

Jaba Meskhishvili

Ilia State University

G. Tsereteli Institute of Oriental Studies

DISPUTE TERRITORIES OF JAPAN

Keywords: *Japan, dispute islands, Chishima/Kurile, Senkaku/Diaoyu dao, Takeshima/Dokdo*

Modern Japan has unresolved territorial disputes with neighboring countries, such as the People's Republic of China, South Korea (Republic of Korea), and the Russian Federation. Opposing parties are trying to protect their positions, both according to international legislation and historical facts. The purpose of this work is not to determine the truth of the positions of the disputing parties but to familiarize stakeholders with the historical past. Historical documents, as well as official reports and announcements, were used during the research.

Dispute with the Russian Federation

The Kuril or Kurile Islands, also known as the Chishima Islands, as the Japanese side calls it, are a disputed territorial issue between Japan and the Russian Federation. The Kurile Islands consist of 56 islands, among which only 4 islands are considered disputed territory: Kunashiri, Etorofu (known as Iturup in Russian), Shikotan, and Habomai.

The mentioned islands were occupied by the Union of Soviet Socialist Republics (USSR) at the end of the Second World War, and when the war ended, the Soviet government did not withdraw its troops from the occupied islands and declared it a territory belonging to the Soviet Union. Since then, the islands have remained a disputed issue. Japan continued the disagreement initial with the Soviet Union, and after its collapse with the Russian Federation, because after the downfall of the Soviet Union, the islands were within the borders of the Russian Federation.

Historically, the Kurile Islands were inhabited by the Ainu ethnic group (an aboriginal ethnic group living in northern Japan). From the 19th century, both countries began expanding actively in the direction of the Kurile Islands and acquiring the occupied territories. According to the official statement of Tokyo, the disputed territory was discovered and explored by the Japanese before the Russians. A map published in the Edo period in 1644 marks the islands of Kunashiri and Etoroho (Etorofu). In addition, the Matsumae feudal lord gradually established control over the 4 islands from the 17th century, and in 1798, a stone marker was erected on Etorofu Island, stating that Etorofu is Japan. However, Russia does not agree with the Japanese, and according to its claim, the mentioned islands became a constituent part of the Russian Empire as early as 1786.

Japan pursued a policy of self-isolation from the beginning of the 17th century until the US forced it to open the borders up in 1854. It is worth noting that Japan at that time was significantly behind its modern developed states in terms of development. Therefore, it was

not a country that would be difficult for the powerful western states to subjugate. Therefore, first, the USA, Great Britain, France, and other European countries, one after the other, signed the so-called "friendly treaties" with Japan, the content of which was detrimental to Japan.

Like European countries, Russia signed the so-called "Treaty of Shimoda" (1855), and Japan got a non-parity agreement with beneficial content. According to one of the articles of the treaty, which refers to the definition of borders, St. Petersburg recognized the islands of Etorofu, Kunashiri, Shikotani, and Habomai as the property of Japan. It seems that Japan's rights to the possession of these islands were so superior that even the Russian Empire, which was in a profitable position, could not close its eyes to the reality and considered it as Japan territory. In 1875, the "Treaty of St. Petersburg" was concluded between Russia and Japan, according to which Russia fully ceded all the Kurile Islands to Japan; in return, Japan recognized Russia's rights to Sakhalin. In the Russo-Japanese War of 1904-1905, Japan won. With the "Portsmouth Armistice" treaty, Russia once again recognized the Kuril Islands as the property of Japan.

On April 13, 1941, a non-aggression pact was signed for a period of 5 years, which both countries followed until the end of World War II. However, in accordance with the agreement of the Yalta Conference (1945), 3 months after the end of the war in Europe, the troops of the Soviet Union successfully attacked Japan and occupied the southern Sakhalin and Kurile Islands by September 5. Until 1948, the USSR deported and assimilated all Japanese residents in Japan. It is from this period that the dispute between Japan and the USSR (and later the Russian Federation) over the mentioned territories began, which has not been resolved up till now.

Since the USSR did not join the "Treaty of San Francisco", Japan and the USSR started negotiations individually. Although diplomatic relations between the Soviet Union and Japan were restored in 1956, but due to the dispute over the Kuril Islands, a peace treaty could not be signed between them, because the text of the treaty proposed by the Soviet side only meant the return of the Shikotan and Habomai Islands, on the condition that the US military base there would not be placed. In addition, the islands offered at first glance seemed to sound impressive to return 2 of the 4 disputed islands, but on the other hand, it only covered 7% of the disputed territory. In addition, Habomai Island is actually less habitable because it is covered with rocky terrain. When the USA found out about the Soviet initiative, it informed Tokyo that unless Japan demanded the return of all four islands, the US would not return the Okinawa Islands to Japan, which it had temporarily occupied after World War II. Because of this, Japan was forced to stop negotiations with the USSR regarding the return of the islands.

