

## **[Position of Japan on Takeshima]**

- In light of the historical facts and based upon international law, Takeshima is an integral and inherent part of Japanese territory. There exists a territorial dispute over Takeshima with the Republic of Korea (ROK), and recently President Lee illegally set foot on Takeshima. The position of Japan is that we should settle the territorial dispute in a calm, fair and peaceful way based on international law.
- Based on the above-mentioned idea, on August 21, Japan officially presented the ROK with a diplomatic proposal to institute proceedings before the International Court of Justice (ICJ) by a special agreement between the two countries and proposed about conciliation based on the “Exchange of Notes constituting an agreement between the two countries concerning the settlement of disputes” on the dispute over the sovereignty of Takeshima to settle it in a calm, fair and peaceful way based on international law. However, on August 30, the Government of the ROK replied by a note verbale that it did not accept our proposal.
- The ROK is an important member of the global community and supports the rule of law throughout international society 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.” In this light, Japan was hoping that the ROK would accept our proposal and fairly and unequivocally state their assertions at the ICJ, if it truly believes in its claim to the islands. Therefore, the reply from the ROK which did not indicate any specific counter proposal to settle the Takeshima issue is extremely disappointing.
- The Government of Japan will continue to take appropriate measures with a view to settling the issue in accordance with international law in a calm and peaceful way, including such measures as the unilateral submission of the dispute to the ICJ.
- 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, which will be explained later, was to “reaffirm” Japan’s claim on the sovereignty. During the early period of the Edo era, Takeshima was being utilized by merchants of Yonago in Tottori clan who were engaged in catching abalones and sea lions under the license from the Shogunate <Attachment 1>. Thus, Japan established its sovereignty by the mid 17<sup>th</sup> 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.

- The Takeshima issue is the problem of whether ROK's act of unilateral occupation is consistent with law and justice of the international community. The best way to deal with an international dispute is, in light of "law and justice" of the international community, to argue before the ICJ and bring it to a conclusion. The Government of Japan will continue to strenuously make the case to the ROK that settling this dispute based on international law stands to reason.
- While Japan has made efforts recently in establishing a forward-looking relationship with the ROK at a variety of levels, President Lee illegally set foot on Takeshima on August 10, which clearly marred our mutual ties. Japan hopes that the ROK will sincerely respond to Japan's good faith of neighborly friendship.

### **[Historical Facts]**

- Multiple historical documents confirm that Japan established its sovereignty over Takeshima at least by the mid 17th century. On the other hand, there is no evidence that Korea had control over Takeshima before the establishment of Japan's territorial sovereignty. For example, the ROK claims that Usan Island, which is described in old Korean texts such as "Sinjeung Dong Yeoji Seungnam (A Revised Edition of the Augmented Survey of the Geography of Korea: 1531)," is Takeshima of today. However, in the map of "Sinjeung Dong Yeoji Seungnam (A Revised Edition of the Augmented Survey of the Geography of Korea)" <Attachment 2>, Usan Island is located west of Utsuryo Island. But, actually Takeshima is located east of Utsuryo Island. This clearly shows that Usan Island is not Takeshima of today.
- In January 1905, our government made a Cabinet decision to incorporate Takeshima into Shimane Prefecture, reaffirming Japan's intention to claim sovereignty over Takeshima. Later, upon the drafting of the San Francisco Peace Treaty, the ROK submitted to the US a request 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. This position is further verified by the fact that Takeshima was later designated as a bombing range for US Forces in Japan in 1952 by a bilateral agreement under the Japan-U.S. Security Treaty.
- 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 (which it called the "Syngman Rhee Line") to declare its "marine sovereignty" over the vast waters inside the line, which was in clear contravention of international law at that time (Note). The line encompassed Takeshima

inside, and since then the ROK has been illegally occupying Takeshima until today. During the 13 years after the “Syngman Rhee Line” was installed up until it was abolished by the conclusion of the Japan-ROK fisheries agreement, many Japanese fishing boats were seized and many Japanese fishing people were detained, causing heavy casualties.

(Note) The “Syngman Rhee Line” was drawn over the high seas and the ROK declared that it would be the 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. In a similar vein, on August 17, Japanese Prime Minister Noda sent a letter to President Lee concerning the issue of Takeshima. However, the ROK side did not receive it because it contained the word of “Takeshima,” and returned it, which should not have been done according to the diplomatic practice. It is an ordinary reaction to fairly and unequivocally state the assertions of the ROK side in the form of a reply if there is any content that the ROK side cannot accept in the letter. Thus, the fact that the ROK has refused the referral of the case to the ICJ three times as well as the fact that the ROK returned the letter between the leaders of the states because it contained the word of “Takeshima” indicate that the ROK does not have confidence in the sovereignty of Takeshima.

