.

As the situation became deadlocked, Japan changed its tactic and proposed (in September 1954) to bring the case to the "authoritative" International Court of Justice, but Korea rejected this, thus freezing the situation. The anti-foreign campaign also receded.

### **XIII. The Korea-Japan Treaty and Takeshima/Tokdo**

The controversy flared up again before and after the conclusion of the 1965 Korea-Japan Treaty. During the long process of negotiations, Korea and Japan underwent the abstract tit-for-tat at the initial stage (1951-53), and from 1957 when the talks were resumed until the signing in 1965, the Takeshima/Tokdo problem never was adopted as an official agenda item, to be recorded in the minutes. There is absolutely no direct reference to Takeshima/Tokdo in the various documents of the Korea-Japan Treaty signed in 1965. Originally, Japan thought of writing down the problem in the Treaty or failing that, as planned in advance, in the instruments to be exchanged agreeing to take the case to the International Court of Justice. However, the Korean side rejected both plans by arguing that Takeshima/Tokdo could not become an agenda item as it was Korea's inherent territory.

Japanese newspapers reported on June 22, 1965, a day after the signing of the Korea-Japan Treaty, that "the foreign ministers of the two countries have reached an agreement on ways to settle

the Takeshima problem at a closed-door meeting." Namely, the Takeshima/Tokdo problem is reportedly to be covered by "the exchange document on peaceful settlement of disputes" which provides "the two countries are to seek settlement through arbitration in accordance with the procedure agreeable to both countries so long as no separate agreement is reached between the two countries." But, Korean Foreign Minister Lee Dong-won testified at the National Assembly that since Takeshima/Tokdo was not an object of dispute, it could not be covered by the exchange document. On the other hand, when this problem was raised at the Diet, Japanese Foreign Minister Shiina prevaricated by stating that it was not straight forwardly agreed on and "it means merely a subjective interpretation or expectation."

Former Foreign Minister Lee Dong-won said that "on the day of signing the Treaty, Prime Minister Sato applied pressure that the treaty would not be signed unless Tokdo's territorial rights were turned over to Japan, but it was rejected." (*Asahi Shimbun*, Feb. 11, 1977) This shows that the negotiations were certainly held behind closed doors as the problem was not resolved until the day of signing the treaty. As Foreign Minister Shiina said above, they must have talked about their respective views, while Lee is presumed to have replied vaguely so as not to commit himself.

If what the Japanese said were true, Lee would be a liar and have played a mean trick, and Korea reversed the agreement. On the other hand, if there were a clear agreement, why was no document or record left behind? The Japanese side knew full well that there would be no binding force without a document, but it must have believed that it was better to leave the matter in this way. If not, Japan should not have signed the treaty.

Setting aside the question of which side was right or wrong, it means that the Japanese government made a big compromise of approving essentially the maintenance of the status quo regarding the Takeshima/Tokdo problem. There was a Japanese international

law scholar who said after reading the treaty that "frankly speaking, Japan has almost lost all hope of regaining Takeshima/Tokdo."<sup>15</sup> The Japanese government made a decision which forecast such a result, on the one hand, and, on the other hand, stirred up prejudice and exclusionism by passing the buck to Korea and continued to make an issue of the "Tokdo problem."

The fishery agreement concluded at the same time did not mention anything about the sea around Takeshima/Tokdo, and it was not included in the clearly written regulations for the exclusive fishing zone and jointly controlled waters. However, Korea considered that Takeshima/Tokdo was confirmed to be Korean territory by the treaty and afterwards established under domestic laws the three-mile territorial waters around Tokdo as well as the 12-mile exclusive fishing zone.

Japan granted the fishing rights in an area covering 500 meters around Takeshima/Tokdo to the Federation of Oki Fishery Cooperatives and set up the three-mile territorial waters though its effectiveness is not to be discussed. Therefore, it has become a strange form of establishing duplicating fishing rights over the same area. The complex state intentions or territorial issue notwithstanding, the local fishermen arrived at a tacit understanding that "Japanese fishing vessels cannot enter into the three-mile territorial waters, but can freely engage in fishing inside the 12-mile exclusive fishing zone." Thereafter, there has been almost no trouble as far as the fishery problem is concerned, and fishing vessels of both countries are operating peacefully, and the dispute has subsided.

