

**KOREA-JAPAN RELATIONS:
THE DOKDO (독도/獨島) ISSUE FROM
THE KOREAN PERSPECTIVE**

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Executive Summary

1. The Japanese Ministry of Education (*Monbusho* or 文部省) announced in mid-July 2008 the implementation of a new supplementary education guideline on a set of islets known as Dokdo (or Tokto) (독도/獨島) in Korean or Takeshima (竹島) in Japanese.
2. In Korea, there are plans to expand the sections on Dokdo in its textbooks to inform students of the country's sovereignty over the islets and request Japan to co-publish a history textbook.
3. Korean scholars argue that Dokdo had been the sovereign territory of Korea since AD 512 and is under the effective control and occupation of Korea. Between 1416 and 1881, the Korean King Taejung instituted the “vacant island policy” on Ulleungdo to protect the Korean residents on the island from Japanese marauders. In 1778, a colour-coded map drawn by Nagakubo Sekisui included Dokdo (referred to by Japan as Matsushima) but did not label it as Japanese territory.
4. To preserve Korean history with regards to Dokdo, the Dokdo museum was founded on 8 August 1997 to find, collect and research materials about the seas of Korea. The Korea Maritime Institute also announced on 23 July 2008 that it will publish its first multilingual educational booklet containing historical documents proving its sovereignty over the country’s easternmost islands Dokdo.
5. Korea stressed that Dokdo can be seen from Ulleungdo and hence the principle of contiguity supports its claim. It also claimed that Japan had accepted Korea’s sovereignty over Dokdo evidenced by Japan’s colour-coded maps and government policies and actions in the 18th and 19th centuries. The documents of Supreme Commander of Allied Powers, victorious occupiers of postwar Japan, provided the final conclusive evidence.

6. To further buttress their claims over Dokdo, the first postwar Korean resident Jung Duk Choi moved to Dokdo and stationed himself at San 67 Dodong-ri Ulleung-eup and the island was designated as “National Cultural Heritage and Natural Monument No. 336 (later Dokdo Natural Protection Zone).
7. The Korean government is studying the feasibility of building a hotel, increasing the number of inhabitants on Dokdo islets and maintaining a residential building for fishermen.
8. Overall, Koreans do not view the Dokdo matter as a legal issue but rather as a political issue lingering from Japan’s annexation of Korea. It is a continuing irritant in the bilateral relations, though not serious enough to undermine the relationship.

KOREA-JAPAN RELATIONS: THE DOKDO (독도/獨島) ISSUE FROM THE KOREAN PERSPECTIVE¹

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Tension in Korea-Japan ties

- 1.1 It is no secret that there are inherent frictions between the three main players in Northeast Asia – China, Korea and Japan. Bilaterally, differences between Japan and China are manifested in the use of textbooks, visits to the Yasukuni Shrine and the Diaoyutai (Senkaku) dispute. Both Koreas also have border issues with China over what the Koreans called Baekdu-san (백두산, 白頭山 or "white-headed mountain") Changbai Shan (長白山/长白山) by the Chinese.
- 1.2 But perhaps comparatively less well-known is the sovereignty issue between Korea and Japan over the islets of Dokdo (or Tokto) (독도/獨島) in Korean and known as Takeshima (竹島) in Japanese. Apparently more important to Korea than to Japan, the bigger power here, the issue has sparked off Korean nationalism and is a stark reminder to Japan of the need to be sensitive to neighbouring states in its foreign policy.
- 1.3 The Japanese Ministry of Education (*Monbusho* or 文部省) announced in mid July 2008 the implementation of a new supplementary education guideline on a set of islets consisting of two main outcroppings and dozens of surrounding small reefs (0.21 sq. km in size) known as Takeshima.

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¹ Part II is on Japan's perspective on Dokdo (or Tokto) (독도/獨島) or Takeshima (竹島) issue.