After the collapse of the USSR, the Russian Federation officially recognized the Kuril Islands problem and confirmed the spirit of the 1956 declaration. In October 1993, Japanese Prime Minister Morihiro Hosokawa met with the President of the Russian Federation, Boris Yeltsin, and held several rounds of negotiations, during which the "Tokyo Declaration on Japan-Russia Relations" was signed. One of the issues discussed was the return of the islands to Japan. Article 2 of the declaration states that Tokyo and Moscow agreed to be guided during negotiations by 1. based on historical and legal facts; 2. Based on the documents drawn up by the agreement of the two countries; 3. Based on the principles of law and justice.

After the Tokyo declaration, the leaders of Japan and Russia met several more times, during which they talked about solving the problem of the disputed Kuril Islands by peaceful means, although the issue remains open until now, and it is unable to reach an agreement. e.g. In 2004, Russian President Putin offered Japan the return of the Shikotan and Habomai Islands in exchange for a peace treaty and settlement of territorial disputes, but the Japanese side did not accept this offer. At the Eastern Economic Forum held in Vladivostok in 2018, Japan was suddenly offered to sign a peace treaty without any preconditions, which Japan officially rejected Putin's proposal and said that until the territorial dispute is resolved, they would not sign a similar content agreement.

In 2020, the Ministry of Foreign Affairs of Russia issued a statement that the possession of South Kuril is legal, and the Russian Constitution prohibits the transfer of national territory to another country in any way, and a change of position on this issue is inconceivable. The Russian government also rejects the argument that the islands will return to Tokyo after the end of the peace treaty with Japan.

The above-mentioned situation prevents the settlement of the disputed islands issue through negotiations, and it has become even more complicated due to the Russia-Ukraine war. Official Tokyo openly criticizes Russia's invasion of the neighboring country, imposes sanctions, and provides Ukraine with various assistance. This causes irritation in Russia's ruling circles.

Dispute with China

Another disputed territory that Japan has is the Senkaku Islands group.

The Senkaku Islands are located in the East China Sea. It consists of several small islands and represents one of the causes of tension between Japan and China. Currently, the mentioned group of islands is under the jurisdiction of Japan, although China claims that it has been illegally appropriated by Japan and is its historical property. In addition, the Chinese side does not refer to it as the "Senkaku" islands, but as the "Diaodao" islands.

The Senkaku Islands group is located in the East China Sea and consists of several small islands. The closest to Japan is the island of Taisho at 150 km, and from the island of Okinawa (Japan) at 410 km. According to another source, it is 351 km from Okinawa, 370 km from China, and 220 km from Taiwan.

In 1885, the Ryukyu Islands became part of the newly created Okinawa Prefecture. The Senkaku Islands group, which was part of the Ryukyu Islands, was de facto subordinated to Okinawa Prefecture. Japan then conducted a 10-year study to see if there were any signs of Imperial Chinese ownership of the islands, but found none. Therefore, on January 14, 1895, Tokyo officially declared the Senkaku Islands as the property of Japan based on the "terra nullius"¹ existing in international law. In the same year, the islands were leased to the Koga family of Okinawa for business purposes.

After World War II, like all of Japan, the Senkaku Islands were temporarily occupied by the United States. In 1951, the US-Japan peace treaty placed Okinawa Prefecture under US administration, and the Senkaku Islands were considered a constituent part of Nansei Shoto (Ryukyu Islands - Okinawa Prefecture). The above-mentioned territory was used by the USA for military exercises. On May 15, 1972, the US returned Okinawa and the Senkaku Islands

¹ terra nullius - territory that is not owned by any country.

to Japan.

China has not laid claim to the Senkaku Islands since 1895, until a survey by a United Nations agency in the fall of 1968 discovered a potential oil field near the islands. On December 30, 1970, the People's Republic of China officially declared its claims to the islands.

Both countries are trying to use historical past and international law to defend their claims on the Senkaku Islands.

The Japanese side claims that China indirectly recognized the Senkaku as Japanese territory in the 1950s. They refer to a 1953 article in the Chinese newspaper "People's Daily" and a 1958 Chinese atlas (reprinted in 1960) that did not list the Senkaku as Japanese territories.