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15. Minagawa ko, "*Takeshima funsoto sono kaiketsu tetsuzuki*: The Takeshima Dispute and the Procedures for its Settlement," *Horitsu tsuho* Journal of Law, Sept. 1965.

#### **XIV. What is International Law?**

In Japan, Korea's attitude of not responding to "the arbitration by authoritative international organization" is generally regarded as incomprehensible and unreasonable. "If you are so confident, wouldn't it be better to face a trial," the Japanese say, but is it really so? Korea counters that originally there is no dispute on the island, and there is no need to be troubled by a trial since it is Korea's inherent territory. It is not that they are not confident, but it ought to be seen from their deep-rooted distrust of the existing international judiciary organs.

One may go so far as to say there is no "firmly established and authoritative" practice or international law which is not influenced by the convenience of the Great Powers in today's world. It is the reality of today that the structure of the old international law formulated during the days of imperialism dividing the world is sharply pitted against the opinions of newly developing countries that the old international law should be reorganized. We must take note of the fact that Japanese emphasis on international arbitration means to use it as an absolute shield of the existing imperialistic international law, while Korea puts its basis on the logic of change and reform.

In the domain of international law, there does not exist a body of written laws, such as a constitution. What is existing is a logical system worked out mainly by the scholars of the imperialist states since Grotius and the precedents decided by the international judiciary organizations. They are relatively simple. The documents concerning a new international order, now being prepared by the UNCTAD (U.N. Conference on Trade Development), are not directly-binding on an international judiciary organization.

The first international judiciary organization was PCIJ (Permanent Court of International Justice) established after World War I, out of the need of the imperialist powers to make some rules on

dividing foreign territories as it became difficult to resolve by war. After World War II, the present ICJ (International Court of Justice) came into being.

Both PCIJ and ICJ do not have great competence and authority on the sovereign nations, and bringing a lawsuit over a dispute or not is up to the sovereign nations concerned. A trial can occur only when both countries involved in a dispute agree.

There are numerous instances in which one country wanted to sue but the other refused. Even if a judgment is passed, the argument arises that it is all right not to heed the judgment in spite of possible reproach or retaliation as ICJ does not have any legal force.

In the past and at present, judges at the International Court of Justice are mostly the white men belonging to the advanced countries. The judge is not bound directly by his nationality, but when looking at it empirically, he is not completely free from his sense of values. What PCIJ and ICJ handled was limited to cases between the same imperialist countries and relatively insignificant cases. Only a few Asian cases have been brought before the court. The Indian takeover of Goa without filing a lawsuit cannot be justified and affirmed under any existing international law, but it received wide support from the newly developing countries as a direct anti-colonial action.

If the problem of Takeshima/Tokdo were brought to ICJ, the evaluation of Japan's 1905 incorporation would become a big point of dispute. As today's ICJ attaches importance to the effective occupation rather than historical background, it is uncertain whether it will acknowledge Japanese incorporation as imperialist aggression or the formalities of its effective occupation as defective, even if it accepts all the historical facts that Korea claims.

The present-day ICJ is not well accustomed to the concept of imperialist aggression. The *Minquiers and Ecrehos* Case between Britain and France, (ruled in 1953) is cited as much resembling the

Tokdo/Takeshima case. The *Minquiers* and *Ecrehos* Islands are a group of uninhabited reefs off the Normandy Peninsula and were under the control of a Normandy tribe. But when the British-French treaty in the 13th century stipulated that all the possessions of the Duke of Normandy would be turned over to France, the name of the islands was not specifically written down.

While France did not take any administrative measure by assuming that the islands were naturally French territory, the British in the 19th century recognized its fishing value and started utilizing it and took various administrative steps. ICJ attached great importance to the detailed instances of effective occupation since the 19th century, and despite the French claim of historic legitimacy, ruled in favor of Britain by regarding the French failure to lodge any protest as an abandonment of its territorial rights.