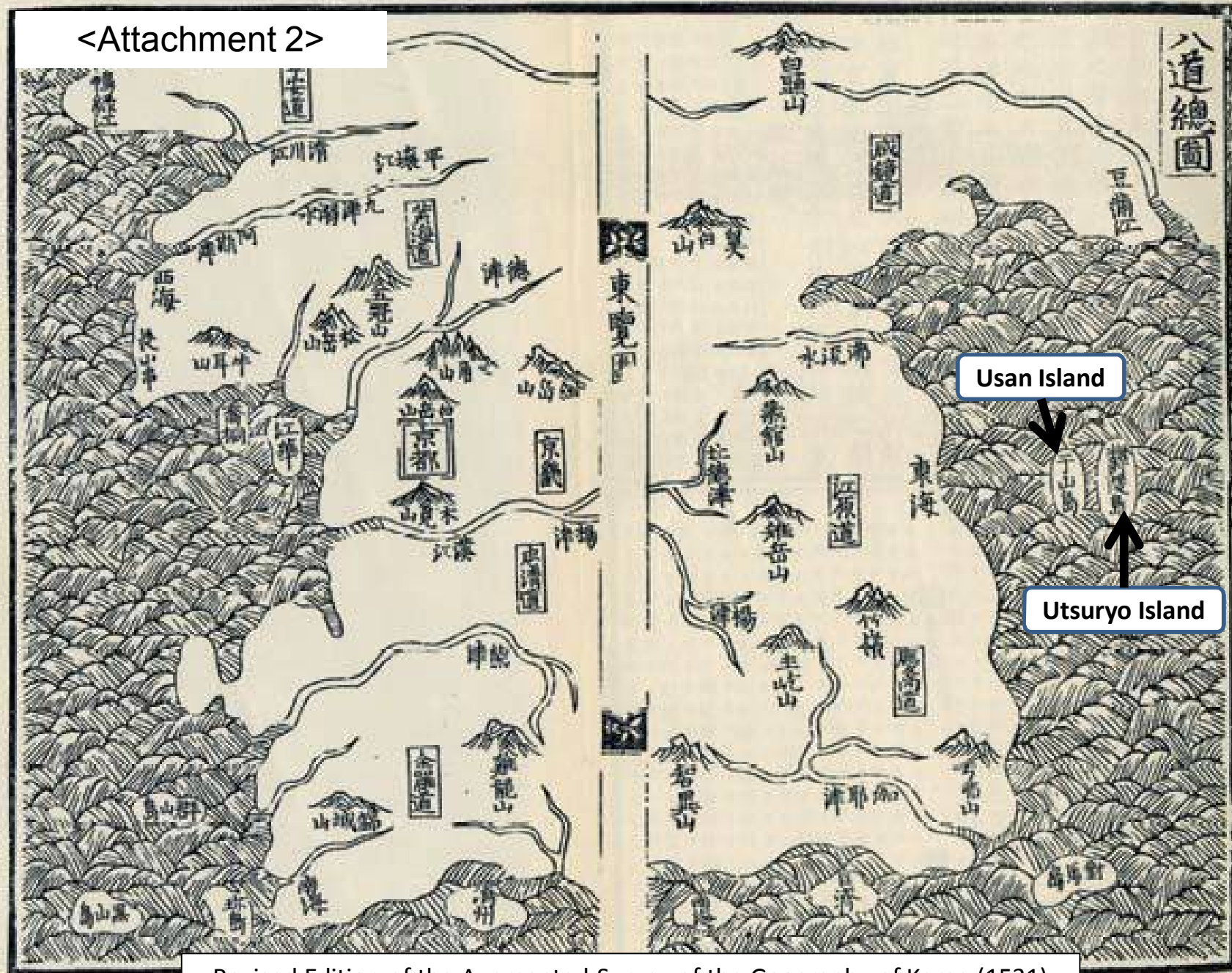
(For more details regarding facts and Japan’s position, please refer to the following web site: <http://www.mofa.go.jp/region/asia-paci/takeshima/> ) -End-

<Attachment 1>

従前春園亭子竹鶴延年  
 社相済し由依結念の春  
 七歳時済海河度しに  
 弟子町人村川市番  
 大庭吉長申す有て建  
 上軍ししと弟に有る者  
 名波作おるはたしと  
 渡海し度しと作月と海と  
 永井信濃守  
 尚政  
 六月十六日  
 井上三計歌  
 正光  
 玉井大炊歌  
 利信  
 酒井雅楽歌  
 忠盛  
 松平新太郎歌

Permission for passage [Tottori Prefectural Museum]

<Attachment 2>



Revised Edition of the Augmented Survey of the Geography of Korea (1531)