China is trying to defend its positions with a more historical past. According to Beijing, under the Treaty of Shimonoseki (April 17, 1895), China, defeated in the Sino-Japanese War, was unjustly forced to cede Taiwan, the Pescadores and other islands, including the Senkaku Islands. In response, Japan pointed out that there is a lack of evidence in Article 2 of the aforementioned treaty to include the Senkaku Islands in Taiwan's territories. Furthermore, Japan annexed the Senkaku Islands to Okinawa Prefecture in January 1895, and the Treaty of Shimonoseki was signed in April 1895, so the claims are irrelevant.

China does not adapt to the created reality and looks for arguments even deeper in the past. The Chinese claim that the group of islands belonged to Taiwan since the Ming Dynasty (1368-1644), and Taiwan is a constituent part of the People's Republic of China. According to official Beijing, in 1372, the Ryukyu Kingdom began paying tribute to the Ming Empire. Instead, before 1866, Chinese emperors sent titleholders to the Ryukyu Kingdom 24 times. Some of them list parts of Senkaku Island as part of Taiwan in their records. As for the Chinese version of the name, Diaoyu Dao Island first appears in Chinese records in the book of the 1403 year, "Journey with the Tail of the Wind."

China also uses maps created by foreigners to further strengthen its arguments. e.g., A map was drawn in 1785 by the Japanese scientist Hayashi Shihei. Also, the maps were published in 1809 by the French cartographer Pierre Lapierre, in 1811 in Britain, and in 1859 in the USA. British Royal Navy charts from 1877 show that the Diaoyu Islands are colored like Taiwan or China.

The Japanese government disagrees with their claims, stating that the island's discovery or geographic proximity is not sufficient to establish territorial sovereignty. They also doubt the accuracy of the map drawn by the Chinese side, including the Japanese scientist they helped, because they believe that many mistakes have been made, even the size of the island of Taiwan is about a third of the size of the island of Okinawa.

In addition to historical facts, Beijing uses the declarations of the Cairo (1943) and Potsdam (1945) conferences to strengthen its position. The Cairo Declaration states that "all territories that Japan appropriated from the Chinese, such as Manchuria, Formosa (Taiwan) and the Pescadores, must be returned to the Republic of China." In July 1945, Article 8 of the Potsdam Declaration stated: "The conditions of the Cairo Declaration must be fulfilled. Japan's sovereignty is limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku, and such smaller islands as we determine."

Tokyo does not agree with Beijing's interpretation of the Cairo and Potsdam Declarations and claims that Japan has clearly fulfilled the Potsdam Declaration and

returned Taiwan and Pescador Islands to China. In addition, nowhere in the declarations is indicated that the Senkaku Islands were part of Taiwan or the Pescadores, and allies, including China itself, considered the islands part of them. Furthermore, none of the declarations had special legal force, and any territorial issues had to be determined by subsequent international agreements. Such is the San Francisco Agreement (1951).

Dispute with South Korea

Another disputed territory of Japan is the so-called Dokdo Islands. The Dokdo Islands are located in the Sea of Japan between the Korean Peninsula and the Japanese Archipelago. Ulleungdo, the nearest island of South Korea, is 87 km away. and the nearest Japanese island of Oki is 157 km away from them.

Today, these islands are controlled by South Korea, but Dokdo Islands are demanded by Japan, which also has a claim to the name Dokdo and asserts that it is called the Takeshima Islands. Both sides are trying to defend their positions with the help of historical facts and international law.

According to Tokyo, their historical connection to Dokdo/Takeshima dates back to the late 1700s. With an account of a voyage to the island of Oki. According to them, this confirms Dokdo/Takeshima's rights and sovereignty. In addition to this document, Japan supports its claims with various historical materials, field reports, maps and documents.

The historical arguments presented by Korea have an older past. According to Seoul, in 512, the Shilla Kingdom captured Usan, which included the islands of Ulleungdo and Dokdo, thus claiming that it belonged to them for the first time. In response, the Japanese side claims that the Shilla Kingdom did not capture the Takeshima (Dokdo) but the Utsuryo Islands, as the description indicates that the island was inhabited by many people and flourished with large bamboo plants. All this is similar to the description of Utsuryo Island.

According to the Koreans, throughout the centuries, Korea periodically implemented administrative control over the islands, although the islands were referred to by different names in historical documents. For example, the annals published during the reign of Sejong the Great (1397-1450) indicate that the islands of Usan (Dokdo) and Mureung (Ulleungdo) belong to the feudal lord of Uljin. In response, the Japanese claim that Usan Island cannot be Takeshima (Dokdo) Island because, as mentioned above, it is most likely Utsuryo Island.