Of course, the Takeshima/Tokdo issue is greatly different from this case from the standpoint of the length of the period of dispute and that it occurred in the course of imperialist aggression. But if the judge had no sense of distinguishing this difference, he could possibly pass a judgment that Korean was negligent in keeping its territorial rights by following the precedent of the *Minquiers* and *Ecrehos* Case.

The sole Asian case ICJ handled is the *Vrai Vuchell Temple* Case between Thailand and Cambodia, and its judgment is said to have been contemptuous of Asians. When the Thai King concluded a treaty of boundary demarcation with French Indochina, this temple was on the Thai side of the boundary and therefore defined as Thai territory under the stipulations of the treaty. The dispute occurred afterwards as the French military office which made the map to be attached to the treaty, commissioned by the Thai King, placed it in the Cambodian territory, whether accidentally or intentionally. ICJ ruled in favor of Cambodia, by assuming that the Thai King gave a tacit consent to the map by distributing its copies afterward and by not requesting correction of the map.



The Thai side thought there would be no problem since it was written down clearly in the treaty as Thai territory, and it must have distributed the map believing it was a convenient map, except for the insignificant error. In other words, it was ICJ's view that the country which remained idly by and was incapable of correcting the mistake certainly deserved to receive punishment. It overruled an accumulation precedents by putting importance on the attached map before the text of the treaty.

When viewed from the Asian perspective, it is difficult to assent to ICJ's decision. It may be a personal opinion, but it is noteworthy that Professor Lee Han-ki criticized the imperialist nature of ICJ and argued that Korea could safely entrust the Takeshima/Tokdo problem if an Asian International Court of Justice (ICJA) were born.<sup>16</sup> Korea is not trying to be blindly stubborn and obstinate. The Korean government is making an utmost effort to make "effective occupation" that may easily be acceptable to the Euro-American logic while it respects assertions by the Third World countries.

## **XV. The Takeshima/Tokdo Problem at the End of the 1970s**

The third phase of the tension over the Takeshima/Tokdo problem was created by then Prime Minister Fukuda's remarks on February 5, and 9, 1977, that "Tokdo is the Japanese territory beyond all doubt." We would like to know whether he made such remarks after studying extensively the facts of the case. In the background of the tension at that time, there was the fishery problem as well as the world trend towards a 200-mile economic zone in keeping with the technological progress in the development of undersea resources.

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16. For details, please see Lee Han-ki's *Korea's Territory*, *op. cit.*

Generally speaking, as far as the sea around Takeshima/Tokdo is concerned, its depth is more than 1,000 meters and the development of undersea resources there has little bearing on the question of the island, but only on fishing matters. If both Korea and Japan establish a 200-mile coastal zone, each, it would cover a considerably wide area of the sea, depending upon which side uses Takeshima/Tokdo as its base line. This possibility was predicted in early 1977, but it did not arise.

First, Japan enforced a 12-mile territorial waters law and a 200-mile fishing zone law beginning July 1, 1977, but the latter was not applied to the coastal waters of China and Korea under the principle of reciprocity. Under the theory of inherent territory, the 12-mile territorial waters were established around Tokdo/Takeshima. North Korea set up a 200-mile economic zone and a 50-mile military demarcation line on the East Sea on August 1, 1977, but they did not reach the sea around Takeshima/Tokdo.

Korea established the 12-mile territorial waters including the sea around Takeshima/Tokdo on April 30, 1978. As the Japanese fishing vessels engaged in fishing as close as the three-mile limit, there arose some tensions temporarily when Korean patrolcraft demanded that they pull out of the 12-mile limit. But an unofficial tacit agreement was reached on the spot to let Japanese fish on occasion within the 12-mile limit, and the status quo was maintained without any big change.<sup>17</sup> Essentially, this sea area has a wide fishing ground, and the resources (mainly cuttlefish) are abundant, and they continued without friction.

