

**IS JAPANESE MARITIME STRATEGY CHANGING?  
AN ANALYSIS OF THE TAKESHIMA/DOKDO ISSUE**

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## **TABLE OF CONTENTS**

Introduction	1
Chapter 1. “Unpredictable Situation”	4
Chapter 2. Background of the Issue	6
Chapter 3. Recent Developments	16
Chapter 4. Evolution of Japanese Policy	22
Conclusion	25
Bibliography	28



## INTRODUCTION

Japan is a country surrounded by sea. But even though there are no land borders, the nation has ongoing territorial disputes with several neighboring countries over certain islands. One of these disputes relates to the Takeshima/Dokdo Islands. The governments of both Japan and the Republic of Korea (South Korea) claim the small islands in the Sea of Japan (South Korea calls it the East Sea).

The Takeshima/Dokdo issue has been characterized by differences of interests on the part of people in Japan and South Korea. In Japan, Takeshima/Dokdo has been viewed as a tiny island that very few people care about except for local authorities and the fishery industry in Shimane Prefecture. In South Korea, on the other hand, the issue has been regarded as a problem of national pride strongly related to Japan's past colonialism.

To many South Koreans, the Takeshima/Dokdo matter is not simply an island dispute, but a national symbol and reminder of Japan's historical aggression. At the vice-ministerial level meeting between Japan and South Korea in April 2006, You Myung Hwan, the Assistant Minister for Foreign Affairs and Trade of South Korea, said that: "The incorporation of Dokdo was an early Japanese signal of the colonization of Korea."<sup>1</sup> In a TV speech on April 25, 2006, South Korean President Roh Moo-Hyun emphasized that: "Dokdo is not just a question of possession. It is an issue of complete settlement of Japan's misguided history and the symbol of complete Korean sovereignty."<sup>2</sup>

Historical animosities between Japan and Korea are a further complicating factor. Added to that, civic movements in South Korea have been strengthened by democratization in the 1990's, with each successive president strongly emphasizing the importance of the issue,

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<sup>1</sup>*The Yomiuri Shimbun*, 22 April 2006.

<sup>2</sup>*The Yomiuri Shimbun*, 25 April 2006.

producing friction in the relations between the two countries. The Takeshima/Dokdo problem could easily have serious consequences beyond the intentions of the political elites of Japan and South Korea.

The Japanese approach to this and other territorial disputes has been based on legalistic considerations, which emphasize legitimacy in terms of international law. In the confrontation over Japanese maritime research in April 2006, then Japanese Chief Cabinet Secretary Shinzo Abe (who became prime minister in September 2006 and resigned less than a year later) remarked at a press conference on April 21 that: “the Japanese government can undertake research as our right based on international law.”<sup>3</sup> This approach has been characteristic in Japanese foreign policy after World War II because of the restraints of the Cold War power game between the two superpowers and the Japanese pacifist constitution.

To break the passive Japanese attitude toward maritime issues, however, some new movements to create a fresh maritime strategy have emerged among Japanese political elites. In December 2006, Japanese majority party Diet members proposed that the government enact “the maritime basic law”. They demanded that the government control all issues related to maritime affairs such as Exclusive Economic Zones (EEZs) and the excavation of resources.<sup>4</sup> The purpose of this movement was to facilitate the excavation program in the gas fields in the East China Sea, to which the People’s Republic of China is claiming rights. Whether these movements will change the passive attitude of the Japanese government remains to be seen, but the situation is worth watching.

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<sup>3</sup>*The Yomiuri Shimbun*, 22 April 2006.

<sup>4</sup>*The Yomiuri Shimbun*, 6 December 2006.

In this paper, I will try to examine the historical background of the Takeshima/Dokdo issue as well as the changing or unchanging nature of Japanese maritime strategy and the future implications of this for the relationship between Japan and South Korea.

## CHAPTER 1

### “UNPREDICTABLE SITUATION”

On April 22, 2006, Japanese Vice-Minister for Foreign Affairs Shotaro Yachi held a press conference in Seoul, at which he said that: “even though an unpredictable situation could arise (between Japan and South Korea), it can be avoided.”<sup>5</sup> The press conference was held after the Japanese and South Korean governments agreed to postpone a Japanese maritime research project around Takeshima/Dokdo and the South Korean move to propose a new name for the seabed topography around the islands.

The “unpredictable situation” could arise over an island called Takeshima in Japanese and Dokdo in Korean. Three days earlier, Abe had announced that Japan would start maritime research around Takeshima/Dokdo, immediately after which two Japan Coast Guard research ships departed Tokyo on that day.<sup>6</sup> The research was intended to make new nautical charts of the area. The South Korean government reacted fiercely, with President Roh ordering the deployment of 20 Republic of Korea Coast Guard ships around the region.<sup>7</sup>

Because of the bad weather, the Japanese research ships stayed for a few days at the port of Sakai in Shimane Prefecture in Japan. To break a deadlock situation, the Japanese government decided to send a high government official to South Korea. Thus, Yachi went to Seoul on April 21 and met with the South Korean Assistant Minister for Foreign Affairs and Trade You Myung Hwan. After two days of talks, the governments agreed to avoid a confrontation.

