

“Open questionnaire to the Members of Korean Parliament and others who landed on Takeshima,” “Examples of Korean answers expected by us” and “Examples of answers based on historical facts and international law” (Provisional Translation)

February 22th, 2017

League of Members of Parliament Acting for Protection of
Japanese Territory

At the Assembly for Requiring Early Resolution of Takeshima Problem held on November 9th, “Open questionnaire to the Members of Korean Parliament and others who landed on Takeshima” was approved. After the approval, League of Members of Parliament Acting for Protection of Japanese Territory sent it to the Members of Parliament who landed on Takeshima and raised it to the twitter and facebook sites of League of Members of Parliament in Japanese, English and Korean language.

However, sadly enough, there have not been any replies

from the Members of Korean Parliament up to now.

Hence, on the occasion of “Public Meeting for Talking Takeshima Problem,” we summarized “Examples of Korean answers expected by us” and “Examples of answers based on historical facts and international law.” These are made understandable to general public and simple considering the limited time of the public meeting. These are never pursued to be comprehensive and strict academically.

In addition, the open questionnaire naturally did not cover all the issues. Further, the Korean answers indicated this time are only the examples expected by us. The Members of Korean Parliament would have another answers, other issues and notions to them. We ask them to indicate these.

At last, the “Examples of answers based on historical facts and international law” are only based on our own expectations. It should be understood in advance that it may be possible to present additional views if they return their reply.

We strongly hope that this documents become the opportunity to begin the talk based on facts and international law between Members of both Parliaments.

1. Question No. 1

The Question

Korean side insists that “Takeshima has been recognized as a part of Utsuryo Island geographically.” What are the evidence and documents that indicate it? Please explain.

Example of Korean answers expected by us (from ‘Dokdo, Beautiful Island of Korea’ by Ministry of Foreign Affairs, Republic of Korea)

Dokdo has historically been considered to be a part of Ulleungdo.

This is well evidenced in early Korean documents. For instance, the Joseon (Korean) government publication Sejong Sillok Jiriji (Geography Section of the Annals of King Sejong’s Reign)(1454), which provides a geographical record of Korean territory, states, “Usan [Dokdo] Mureung[Ulleungdo]...The two islands are not far apart from each other and thus visible on a

clear day.”

Example of answers based on historical facts and international law

Whether it is near or not in distance from own territory or whether the island is visible or not, are not taken into account in determining the territory in international law. Therefore, they cannot be the evidences for territorial integrity.

2. Question No. 2

The Question

Korean side insists that “Historical facts that Korea has recognized and governed Takeshima as the part of Korean territory, are recorded in the official documents of Korea.”
What are the documents that prove it? Please explain.

Example of Korean answers expected by us (from ‘Dokdo, Beautiful Island of Korea’ by Ministry of Foreign Affairs, Republic of Korea)

Consistent records pertaining to Dokdo are also found in government publications, including Sinjeung Dongguk Yeoji Seungnam (Revised and Augmented Survey of the Geography of Korea), 1531; Dongguk Munheon Bigo (Reference Compilation of Documents on Korea), 1770; Man'gi Yoram (Manual of State Affairs for the Monarch), 1808; and Jeungbo Munheon Bigo (Revised and Augmented Reference Compilation of Documents on Korea), 1908.

Particularly noteworthy is the record in the volume “Yejigo” in Dongguk Munheon Bigo (Reference Compilation of Documents on Korea), 1770, which states, “Ulleung [Ulleungdo] and Usan [Dokdo] are both territories of Usan-guk [Usan State], and Usan [Dokdo] is what Japan refers to as Matsushima [the old Japanese name for Dokdo].” This passage makes it evident that Usando is the present-day Dokdo and that it is Korean territory.

Example of answers based on historical facts and international law

For example, in *Sinjeung Dongguk Yeoji Seungnam* (Revised and Augmented Survey of the Geography of Korea), 1531, there is the description, “Usando-Ulleungdo, also called Mureung or Ureung, the two islands are located in the middle of the sea due east of the hyeon (Uljin County). ... On windy and sunny day, trees on summit and seashore on foot of mountain can be seen clearly. ...“Korean side seems to be considering that this Usando is present Takeshima. However, there are no trees on Takeshima. In addition, from the rule of editing surveys of geography at that time, it means that Ulleungdo can be seen from the hyeon (Korean Peninsula). Not that Takeshima can be seen from Ulleungdo. Therefore, this is not the description on Takeshima.

3. Question No. 3

The Question

Korean side insists that “Utsuryo Island and Takeshima which belong to it was recognized as the part of Korean territory through the governmental negotiation between Japan and Korea (“Discussion of borders of Utsuryo Island”) in 17th century.” What are the documents of historical evidence that indicate it?