- 1.4 This immediately drew the attention of officials at the highest levels in Korea-Japan relations. Korean President Lee Myung Bak remarked during a brief casual conversation with the Japanese Prime Minister at the expanded G8 Summit meeting in Toyako: "I read a newspaper report that the Dokdo issue will be included in teachers' guides for (Japanese) middle school textbooks. This must not happen at a time when we need to open a new era for a future-oriented Korea-Japan relationship. It is never acceptable."²
- 1.5 Korea plans to expand the sections on Dokdo in its textbooks to inform students of the country's sovereignty over the islets and request Japan to co-publish a history textbook.³

Korea's version of history

- 2.1 Korean scholars argue that Dokdo had been the sovereign territory of Korea since AD 512 and is under the effective control and occupation of Korea. In terms of published history, a survey of the Silla kingdom published during the Choson dynasty in 1454 called *The Annals of the Kingdom of Silla* noted that the Silla kingdom conquered the Kingdom of Usan-guk (now Ulleungdo) in AD 512 which included Dokdo as well.⁴
- 2.2 Other prominent ancient records and maps include *Sejong silok jiriji* (*Geographical Appendix to the Veritable Records of King Sejong, 1432*), *Donggukyeoji seungnam* (*Augmented Survey of the Geography of Korea, 1481*), *Sinjeung dongguk yeoji seungnam* (*新增東國輿地勝覽, A Revised Edition of the Augmented Survey of the Geography of Korea, 1530 or 1531*) and *Paldo chongdo* (*The Complete Map of the Eight Provinces of Korea*).⁵

² "Clarification of President's remarks on the Dokdo issue", *Korea.net*, 15 July 2008.

³ "Seoul strengthens gov't control over Dokdo", *Korea.net*, 24 July 2008.

⁴ Jon M. van Dyke, *Ocean Development & International Law*, 1 January 2007, p. 165.

⁵ "Various measures to be taken to preclude any dispute over Dokdo", *Korea.net*, 24 July 2008.

- 2.3 Between 1416 and 1881, the Korean King Taejung instituted the “vacant island policy” on Ulleungdo to protect the Korean residents on the island from Japanese marauders.⁶ According to *Korea Observer*, in 1693, a fight erupted between Korean and Japanese fishermen over fishing rights off the shores of Dokdo and Ulleungdo and it appeared that the Japanese government recognized that Dokdo was an appendage to Ulleungdo and banned Japanese fishermen from visiting those islands.⁷
- 2.4 In 1778, a colour-coded map drawn by Nagakubo Sekisui included Dokdo (referred to by Japan as Matsushima) but did not label it as Japanese territory.⁸ At the end of the 19th century, maps like *Chosen Jenzu (Complete Map of Korea)* published by the Ministry of Army in 1875, *Chosen Tokai Kaiganzu (Map of the Eastern Coast of Korea)* published by the Hydrographic Bureau of the Ministry of the Navy in 1876 and *Chosen Suirosi (Korean Sealand)* published by the Ministry of the Navy in 1886 positioned Dokdo outside Japanese territory.⁹
- 2.5 In 1881, Korea withdrew its “vacant island policy” for Ulleungdo “to start a positive management of the island by moving inhabitants there from the mainland in 1883”. Following the Korean government’s protest, the Japanese Meiji government “apologized for the illegal act” and evacuated the 254 Japanese inhabiting Ulleungdo, but not all departed.¹⁰
- 2.6 On 25 October 1900, the Korean government renamed their reign of control from Chosen dynasty to the Empire of Korea (*Taehan Cheguk*) and promulgated Imperial Ordinance No. 41, which established the county of

⁶ Jon M. van Dyke, *Ocean Development & International Law*, 1 January 2007, p. 165.

⁷ See Hoon Lee, “Dispute over Territorial Ownership of Tokdo in the Late Choson Period”, *Korea Observer*, pp. 400-418.

⁸ Suh Myun Choe, “Tokdo in Old Maps,” *Korea Observer*, pp. 187 and 193.

⁹ Yong-Ha Shin, “A Historical Study of Korea’s Title to Tokdo” *Korea Observer*, pp. 346 and 347.

¹⁰ Hideki Kajimura, The Question of Takeshima/Todoka, *Korea Observer*, pp. 454.