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<sup>5</sup>*The Yomiuri Shimbun*, 23 April 2006.

<sup>6</sup>*The Yomiuri Shimbun*, 20 April 2006.

<sup>7</sup>*The Yomiuri Shimbun*, 20 April 2006.

In July 2006, however, the South Korean government sent a research ship to collect data on currents around the Takeshima/Dokdo area. On July 5, the research vessel, followed by a South Korean escort ship, entered an area that the Japanese government claimed as a Japanese EEZ.<sup>8</sup> The South Korean ship exited the Japanese EEZ the following day. To the Japanese government's protest, the South Korean government replied that "research is just an act based on sovereignty."<sup>9</sup> On the same day as the South Korean ships entered the Japanese EEZ, the People's Republic of Korea (North Korea) launched missiles over the Sea of Japan. Thus, the South Korean action did not get much public attention, but tension between the Japanese and South Korean governments lingered.

In the vice ministerial meeting between Japan and South Korea in April 2006, the two countries agreed to resume EEZ demarcation talks after a six-year suspension. In three subsequent meetings, Japan proposed advance notice when either country conducted surveys around the Takeshima/Dokdo area, but the South Korean government has refused this suggestion thus far.<sup>10</sup> Right after the April 2006 confrontation, one Japanese Foreign Ministry official said that: "In a situation in which Korean coast guard ships and Japanese research ships might encounter one other in that area, the events could become out of the control of both parties."<sup>11</sup> This dangerous possibility has never been ruled out.

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<sup>8</sup>*The Yomiuri Shimbun*, 5 July 2006 (evening edition).

<sup>9</sup>*The Yomiuri Shimbun*, 5 July 2006 (evening edition).

<sup>10</sup>*The Yomiuri Shimbun*, 6 March 2007.

<sup>11</sup>Personal interview with an anonymous high-ranking official of the Japanese Foreign Ministry, 22 April 2006.

## **CHAPTER 2**

### **BACKGROUND OF THE ISSUE**

#### **Geography**

Takeshima/Dokdo consists of small (total of 0.23 km<sup>2</sup>) islands in the middle of the Sea of Japan.<sup>12</sup> Often appearing on international maps as the Liancourt Rocks, Takeshima/Dokdo principally appears as two rather barren volcanic islets.

Takeshima/Dokdo is situated about 215 km from the Korean mainland, but only 92 km from inhabited Ulleungdo Island, which is administratively a county of Korea's Kyungsangbukdo Province. While Takeshima/Dokdo is roughly equidistant from the Korean and Japanese mainlands, it lies over 161 km northwest of Japan's Oki Islands from which it was administered during the colonial period. Both the Japanese and South Korean governments claim the islands. Takeshima/Dokdo has been under the physical control of the South Korean government since 1954.

#### **The Legitimacy of the Japanese and Korean Claims**

The Japanese government's official stance on the Takeshima/Dokdo issue is as follows: "Takeshima is inherent Japanese land in terms of historical facts and international law. The South Korean occupation of Takeshima is unlawful and not based on international law."<sup>13</sup>

The Japanese government proposes some historical facts as reasons for the legitimacy of the Japanese claim on Takeshima/Dokdo.<sup>14</sup> First of all, Japanese people controlled Takeshima

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<sup>12</sup>Website of the Japanese Ministry of Foreign Affairs (MOFA), "Takeshima Issue."

<sup>13</sup>MOFA website.

<sup>14</sup>MOFA website.

from the 17<sup>th</sup> century as a fishery base, and the Korean people had never used the area. There is historical evidence that the islets were occasionally visited by Japanese fisherman harvesting abalone and sea lions.

The second fact, and Japan's fundamental legal claim to Takeshima/Dokdo, stems from February 22, 1905, when the government of Shimane Prefecture issued Notification Decree Number 40, which renamed the Liancourt Rocks as Takeshima and placed them under the administrative control of the local authorities in the Oki Islands. The Prefecture's decree was based on the January 28, 1905 Decision of Parliament concerning the territorial incorporation of Liancourt Island, which was claimed to be *res nullius*, uninhabited land exhibiting no evidence of being in the possession of any other country. The Japanese government claims that the Korean government did not oppose the incorporation at that time.

