

Fact Sheet: Position of Japan on Takeshima

Ministry of Foreign Affairs of Japan

- In light of the historical evidence and in accordance with international law, Takeshima is an integral and inherent part of Japanese territory. There is an ongoing dispute with the Republic of Korea (ROK) over Takeshima, and in recent months President Lee Myung-Bak visited Takeshima illegally. Japan seeks to resolve the territorial dispute in a calm, fair and peaceful way, through the proper framework of international law.
- In accordance with the position stated above, in order to settle the dispute in a calm, fair and peaceful way based on international law, on August 21, Japan officially presented the ROK with a diplomatic proposal to institute legal proceedings before the International Court of Justice (ICJ) by a special agreement between the two countries. Japan also proposed conciliation based on the *Exchange of Notes constituting an agreement between the two countries concerning the settlement of disputes*. However, on August 30, the Government of the ROK replied by note verbale, stating that it did not accept the proposal.
- The ROK is an important member of the international community and is supposed to support the 'rule of law' internationally through its activities in the United Nations and other international organizations. Additionally the ROK has been positioning itself under the catch phrase of "Global Korea." As such, Japan expected the ROK to accept this proposal and to fairly and unequivocally state their assertions at the ICJ. The reply from the ROK, which did not indicate a specific counter proposal to settle the Takeshima issue, is therefore extremely disappointing.
- The Government of Japan will continue to take appropriate measures to settle the issue in accordance with international law, and in a calm and peaceful way. These measures include the submission of the dispute to the ICJ on its own.
- Although the ROK is trying to associate the Takeshima issue with the issue of understanding of history, it is not appropriate to discuss the Takeshima issue in the context of understanding of history. The Japanese Cabinet decision in 1905 to incorporate Takeshima into Shimane Prefecture "reaffirmed" Japan's claim of sovereignty. During the early period of the Edo era, Takeshima was used by merchants from Yonago who engaged in fishing and hunting under license from the Shogunate. Thus, Japan had established sovereignty by the mid 17th century at the latest. The fact that the ROK is trying to discuss this issue in relation to the issue of

understanding of history indicates that the ROK does not have confidence in the sovereignty over Takeshima.

- Japan seeks a conclusive answer to the problem of whether the ROK's act of unilateral occupation is consistent with international law and justice of the international community. The Japanese government will continue to make the case to the ROK that the best way to deal with this dispute is to refer the case to the ICJ and to seek non-biased mediation from the international community.
- In recent years, Japan has made efforts to establish a forward-looking relationship with the ROK, on a variety of levels. However, President Lee's illegal visit to Takeshima on August 10 clearly marred our mutual ties. Japan hopes that the ROK will sincerely act in the interest of mutual cooperation and good faith of Japan.

[Historical Facts]

- Multiple historical documents confirm that Japan had established its sovereignty over Takeshima by the mid 17th century at the latest. Furthermore, there is no counterevidence to support the ROK's claims that Korea had control over Takeshima prior to Japan's establishment of territorial sovereignty. For example, the ROK claims that Usan Island which is described in historical Korean texts (such as *Sinjeung Dong Yeoji Seungnam - A Revised Edition of the Augmented Survey of the Geography of Korea: 1531*) is modern-day Takeshima. However, in the maps of *Sinjeung Dong Yeoji Seungnam -A Revised Edition of the Augmented Survey of the Geography of Korea* (see 'Attachment'), Usan Island is located **west of** Utsuryo Island. In reality, Takeshima is located **east of** Utsuryo Island. This clearly shows that Usan Island is not modern-day Takeshima.
- In January 1905, the Japanese government made a Cabinet decision to incorporate Takeshima into Shimane Prefecture, reaffirming Japan's claim of sovereignty over Takeshima. Later, on the drafting of the San Francisco Peace Treaty, the ROK submitted a request to the US to include Takeshima among the territories Japan should renounce. The US declined this request, thereby expressing its position that Takeshima is an integral territory of Japan. The US position was further verified in 1952 by a bilateral agreement under the Japan-US Security Treaty which designated Takeshima as a bombing range for US Forces.
- In light of the historical facts and based upon international law, Takeshima is an integral and inherent part of Japanese territory. However, in 1952, the ROK unilaterally proclaimed an artificial boundary (the "Syngman Rhee Line"), and declared "marine sovereignty" over the waters inside that line. This act was in clear

contravention of international law at that time (Note). The line encompassed Takeshima inside, and the ROK began illegally occupying Takeshima by force. During the 13 years period of the “Syngman Rhee Line,” which was formally abolished in 1965 with the Japan-ROK Fisheries Agreement, many Japanese fishing boats were seized and many Japanese fishermen were detained, resulting in heavy casualties.

(Note) The “Syngman Rhee Line” was drawn over the high seas and the ROK declared that it would be a zone of control and protection of national resources which would be placed under the sovereignty of the ROK. The UN Convention on the Law of the Sea, which introduced the notion of the jurisdiction of a coastal nation over the 200-nautical-mile exclusive economic zone, was adopted in 1982, and went into effect in 1994.

- Although Japan proposed to the ROK that the issue concerning the sovereignty of Takeshima be referred to the ICJ in 1954, 1962 and 2012, the ROK rejected those proposals. On August 17, 2012, Japanese Prime Minister Noda sent a letter to President Lee regarding the issue of Takeshima. However, the ROK side did not accept the letter and returned it because it contained the word of “Takeshima.” This should not have been done according to the diplomatic practice. It would be customary to fairly and unequivocally state the assertions of the ROK in the form of a reply, in response to any content that the ROK does not accept in the letter. The fact that the ROK has repeatedly refused to allow the case to be referred to the ICJ, as well as the fact that the ROK returned the letter between the leaders of state, indicates that the ROK does not have confidence in its claims of sovereignty over Takeshima.

(For further details of Japan’s position on Takeshima, please refer to the following web site: <http://www.mofa.go.jp/region/asia-paci/takeshima/>)

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