Ulleungdo. Ulleungdo had jurisdiction over its surrounding islands, clearly referring to Sokto, the name then being used for what is now called Dokdo.¹¹

- 2.7 In 1905, Japanese's preparation for annexation of Korea was rebuffed in February 1906 when Emperor Kojong published a letter in the Taehan Maeil Shinbo newspaper. In the letter, he appealed for international assistance and reiterated his refusal to consent to the treaty of 1905, which reduced Korea to semi-colonial status and led to the dismantling of the Korean Ministry of Foreign Affairs on 17 January 1906.¹²
- 2.8 To preserve Korean history with regards to Dokdo, a Dokdo museum was founded on 8 August 1997 to find, collect and research materials about the sea of Korea as well as confirm the bases of Korean theories and arrangement of historical materials to argue against Japan's insistence of sovereignty over Dokdo.¹³ A Dokdo Institute will be established under the Northeast Asian History Foundation with the goal of bolstering research, carrying out surveys and enhancing public relations activities about Dokdo.¹⁴
- 2.9 The Korea Maritime Institute also announced on 23 July 2008 that it will publish its first multilingual educational booklet containing historical documents proving its sovereignty over the country's easternmost islands Dokdo in the East Sea. The booklet will be published in English, Japanese and Chinese to elaborate on the important historic and legal background of Korea's sovereignty.¹⁵

¹¹ Jon M. van Dyke, *Ocean Development & International Law*, 1 January 2007, p. 175.

¹² Jon M. van Dyke, *Ocean Development & International Law*, 1 January 2007, pp. 177 and 178.

¹³ "Introduction", *Dokdo Museum*, available at http://www.dokdomuseum.go.kr/en/intro/intro_01_01.html

¹⁴ Various measures to be taken to preclude any dispute over Dokdo, *Korea.net*, 24 July 2008.

¹⁵ "Seoul to publish multilingual booklet on Dokdo", *Korea.net*, 23 July 2008.

Korea's claims

- 3.1 Korea stressed that Dokdo can be seen from Ulleungdo and hence the principle of contiguity supports its claim and that Japan had accepted Korea's sovereignty over Dokdo evidenced by Japan's colour-coded maps and government policies and actions in the 18th and 19th centuries.¹⁶ And finally, the documents of Supreme Commander of Allied Powers (SCAP), victorious occupiers of postwar Japan, provided the final conclusive evidence.
- 3.2 According to SCAPIN No. 677 (1946), the Allied powers defined the territory over which Japan was to "cease exercising, or attempting to exercise governmental or administrative authority" and "for the purpose of this directive, Japan is defined to include the four main islands of Japan...and excluding...Liancourt Rocks".¹⁷ SCAPIN No. 677 placed Dokdo outside Japanese administrative control while SCAPIN No. 1033 blocked Japan from exploiting the adjacent ocean resources. SCAPIN No. 1778 went further by claiming the islets for use by the Allied powers as a bombing range for the Far East Air Force.¹⁸
- 3.3 With the proclamation of the Peace Line in 1952 and the construction of a guarded lighthouse in 1954, Korea has physically possessed Dokdo for 50 years or more, strengthening its claim to Dokdo.¹⁹ Moreover, Dokdo is located 88 km (about 55 miles or 47 nautical miles) from Korea's Ulleungdo and can be seen from Ulleungdo on a clear day. Dokdo can never be seen from Japan's Oki Islands, and the 40 additional miles from these islets to Dokdo, as compared to the distance from Ulleungdo would have been significant in the days before motorized transport.²⁰

¹⁶ Jon M. van Dyke, *Ocean Development & International Law*, 1 January 2007, p. 180.

¹⁷ Jon M. van Dyke, *Ocean Development & International Law*, 1 January 2007, p. 183.

¹⁸ *Ibid*

¹⁹ Jon M. van Dyke, *Ocean Development & International Law*, 1 January 2007, p. 184.

²⁰ Jon M. van Dyke, *Ocean Development & International Law*, 1 January 2007, p. 193.