The third fact is that Takeshima was not included in the territories to which Japan renounced its territorial claim in the San Francisco Peace Treaty in 1951. The Japanese position is that Korea had not exercised effective occupation over the island and that, therefore, it was *terra nullius* eligible for incorporation under the prevailing international law practices of the late 19<sup>th</sup> century. It is also argued that Dokdo's acquisition was an act separate from the annexation of Korea and should, therefore, not be included in the territories that Japan was forced to return after World War II.<sup>15</sup>

On the other hand, the South Korean government maintains that: "Dokdo is, and has for centuries been, an integral part of Korean territory."<sup>16</sup> They insist that their title to Takeshima/Dokdo can be traced to the sixth century and the records of Korea's oldest historical

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<sup>15</sup>Michael A. Lanius, "The Politics of Competing Territorial Claims to Tokdo," Paper presented for delivery at the 1<sup>st</sup> World Congress of Korean Studies, 18-20 July 2002.

<sup>16</sup>Korean Overseas Information Service, "Dokdo: The Korean Position," 27 April 2005.

text, the *Samguk Sagi*. In this text, Silla, which was one of the old kingdoms of Korea, subjugated Usanguk, nowadays the island Ulleungdo. Takeshima was part of Usanguk; therefore, they claim that Korea has controlled Takeshima/Dokdo since then.<sup>17</sup>

The South Korean government rebuts the Japanese position from several perspectives. They claim that the historical fact that Takeshima/Dokdo belongs to Korea was confirmed over the centuries by numerous documents and maps published in Korea and abroad, even in Japan. As for the prefectural decree in 1905, the primary objective of Japan's encroachment on Takeshima/Dokdo was to secure its military strategic interests vis-à-vis Russia, and the decree had no legal foundation under international law.<sup>18</sup>

The South Korean government's interpretation of the San Francisco Peace Treaty is clearly contrary to the Japanese one. The reason that Takeshima/Dokdo was not mentioned as a territory that Japan had to renounce was that enumeration of all Korean islands was not considered necessary. Since Ulleungdo was included, the treaty would imply that smaller islands nearby also fell under Korea's jurisdiction.<sup>19</sup>

The South Korean government has regarded this issue in terms of national pride, an icon of humiliation by the Japanese colonizers in the early 20<sup>th</sup> century.

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<sup>17</sup>Choi Sung-Jae, "The Politics of the Dokdo Issue," *Journal of East Asian Studies* May 2005: 466.

<sup>18</sup>Korean Overseas Information Service, "Dokdo: History of Korean Sovereignty," 27 April 2005.

<sup>19</sup>Korean Overseas Information Service, "History."

## Historical Considerations

### *Until the 1905 Shimane Prefecture Notification*

The Japanese claim to Takeshima/Dokdo is based on the fact that the islands were *terra nullius* until the Shimane Prefecture Notification in 1905. The South Koreans, however, claim that, as late as October 1900, Yi dynasty documents, such as Royal Edict No. 41, referred to Takeshima/Dokdo as Korean territory even though neither Korea nor Japan appeared able to definitively assert effective occupation or management of the area.

South Koreans regard the Takeshima/Dokdo issue as one of “national pride.” Soon after the Japanese announcement of the admission of Takeshima/Dokdo into their territory, Japan made Korea her protectorate by concluding the second Japan-Korea Treaty in November 1905. By February 1904, Korea was already under Japanese military occupation as a consequence of the Russo-Japanese War and, by August 1904, Japan had seized effective control of Korea’s diplomatic affairs. During the Russo-Japanese War, the interference of the Government of Japan in Korea was strengthened by some agreements that Korea was compelled to accept. Korea had become obliged to adopt the advice of the Government of Japan on all domestic and foreign affairs.<sup>20</sup>

The Korean government was, therefore, de facto, in no position to either know about or contest the Takeshima/Dokdo issue. In August 1910, Japan formally annexed the Korean Peninsula as a colony. The South Koreans think that Japan’s inclusion of Takeshima/Dokdo under this arrangement was unfair and invalid.<sup>21</sup>

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<sup>20</sup>Shigeru Oda, “The Normalization of Relations Between Japan and the Republic of Korea,” *The American Journal of International Law*, Vol. 61, 1967: 35.

<sup>21</sup>Choi: 467, and Shimane Prefecture (Japan) “Takeshima Mondai ni Kansuru Chosa Kenkyu,” 2006.

Contrary to the South Korean argument, the Japanese Ministry of Foreign Affairs explains the legitimacy of the incorporation of Takeshima/Dokdo in 1905 as follows. The measures to incorporate Takeshima reaffirmed the intention of the Japanese government to claim territorial rights as a modern nation over Takeshima. There were no indications that Japan did not hold territorial rights prior to that, nor were there any counterclaims by any other country of territorial rights over Takeshima. The incorporation of Takeshima was reported in the newspapers and was not undertaken secretly; hence, it can be seen to have been implemented validly.<sup>22</sup>

Looking back into the history before 1905, Japan and Korea had disputes over fishery rights in Ulleungdo in the 17<sup>th</sup> century, and the Korean fisherman Ann Yong-bok was taken to Japan at that time. In South Korea, it is regarded that, in the diplomatic exchange over his repatriation, the Japanese government recognized the Korean claim to Ulleungdo and Takeshima/Dokdo.<sup>23</sup> It is generally thought in Japan, however, that Ann lied to Korean officials that the Japanese admitted that Takeshima/Dokdo was a Korean territory.<sup>24</sup>

Thus, there are many studies and opinions on both sides trying to prove that Takeshima/Dokdo had been historically ruled by one or the other country before the beginning of the 20<sup>th</sup> century, but no common interpretation.