On the other hand, the Japanese side is also trying to protect its positions by using historical facts. For example, in 1618, the Shogunate granted permission to the Oya and Murakawa families to fish in the Takeshima Islands. In 1635, the Shogunate announced the policy of self-isolation of Japan, and it was forbidden to leave Japan. However, this ban did not affect the fishing of the Oya and Murakawa families on Takeshima. The Japanese government uses this fact and claims that if the Japanese government of that time considered Takeshima a foreign territory, then it would not have given permission. Therefore, in this case, it turns out that the island was under Japanese rule.

In 1692, Korean fishermen were arrested near Takeshima, causing a crisis between Japan and Joseon. This ultimately led to banning the crossing Takeshima on January 28, 1696, and later wrote to Joseon to recognize Takeshima as a Korean possession. According to the explanation of the Japanese Ministry of Foreign Affairs, this concession was made only in order not to spoil good neighborly relations with Korea due to the insignificant

island.

In January 1905, the Japanese government, due to research, determined that the Takeshima Islands were no man's land, so it was annexed to Shimane Prefecture on the basis of "Terra Nullius". According to the Korean Ministry of Foreign Affairs, by reason of the war with Russia in 1904, to protect Japan's military interests, Shimane Prefecture issued Order N40, thereby incorporated the island and violated an international law. In 1905, after the Russo-Japanese War, Japan declared Dokdo Island as a no-man's land on the basis of "Terra Nullius" and annexed it to Shimane Prefecture. The Koreans protested, but they had already lost their sovereignty, and therefore, their activism had no effect. In 1905 and 1907, Japan signed new treaties with Korea, by virtue of which Japan was declared the protectorate of Korea and deprived of its sovereignty, and in 1910, it became a Japanese colony.

After the defeat in World War II, Japan lost control not only of the Korean Peninsula but also of the Takeshima Islands. The High Command of the Allies issued Order No. 677 in January 1946, ordering Japan to temporarily cease any attempt to implement any political or administrative power over certain areas. Paragraph 3 of the Note stated: "For the purposes of this Directive, Japan is defined as comprising the four main islands of Japan (Hokkaido, Honshu, Kyushu, and Shikoku) and approximately 1,000 smaller adjacent islands, including the Tsushima Islands and the Ryukyu (Nansei) Islands from latitude 30 degrees north (excluding Kuchinoshima)". The reference also listed the islands of Utsuryo, Jeju, Izu, Ogasawara, and Takeshima as areas not included in areas where Japan had the right to operate. In 6 months, a new order of similar content was issued. However, there was a note in both the orders that the territorial issue was to be determined later. It is these remarks that the Japanese side uses to defend its claims on Takeshima.

In the 1951 Korea-Japan Peace Treaty, Article 2 (a) Japan relinquished the territories it had occupied, including the islands of Quelpart (Jejudo), Port Hamilton (Geomundo) and Dagelati (Uleungdo) and another 3,000 islands. However, they did not mention the Senkaku Islands. Therefore, Tokyo believes that it has lost Dokdo unfairly. In response, Seoul claims that although the above-mentioned islands are not stated in the text, they are implied, as are the other 3,000-plus islands, and the 3 islands cited in the note are simply listed as examples that Japan had to cede.

In January 1952, the President of the Republic of South Korea, Syngman Rhee, issued a declaration of about the so-called " Syngman Rhee Line" which included the legitimate territories of Korea. The island of Dokdo/Takeshima was also included within the mentioned line. In March 1953, an agreement was reached between the US and Japan, on the basis of which the Americans refused to use Takeshima as a training ground for bombers, and Japanese fishermen were allowed to fish freely. Between a Japan Maritime Safety Agency patrol boat and Korean fishermen fishing off Takeshima. The Japanese asked the fishermen to leave the area, in response to which the Korean military sent to protect their own fishermen opened fire to the Japanese boat.

In June 1954, the Ministry of Internal Affairs of South Korea announced the permanent stationing of a military battalion on the disputed island.

According to the Ministry of Foreign Affairs of Japan, "the so-called The Syngman Rhee Line is an illegal demarcation of the high seas, and the occupation of Takeshima by the Republic of South Korea is an illegal act carried out without a basis in international law." In

September 1954, Tokyo offered Seoul to discuss the matter in the International Court of Justice in order to solve the problem peacefully, but it was rejected. Since then, Japan has requested several more times to settle the dispute through the courts, but Korea still refuses.

According to South Korea's Ministry of Foreign Affairs, "the (Japanese) government's proposal is nothing more than another false attempt disguised as a judicial procedure. "Korea has territorial rights 'ab initio' to Dokdo and sees no reason why it should seek verification of such rights in any international court." The Korean government continues to defend its position invariably hitherto.