Although the actual fishing problem was resolved in this manner, the idealistic territorial problem has come to the fore and is needlessly irritating Korea. In the Japanese claim to Takeshima/Tokdo towards the end of the 1970s its *a priori* "theory of inherent Japanese territory" became more pronounced compared with the

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17. *Yomiuri Shinbun*, Aug. 28, 1978.

past two occasions. High officials of the Japanese government were talking big about conducting a full-fledged negotiation, while the Foreign Office said "economic cooperation" was suspended temporarily. One can not say that Japan came out with a new idea or any new persuasive proposal; only the logic presented on the two previous occasions was repeated. Acting in concert, the Japanese papers are once again pouring out openly anti-foreign sentiment.<sup>18</sup> In this state of affairs, there cannot be any solution. We must keep an eye on the emergence of a right-wing national consensus by taking advantage of this problem, the same as in 1952.

## XVI. Conclusion

"An island developed by our ancestors. It's foolish to let Korea stay on there. Takeshima is an irreplaceable property for the fishermen of Oki Island." (from the above-mentioned article of the *Asahi Shimbun*). Such self-righteous and selfish outbursts of emotion are bound to get us nowhere in the days ahead. They will only amplify our mutual distrust. At a glance, they might seem to have originated from their real feelings but in reality nothing is more foolish than an idealist consciousness of territory.

For the Japanese, the question of Takeshima/Tokdo is above all the question of liquidation of past expansionism and colonialism. Over 30 years have passed since the end of the war, but, there has been no solution and these ideologies are allowed to re-assert themselves. Therefore, the situation remains the same. It is another question even if the question of Takeshima/Tokdo were used by Korean people as a means to divert their attention from the basic

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18. As a model of a bad article, an article in the *Asahi Shinbun* dated Mar. 10, 1977 can be cited. Here, Yazata Saitaro's observation does not include any new facts, but repeats the views already critically reviewed.

question of their reality. As has been said repeatedly, as far as the Takeshima/Tokdo problem is concerned, Korea's claim has considerable truth and reason.

Unless these factors are taken into consideration there cannot be any solution to the Takeshima/Tokdo problem. If Japan decides to abandon it on the grounds that "Korea's logic on Takeshima/Tokdo is contradictory, but since it is troublesome, let's throw away such a small and unworthy island," that cannot be a genuine solution to the issue. On the other hand, if the above-mentioned factors are strongly upheld, it will not be so difficult to resolve the practical problems in the fishing ground and other areas as far as Takeshima/Tokdo is concerned.

The post-war Japanese government approach to the Takeshima/Tokdo problem has been wrong from the start. By advancing craftily a logic that Japan is 100 percent right and Korea is 100 percent wrong, Japan has tried to force it on its seemingly "easy" opponent. But Japan has misled its people. Having shackled itself by its own logic, it has further muddled the already confused situation.

To reason in the way I have suggested will benefit the Japanese people, I believe. This is the way we can break a spell cast upon us by anti-foreign national consciousness.

This article is the result of a research on the particular case of the Takeshima/Tokdo problem, not a concept on a territorial issue. Therefore, the argument I have made in this paper should not be applied to other individual territorial cases. Basically, I think that a territorial issue exists solely in an individual form. There is no other way but to solve problems one by one, by straightening up the dispute in the actual state of things and without avoiding the trouble of ascertaining the facts. Only when that undertaking has been completed, can we be free from an obsession of national boundary. It would be useless to heighten the territorial consciousness or national consciousness by relying on an abstract concept.

Contrary to the judgment of the Japanese government, I think that the Korean side has considerably reasonable grounds on the Takeshima/Tokdo issue. On the other hand, the laws of Korea and Japan on the continental shelf have absolutely no basis, I believe. On the Takeshima/Tokdo issue, there is a considerable unreasonableness in the Japanese government's claim. As for the issue of the Senkaku Islands with China, I believe both sides have almost a similar basis, and the Japanese side has better grounds on the question of "northern territory."