#### *After the Japanese Defeat in World War II*

With Japan's defeat in World War II, Takeshima/Dokdo again surfaced as a bone of contention between the two countries. The 1943 Cairo Declaration stated that Korea would in due course become free and independent and that Japan would be stripped of "all other territories

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<sup>22</sup>MOFA sebsite.

<sup>23</sup>MOFA website.

<sup>24</sup>Shimane Prefecture.

taken by violence or greed.” Article 8 of the 1945 Potsdam Proclamation stated that “the terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.”<sup>25</sup>

During the Allied occupation of Japan, Takeshima/Dokdo was divided from Japan by the so-called “MacArthur Line.” This line was drawn only for the administrative convenience of the occupation authorities. Therefore, the December 1949 draft of the San Francisco Peace Treaty regarded Takeshima as Japanese territory.<sup>26</sup>

Takeshima/Dokdo, however, was not mentioned in the actual Peace Treaty signed in September 1951. One of the probable reasons for this is that U.S. Secretary of State John Foster Dulles decided to make the treaty shorter and easier to comprehend, so the names of many islands including Takeshima were deleted. Another possible reason is that the U.S. government wanted a sort of wedge to prevent Japanese rapprochement with the Communist bloc, which would possibly have included Korea.<sup>27</sup>

While both Korea and Japan lobbied the American government for ultimate sovereignty over Takeshima/Dokdo and other disputed islands, the United States made no explicitly definitive determination, and the ownership issue was not clearly settled during the occupation period leading up to the San Francisco Peace Treaty in September 1951. Since specific determination of Takeshima/Dokdo’s sovereignty was omitted, interpretations of the documentary evidence put forward by the Japanese and Korean governments were in conflict.<sup>28</sup>

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<sup>25</sup>Launius.

<sup>26</sup>The reason that this change occurred was because of strategic decisions in the United States to create military facilities on the island at the beginning of the Cold War. See Kimie Hara, “50 Years from San Francisco: Re-Examining the Peace Treaty and Japan’s Territorial Problems,” *Pacific Affairs* Autumn 2001: 368.

<sup>27</sup>Hara, 373-74.

<sup>28</sup>Launius.

On January 8, 1952, South Korean President Rhee Seung Mang declared the so-called “Rhee Line,” which was arbitrarily drawn on the Sea of Japan. The South Korean government was not entitled to participate with the allies in negotiating the peace treaty with Japan. President Rhee officially demanded that Japan should “return” Tsushima, the rather large island between the Japanese mainland and Korean peninsula. In 1951, the local government and people in southern Korea strongly demanded the maintenance of the MacArthur Line, which did not mention Takeshima/Dokdo as Japanese territory. These factors might have encouraged the announcement of the Rhee Line.<sup>29</sup>

The ROK president declared that Takeshima would be within the Rhee Line and within Korean jurisdiction. Two major two reasons can be cited for the declaration of the Rhee Line. The first was that Korea had historical validity to claim Takeshima/Dokdo regardless of the San Francisco Peace Treaty. The second reason was President Rhee’s dissatisfaction with U.S. foreign policy. He might have thought that the United States should not have stopped advancing northward after Chinese intervention in the Korean War.<sup>30</sup>

The Japanese government lodged a strong protest with South Korea on January 28, 1952, claiming that Takeshima was without question Japanese territory. But each government had attempted to justify its claims by stressing original title to the islands based on historical findings.<sup>31</sup> On January 28, 1952, the Japanese government delivered a diplomatic note of protest (*notes verbales*), claiming title to the island. Since that date, Japan has ritually sent such an annual note of official protest to the Korean government, which has rebutted with its own diplomatic *notes verbales*.

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<sup>29</sup>Cheong Sung-hwa, “The Issue of Korean Participation in the San Francisco Peace Treaty in 1951,” *Korea Journal* May 1990.

<sup>30</sup>Hara, 373-74.

<sup>31</sup>Oda, 54.