Example of Korean answers expected by us (from ‘Dokdo, Beautiful Island of Korea’ by Ministry of Foreign Affairs, Republic of Korea)

The Edo shogunate sent an inquiry to the Tottorihan on December 25, 1695. Upon receiving a reply that neither Takeshima (Ulleungdo) nor Matsushima (Dokdo) belonged to the Tottorihan, the Edo shogunate issued a directive on January 28, 1696, prohibiting all Japanese from making passage towards Ulleungdo.

The dispute between Korea and Japan thus came to a close. Through the Ulleungdo Dispute, Ulleungdo and Dokdo were confirmed to be Korean territory.

Example of answers based on historical facts and international law

There are no records that Takeshima was discussed in the diplomatic negotiation between Sou family of Tsushima-han and Joseon dynasty. There were no disputes concerning Takeshima. It is natural because Joseon dynasty had no recognition on Takeshima, as explained in our example of answer to Question No. 2.

The reason that Edo shogunate prohibited from making passage was that fishermen from both countries were merged or mixed and this was the problem. Because there were no such problem on Takeshima, the prohibition of making passage was for Ulleungdo. Takeshima cannot be included.

4. Question No. 4

The Question

Korean side insists that “Until the attempt to include Takeshima by the notice of Shimane Prefecture in 1905, Japanese Government recognized that Takeshima was not the part of its territory. This can be confirmed by formal documents of Japanese Government such as ‘Order of Dajokan’ in 1877.” What is your understanding on historical details and facts how the islands described as ‘Takeshima and another island’ in the Order had been recognized in Japan? Please explain.

Example of Korean answers expected by us (from ‘Dokdo, Beautiful Island of Korea’ by Ministry of Foreign Affairs, Republic of Korea)

The Dajokan (Grand Council of State of Japan) concluded that Ulleungdo and Dokdo did not belong to Japan following the diplomatic negotiations between the Edo shogunate and the Joseon (Korean) government (Ulleungdo Dispute). Thereupon, the Dajokan issued a directive to the Ministry of Home Affairs in March 1877. The directive states, “Regarding Takeshima [Ulleungdo] and one other island [Dokdo]... bear in mind that our country [Japan] has nothing to do with them.” This is the Dajokan Order of 1877.

Along with its note of inquiry, the Ministry of Home Affairs attached Isotakeshima Ryakuzu (Simplified Map of Isotakeshima – Japan used to refer to Ulleungdo as Isotakeshima as a reference). Among other things, Takeshima (Ulleungdo) and Matsushima (Dokdo) appear on the map, which makes it evident that Dokdo is the “one other island” referred to in the phrase “Takeshima [Ulleungdo] and one other island” in the Dajokan Order of 1877.

Example of answers based on historical facts and international law

In the Edo era of Japan, Ulleungdo was called as Takeshima. Present Takeshima was called as Matsushima. In the Meiji era, Matsushima was designated as Ulleungdo. Therefore, the Dajokan Order of 1877 was directed towards Ulleungdo. It did not concern present Takeshima.

In the Dajokan Order issued six years later, there is the description, “Japan call it as Matsushima, in other way Takeshima. Joseon dynasty call it Ulleungdo.”

5. Question No. 5

The Question

Korean side insists that “Korean Empire clarified Takeshima as the area governed as Utsuryo District (Utsuryo Island) in ‘the Ordinance No. 41’ in 1900. The Governor of Utsuryo District controlled Takeshima.” What are the historical evidence and documents that indicate the actual effective control?

Example of Korean answers expected by us (from ‘Dokdo, Beautiful Island of Korea’ by Ministry of Foreign Affairs, Republic of Korea)

On October 27, 1900, the Korean Empire issued Imperial Decree No. 41, proclaiming the renaming of Ulleungdo as Uldo and the promotion of the post of inspector to county magistrate. In the second article of the same decree, it is provided that “all of Ulleungdo as well as Jukdo and Seokdo [Dokdo] shall be placed under the jurisdiction of [Uldo-gun (Uldo county)].”

On March 28, 1906, a Japanese survey team comprised of officials and civilians from the Shimane Prefecture visited County Magistrate Shim Heung-taek of Uldo-gun and notified that Dokdo had been incorporated into Japanese territory. Subsequently Shim Heung-taek submitted a report to the acting governor of Gangwon-do (Gangwon province) the very next day, on March 29, 1906. The phrase “Dokdo, which is under the jurisdiction of this county” in his report clearly demonstrates that Dokdo was indeed a part of Uldo-gun as per Imperial Decree No. 41 of 1900.

Example of answers based on historical facts and international law

In the Imperial Decree No. 41, only “Seokdo” appears. There is no proof that this is “Dokdo.” Coincidence of pronunciation cannot become the explanation.