On April 20, 1953, the South Korean “voluntary Dokdo guard” became the first permanent inhabitants of Takeshima/Dokdo, and later, on December 30, 1956, the South Korean police assumed official responsibility for the defense of the island area. Subsequently, repetition of Japan’s routine diplomatic protests and Korea’s counter-refutations became a pattern until the 1990’s.<sup>32</sup>

From the time the Rhee Line was drawn until the normalization of diplomatic relations between Japan and South Korea in 1965, a total of 328 Japanese trawlers were seized within the area and 3,929 Japanese fishermen were detained for intrusion into the area defined by the Rhee Line. In all, 44 persons died or were wounded in these incidents.<sup>33</sup>

On September 25, 1954, the Japanese government proposed resolving the Takeshima/Dokdo issue through the International Court of Justice (ICJ). A month later, however, the South Korean government rejected this proposal. Again in 1962, Japanese Foreign Minister Zentaro Kosaka proposed, to South Korean Foreign Minister Che Dog-syn, that the issue be brought to the ICJ. The South Korean reaction was the same as before.<sup>34</sup> While Japan has proposed that the dispute be settled through submission to this body or before a mutually acceptable impartial commission of conciliation, the Korean government has steadfastly rejected these proposals as unnecessary.

#### *The Normalization Treaty and Takeshima/Dokdo*

When the two countries normalized diplomatic relations through the Japan-Korea Treaty on Basic Relations in 1965, the dispute over Takeshima/Dokdo remained active and unresolved

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<sup>32</sup>Choi, 468.

<sup>33</sup>Shimane Prefecture.

<sup>34</sup>MOFA website.

with both sides maintaining conflicting claims. Given the realities of the Cold War containment network and the overriding demands of alliance politics, however, neither side pushed for a definitive and final political showdown over the territorial issue.<sup>35</sup>

In the Exchanged Notes Concerning Peaceful Settlement of Disputes, the two sides agreed to settle any dispute by “peaceful means, through diplomatic channels, that would be agreeable to both sides.” The Agreement on Fisheries of June 22, 1965, sidestepped the Takeshima/Dokdo issue in favor of reaching compromise by recognizing both exclusive and joint regulation zones for fisheries and mandating mutual consent in the determination of EEZ boundaries.<sup>36</sup> As for the “Rhee Line,” the Japanese government did not recognize its existence and claimed illegal seizures of Japanese fishermen by the South Korean government.<sup>37</sup>

But the road to normalization has not been always smooth. In a 1962 statement before the Diet, the Ministry of Foreign Affairs confirmed that relations with South Korea would not be normalized until the question of the title to Takeshima had been resolved.<sup>38</sup> Before the normalization of relations between Japan and South Korea, in May 1965, South Korean President Pak Chong Hui was quoted as remarking that: “I want to destroy Dokdo by an explosion” because of the huge perception gap concerning it between the two countries.<sup>39</sup>

In spite of the fact that the Takeshima/Dokdo controversy remains unresolved, both governments have found it convenient to continually shelve final resolution attempts in favor of getting on with more pressing strategic, economic, and diplomatic affairs of state.<sup>40</sup>

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<sup>35</sup>Launius.

<sup>36</sup>Launius.

<sup>37</sup>Oda, 52.

<sup>38</sup>Oda, 54.

<sup>39</sup>Jiji Press, 22 June 2004 (quoting Yonhap News in South Korea).

<sup>40</sup>Launius.

In the Cold War era, Japan-South Korea ties were mediated by the United States. This triangular relationship was functional and acceptable to the three parties, given their common strategic interests in maintaining an effective anti-communist network in the region.<sup>41</sup>

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<sup>41</sup>Launius.

## CHAPTER 3

### RECENT DEVELOPMENTS

#### **The Law of the Sea and EEZ's**

As the Cold War ended at the beginning of the 1990's, the Takeshima/Dokdo issue resurfaced as an important factor in Japan-South Korean relations. One reason for this was that the U.N. Law of the Sea (LOS) with its 200 nautical-mile EEZ stipulation took effect.

The small islands, which have caused disputes between Japan and its neighbors, have become considerably more important since the passage of the LOS in November 1994. The LOS gives states the right to claim EEZ's within 200 nautical miles around their sovereign territory. And sovereignty gives states exclusive access to any oil reserves found within their EEZ's.<sup>42</sup>

This has considerably increased the significance of otherwise strategically and economically insignificant islands in the region. The disputed islands have been viewed as having far greater potential economic importance than was the case in the earlier period. Chinese marine research and oil drilling activities near the Senkakus/Diaoyus were factors in Japan's decision to extend its 200 nautical-mile EEZ to the islands.<sup>43</sup>

As regional populations grow and become more affluent, the demand for fish continues to rise, while fish stocks are declining due to overexploitation. One consequence is that access to fish stocks within the 200 nautical-mile EEZ has become a major issue in regional resource politics. What the Japanese saw as overfishing by Chinese and South Korean vessels in waters surrounding the disputed islands was an important factor in determining Tokyo's decision to

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<sup>42</sup>Andrew Mack, "Island Disputes in Northeast Asia," Working Paper (Australian National University Dept. of International Relations), No. 1997/2.

<sup>43</sup>Mack.

extend the EEZ to cover the disputed island waters. Competition over fishery resources obviously complicates efforts to resolve sovereignty questions, and the 1965 Japan-South Korea fisheries agreements are hopelessly out of date. If two states claim an EEZ and each seeks to defend its claim by preventing the fishing fleets of the rival claimant from fishing in its waters, the potential for conflict escalation is obvious.<sup>44</sup>

The Takeshima/Dokdo issue flared up in January 1996, in part as a result of Korean newspaper warnings that Japan would claim the area as sovereign territory within a 200 nautical-mile EEZ to be established later that year in conjunction with the Diet's ratification of the LOS. Although the treaty is aimed at preventing such confrontations by clearly outlining which nation has jurisdiction over which areas of the ocean, in this case, the fact that the two countries' territorial claims would in places overlap reopened an old dispute that has vexed Japan-South Korea relations for many decades.<sup>45</sup>

In 1996, the South Korean government built a wharf facility in Takeshima/Dokdo. On February 9, 1996, Japanese Foreign Minister Yukihiko Ikeda lodged a verbal protest over the construction, urging the South Korean government to stop work on the pier and stating that: "Takeshima is Japan's proprietary territory historically and legally in international law" and that Korean construction "infringes upon the sovereignty over our territory and cannot be neglected." Soon, angry public demonstrations demanding a retraction of Ikeda's statement took place in Seoul, during which the Japanese flag and Ikeda were burned in effigy.

On February 10, a spokesman for then South Korean President Kim-Young Sam dismissed the Japanese claim as absurd. Two days later, the South Korean Defense Ministry announced that joint air and naval exercises would be held near Takeshima/Dokdo to "display

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<sup>44</sup>Mack.

<sup>45</sup>Launius.

the nation's sovereign power over the islets in the face of Japan's claim to them." On February 13, Korea increased the size of the maritime police garrison on Takeshima/Dokdo from 26 to 34. On that same day, as Japanese and South Korean coast guard ships shadowed one another in the area, the Japanese Foreign Ministry ruled out the use of force in resolving the matter and stated that: "We just would like to hold talks in a peaceful and quiet manner."

On January 29, 1996, the South Korean government deposited its instrument of ratification of the LOS and stated that it would also declare a 200 nautical-mile EEZ. On February 17, in a step aimed at further defusing the issue, the South Korean foreign minister stated that South Korea was flexible and would be prepared to separate the EEZ negotiations from the territorial issue if Japan were to refrain from mentioning Takeshima/Dokdo as a base point in its EEZ delineations.

President Kim and Prime Minister Ryutaro Hashimoto personally discussed the conflict when they met on March 2 in Bangkok and more or less politely agreed to downplay the issue while maintaining their respective nation's formal claims. Both sides emphasized and reaffirmed their existing friendly and cooperative relations and said they would strive to resolve the Takeshima/Dokdo controversy peacefully. In April, both sides decided to open talks for a new fisheries agreement in May independent of the territorial dispute over Takeshima/Dokdo.<sup>46</sup>

Although the new Japan-South Korea fishery agreement took effect in 1999, the event in 1996 was the beginning of a resurfacing confrontation between the two countries over Takeshima/Dokdo.

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<sup>46</sup>Launius.

## **South Korean Democratization**

In 1987, South Korea elected Roh Tae Woo as president by popular vote, ending about 30 years of military rule. Since then, democratization has made progress in various areas.

Democratization is probably the most important factor to have changed the South Korean approach to the Takeshima/Dokdo dispute. It has unleashed nationalistic sentiments, and many nationalist groups emerged following the transition to democratic rule. Further, democratization has produced key changes in the state-society relationship, with nongovernmental groups emerging as important players in the Takeshima/Dokdo issue, challenging the South Korean government's predominance over it.<sup>47</sup>

Under non-democratic rule, the South Korean government could control nationalistic sentiment over Takeshima/Dokdo in the interests of not harming economic and political relations with Japan. The song "Dokdo Is Our Land," which is quite popular among the South Korean people, was banned for five months in 1983 when Japanese Prime Minister Yasuhiro Nakasone paid his first official visit to Seoul.<sup>48</sup>

As democratization went forward and civic society emerged in the 1990's, the South Korean government, affected by these changes, started to strengthen its physical control of Takeshima/Dokdo. In addition, South Korean politicians have often made use of the Takeshima/Dokdo issue and anti-Japanese sentiment to gain political support.

In 1996, the political situation in South Korea affected the government's handling of this issue. It was only two months before a general election in South Korea. President Kim Young Sam's approval rate was declining because of a corruption scandal. In this domestic political context, the South Korean political elite appreciated the Takeshima/Dokdo issue's influence on

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<sup>47</sup>Launius, 469.

<sup>48</sup>Launius, 469.

the upcoming election. From experience, South Korean politicians were well aware of the fact that the emotive anti-Japanese card had great potential to affect domestic politics.<sup>49</sup>

Since popular antipathy towards Japan is widespread in South Korea, competing political parties and the government seized the opportunity to try to outdo one other in their condemnation of Tokyo's actions.