Even if “Seokdo” be temporally assumed to be “Dokdo,” Joseon dynasty lacked the effective occupation and there was no territorial sovereignty of Joseon dynasty. On the other hand, Japan made the cabinet decision to include it into its territory in January 1905, followed by the notice by Shimane-prefecture in February of that year. Including them, Japan actually executed administrative rights on Takeshima. For example, the addition of sea-lion fishery in Takeshima to the fishery to be permitted by the governor of the prefecture. Permission was made to four persons. The fee for borrowing land of government was collected from the persons permitted. There are many other examples.

6. Question No. 6

The Question

Korean side insists that “the attempt to include Takeshima into the territory of Japan by the Notice of Shimane Prefecture in 1905 is invalid from the viewpoint of international law because it is a part of the process of invading Korean sovereignty and illegal act violating the territorial sovereignty of Korea on Takeshima.” First, please indicate the historical facts and documents which show that Takeshima was the part of Korean territory at the time of 1905. Next, please explain the reason that the inclusion of Takeshima into Japanese territory by the Japanese Government is the illegal act violating Korean sovereignty.

Example of Korean answers expected by us (from ‘Dokdo, Beautiful Island of Korea’ by Ministry of Foreign Affairs, Republic of Korea)

Japan attempted to incorporate Dokdo into its own territory in 1905 through Shimane Prefecture Public Notice No. 40.

At the time, Japan was at war with Russia over its interests in Manchuria and the Korean peninsula. Japan had forced the Korean Empire to sign the Korea-Japan Protocol in February 1904 to secure unlimited access to Korean territory in the course of the Russo-Japanese War. Japan's attempt at turning Dokdo into Japanese territory was also aimed at meeting its military needs in the face of possible maritime clashes with Russia.

...

Dokdo was the first Korean territory to fall victim to the Japanese aggression against Korea. Japan's attempt at incorporating Dokdo in 1905 through Shimane Prefecture Public Notice No. 40 was not only an illegal act that infringed upon Korea's long-standing and undeniable sovereignty over the island, but also null and void under international law.

Example of answers based on historical facts and international law

All the claims of the Korean side assume that Takeshima were Korean territory. As we show previously, Takeshima has not historically belonged to Joseon dynasty. It did not become Korean territory by Imperial Decree of 1900. Therefore, Korean claims lack the premises and fail.

7. Question No. 7

The Question

Korean side insists that “After the WWII, Takeshima returned to Korean territory and the Government of the Republic of Korea is exercising solid territorial sovereignty.”
What is the ground and documents based on international law?
Please explain.

Example of Korean answers expected by us (from ‘Dokdo, Beautiful Island of Korea’ by Ministry of Foreign Affairs, Republic of Korea)

In consideration of the Allied Powers’ stance reflected in the Cairo Declaration of 1943 and SCAPIN (Supreme Commander for the Allied Powers Instruction Note) No. 677 of 1946, it is evident that Dokdo is included among the territories of Korea separated from Japan based on the Treaty of Peace with Japan of 1951.

Example of answers based on historical facts and international

law

Firstly, in the Cairo Declaration, it is expressed that “Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid Three Great Powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.”

However, Takeshima had not been the territory of Korea from the first.

Takeshima could not be the area to be separated from Japan on the occasion of the independence of Korea.

Takeshima was not the area to be separated from Japan as the “territories which she has taken by violence and greed.”

Secondly, SCAPIN (Supreme Commander for the Allied Powers Instruction Note) No. 677, it is expressed that “Japan is defined to include ... excluding (a) Utsuryo Island, Liancourt Rocks and Quelpart Island ...”

However, it is evident that this directive is the suspension of administrative rights and not the disposal of territory, judging

from the authority of Supreme Commander.

In addition, in Paragraph 6 of the same note, it is written that “Nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration.”

At last, the San Francisco Peace Treaty stipulates in Chapter II “TERRITORY” that “Article 2 (a) Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.”

Korean Ambassador to the United States send a letter of Korean government for requesting changes of draft peace treaty against Japan to the Secretary of State of the United States on July 19, 1951. It requested to change Article 2 (a), into “it renounced on August 9, 1945, all right, title and claim to Korea and the islands which were part of Korea prior to its annexation by Japan, including the islands Quelpart, Port Hamilton, Dagelet, Dokdo and Parangdo’.”

However, Mr. Rusk, US Assistant Secretary of State, for the sake of the Secretary of State, made a reply on August 10 of the same year, describing that "...the United States Government regrets that it is unable to concur in this proposed amendment. ... As regards the island of Dokdo, otherwise known as Takeshima or Liancourt Rocks, this normally uninhabited rock formation was according to our information never treated as part of Korea and, since about 1905, has been under the jurisdiction of the Oki Islands Branch Office of Shimane Prefecture of Japan. The island does not appear ever before to have been claimed by Korea." Thus refused the Korean request of change.

(End)