This tactic, the hard stance of the reaction against the Japanese position on the Takeshima/Dokdo issue, was repeated in the confrontation over Japanese Prime Minister Junichiro Koizumi's visit to Yasukuni Shrine. In a statement on March 23, 2005, President Roh Moo-Hyun said that: "We dare to wage a diplomatic war with Japan." According to a poll conducted after the statement, his approval ratings swung up 10 points.<sup>50</sup>

Behind these remarks by the presidents, there are active movements at the legislative and civic levels. There is, for example, the Dokdo Love Society established in 2000 by 29 lawmakers. They have made a study on Takeshima/Dokdo's suitability for a base point for EEZ delimitation, the relaxation of restrictions on South Korean public access to Takeshima/Dokdo. In civic movements, the Internet has facilitated public action over Takeshima/Dokdo. The Party for Dokdo Protection was seeking 10 million signatures through its website, calling for the government to designate October 23 as "Dokdo Day."<sup>51</sup>

The other case of civic activities involving Takeshima/Dokdo was a movement to shift South Korean family registers to that island. On November 9, 1999, Hwang Baek-hyun, chair of Keukil Undong Siminyeondae (Civic Coalition for Overcoming Japan) initiated that movement,

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<sup>49</sup>Launius, 478.

<sup>50</sup>*The Yomiuri Shimbun*, 25 March 2005.

<sup>51</sup>Choi, 470.

and, by the end of 2004, 946 South Korean residents from 259 households had shifted their family registers to Takeshima/Dokdo.<sup>52</sup>

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<sup>52</sup>Choi, 482-83.

## CHAPTER 4

### EVOLUTION OF JAPANESE POLICY

The movement to take back Takeshima/Dokdo has been mainly promoted by Shimane Prefecture, to which the Japanese government claims the islands belong. Until the end of the Cold War, it was a locally based movement, and the Takeshima/Dokdo matter received relatively less attention than the Northern Territories/Kurile Islands issues with the Soviet Union. The Cold War logic had contained territorial disputes between Western Bloc countries so as not to escalate them into serious altercations.

Until the confrontation in 1996, Japanese protests over the South Korean stance on Takeshima/Dokdo had been undertaken at the level of the Director of the Foreign Ministry. In August 1983, when the Korean authorities fired a warning shot over a Japanese fishing vessel approaching Takeshima/Dokdo, it was the director of the Ministry's Information and Culture Bureau who issued a verbal protest.<sup>53</sup>

The major event that focused national-level attention on the Takeshima/Dokdo matter was the enactment of "Takeshima Day" by Shimane in 2004. The Shimane Prefecture Assembly passed a resolution calling for the Japanese government to designate February 22, the day in 1905 that the prefecture had issued its aforementioned Notification Decree Number 40, as Takeshima Day.

The approval of the resolution by the Shimane Prefectural Assembly caused fierce reaction from the South Korean government and its people. President Roh Moo-Hyun made a

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<sup>53</sup>Choi, 476-77.

statement criticizing the enactment of Takeshima Day as “an act of justifying the history of invasion.”<sup>54</sup> Cultural exchange events between the two countries were postponed and canceled.<sup>55</sup>

In May 2004, a Japanese right-wing group made plans to land on Takeshima/Dokdo, and the South Korean government beefed up their defense around the area. The group cancelled their plans at the request of the Japan Coast Guard. This event was hardly touched on in the Japanese media, but was widely covered in South Korea.<sup>56</sup>

As South Korean reaction to these issues, however, is being covered widely in Japan, the Takeshima/Dokdo problem is increasingly getting attention in Japanese political circles as well as among the general public. According to an opinion poll conducted by the *Yomiuri Shimbun* and the *Korea Times* in 2006, 59 percent of Japanese respondents answered that they are interested in Takeshima/Dokdo, and 66 percent said that the issue would not be resolved by negotiation.<sup>57</sup> In a poll conducted by the two newspapers four years earlier, however, only 13 percent of the Japanese respondents answered that Takeshima/Dokdo is a problem that is a priority for both countries to solve.<sup>58</sup>

As the public concern for maritime and territorial issues is rising, a new political movement is gaining strength in Japanese politics. The majority party of the Diet drew up a draft of the Maritime Basic Law in 2006. This legislation passed the Lower House of the Japanese Diet in April 2007 and was to be submitted to the Upper House later in the year. The law requires the Japanese government to create a new system for grappling with oceanic problems facing the

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<sup>54</sup>*The Yomiuri Shimbun*, 24 March 2005.

<sup>55</sup>*The Yomiuri Shimbun*, 13 April 2005.

<sup>56</sup>Choi, 476.

<sup>57</sup>*The Yomiuri Shimbun*, 7 August 2006.

<sup>58</sup>*The Yomiuri Shimbun*, 21 March 2002.

nation, establishing within the Cabinet Office a Council on Comprehensive Ocean Policy headed by the Prime Minister, and designating a cabinet minister to deal with related issues.

The most important factor behind the creation of this law was the growing confrontation in the East China Sea between Japan and the People's Republic of China. Both countries are seeking to secure resource rights in the area. The Japanese have gradually come to see that China is pursuing an oceanic strategy in line with its development goals. In 2003, Japan's ruling Liberal Democratic Party set up the Working Group on Maritime Interests. In 2004, this group published a report, containing nine proposals for Japan to defend its oceanic interests, following this up in 2005 with an "emergency proposal" of policy measures for the same purpose.

Whether or not these will be effective is unclear. After the introduction of the LOS in 1994, China and South Korea made their own policy, law, and institutions to control general maritime policy. On the other hand, the Japanese government has not grappled with maritime affairs as a vital national policy.<sup>59</sup> The introduction of the Maritime Basic Law is regarded as a move toward a comprehensive Japanese maritime policy. The Japanese maritime research conducted in 2006 was the consequence of this change of mindset among political elites.

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<sup>59</sup>Hiroshi Terashima, "Kaiyo Seisaku, Deokure Nippon [Maritime Policy, Belated Japan]" *The Yomiuri Shimbun*, 17 August 2006.

## CONCLUSION

In South Korea, Takeshima/Dokdo serves as a powerful symbol of national identity and honor. Any Japanese claim to the islands is highly likely to trigger a vehement outpouring of nationalist sentiment.<sup>60</sup> The symbolic attachment of territory to national identity and pride has made the island dispute all the more intractable and difficult to resolve. This is because giving way to Japan on the island issue would be seen as compromising the sovereignty of the entire peninsula once again.<sup>61</sup>

As such a potent icon of Korean nationalism, it is politically impossible for the Korean side to concede sovereignty of Takeshima/Dokdo to Japan. It is doubtful that any democratic Korean government could even agree to submit the issue to adjudication, conciliation, or arbitration before a disinterested third party such as the ICJ or other international body. To even admit that this question is possible in the first place and/or risk an adverse decision would simply be politically unacceptable to the majority of the Korean people and suicidal for their elected representatives.<sup>62</sup>

On the other hand, the public and the political elites of Japan have become increasingly concerned with the territorial and maritime issues. This change has made any concession on territorial matters difficult for the Japanese government. Some scholars propose renouncing the Japanese title to Takeshima/Dokdo and concluding a treaty between the two governments to control resources.<sup>63</sup> It is unthinkable that this proposition could be realized in the current

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<sup>60</sup>Choi, 476.

<sup>61</sup>Min Gyo Koo, "Economic Dependence and the Dokdo/Takeshima Dispute Between South Korea and Japan," *Harvard Asia Quarterly*, Fall 2005.

<sup>62</sup>Launius.

<sup>63</sup>Serita Kentaro, "Takeshima o 'Kesu' Koto ga Yuiitsu no Kaiketsu Ho Da [The 'Erasing' of Takeshima Is the Only Way to Solve Problem]," *Chuo Koron* December 2006.

political situation in Japan and South Korea. It is also unimaginable to think that academic cooperation between scholars from the two countries will achieve a common interpretation of the issue.

Given that swift resolution of these disputes is impossible, the most pressing and immediate task is to find effective mechanisms or confidence-building measures to manage them and prevent any escalation of incidents.

The creation of fisheries agreements to cover disputed waters is one obvious mission for preventive diplomacy. The goal of such agreements is not simply to allocate fish catch quotas and agreed-on fishing zones, but to prevent clashes at sea between fishing boats and coast guard/navy vessels. The LOS Convention obliges parties that have extended their EEZ to negotiate resolutions to fishery disputes.<sup>64</sup>

Japan and South Korea have not been able to agree on the demarcation of the EEZ between the countries. The EEZ demarcation talks started in 2000. After a six-year suspension, they restarted in 2006 and South Korea changed the base to demarcate its EEZ from Ulleungdo to Takeshima/Dokdo. This move is believed to have been caused by a technical change in the interpretation of the LOS, i.e., whether Takeshima/Dokdo are inhabitable islands that can be the base to demarcate the EEZ. It is likely, however, that this policy change was pushed by public opinion in South Korea.

Despite the fact that, in talks between the two countries, Japan has proposed a pre-announcement system in case either government wants to conduct maritime research around Takeshima/Dokdo, South Korea has refused this. Japan and South Korea, however, confirmed the 1996 agreement by Prime Minister Hashimoto and President Kim that the ownership of

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<sup>64</sup>Serita 14.

Takeshima/Dokdo and EEZ demarcation should not be linked to each other. It is possible that Japan and South Korea can create a mechanism to avoid any confrontations in the area.

The most dangerous thing for both countries would be a situation in which popular nationalist passions on either side would move the issue beyond the absolute calculation or control of foreign policy makers. To avoid such a situation, the wisdom of policy elites and calm public discussion in both countries are of utmost importance.

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