- 3.4 To further buttress their claims over Dokdo, the first postwar Korean resident Jung Duk Choi moved to Dokdo and stationed himself at San 67 Dodong-ri Ulleung-eup; the island was designated as “National Cultural Heritage and Natural Monument No. 336 (Dokdo Seaweed Habitat) in 1982 which subsequently became Natural Monument 336 (Dokdo Natural Protection Zone) in 1999.²¹ On 1 January 2003, Korea’s Ministry of Information and Communication assigned postal code ‘799-805’ to Dokdo.
- 3.5 The Korean government is studying the feasibility of building a hotel, increasing the number of inhabitants on Dokdo islets and maintaining a residential building for the fishermen.²²
- 3.6 In terms of legality, the Korean government legislated the Act on Sustainable Use of Dokdo in May 2005 and, after completing the basic plan in May 2006, the Korean government has been carrying out various projects with a budget of 34.3 billion won over the five years of an action plan.²³ Overall, Koreans do not view the Dokdo matter as a legal issue but rather as a political issue lingering from the period in which Japan annexed Korea.
- 3.7 Since 7 October 2003, with the Joint Declaration on the Promotion of Tripartite Cooperation among the People’s Republic of China, Japan and the Republic of Korea in Bali Indonesia, the three countries have been trying to mitigate their rivalries – thanks to the auspices and the good offices of the institution of ASEAN Plus 3. Besides ASEAN mediation, the three Northeast Asian states also enjoy close economic relationship, especially in trade and foreign direct investment. Consequently, there is wide latitude to ensure that there will be no big escalation of conflict over Dokdo (or Tokto) (독도/獨島)/Takeshima (竹島), only constant irritation.

²¹ “History of Dokdo”, *Cyber Dokdo of Korea*, 2001.

²² “Various measures to be taken to preclude any dispute over Dokdo”, *Korea.net*, 24 July 2008.

²³ *Ibid*

APPENDIX A

View of Dokdo from the rest place of Suk Po Village, Ulleungdo, the eastern island of Korea



APPENDIX B

Interview with the Korean ambassador to Singapore, His Excellency Ambassador Kim JoongKeun on 30 July 2008, Wednesday, 11.30 am on the Dokdo issue by EAI Research Fellow Dr Lim Tai Wei.

1. Geographical background

Dokdo is located 88 km away from Ulleungdo. Therefore we can see Dokdo with the naked eye on a clear day. However, since it is located 158 km away from Oki Island, Dokdo cannot be observed with the naked eye from there. Because of its vicinity from Ulleungdo, Koreans have regarded Dokdo as the sister islets of Ulleungdo. Actually, the Korean fishermen have used Dokdo as shelter for several centuries.

2. Historical evidences

Ulleungdo, the sister island of Dokdo, came under the control of a Kingdom on the Korean peninsula, when a king of the Silla Dynasty dispatched troops and conquered it in 512 AD (Chronicles of the three Kingdoms, 1146). Ulleungdo and Dokdo have been part of the Korean history ever since and the inhabitants living in Ulleungdo have been Koreans who speak the Korean language. Since then, till January 1905, when Japan claimed Dokdo as its territory, many historical records of Korea and Japan as well have proved that the Dokdo islets belong to Korea.

The earliest report by the Japanese government referring to Ulleungdo and Dokdo was produced in 1667. The report noted that Oki Island “marked the northwest boundary of Japan.” This report acknowledged that Japan did not claim sovereignty over Dokdo and Ulleungdo. In 1693, a fight erupted between Korean and Japanese fishermen over fishing rights off the shores of Dokdo and Ulleungdo. This dispute was brought to the Japanese government. The Japanese Government concluded that Ulleungdo was Korean territory and appeared to recognize that Dokdo was an appendage linked to Ulleungdo. The Japanese government thereby promulgated a ban on Japanese fishermen from visiting those islands.

In the 18th century, Japanese scholars began producing color-coded maps that pictured Japan and surrounding countries. In 1778, a map by Sekisui included Dokdo, but did not mark it as a Japanese possession. In 1785, the prominent scholar Hayashi Shihei depicted Ulleungdo and Dokdo as Korea’s possession and wrote next to the depiction of the islands: “Korea’s possessions” or “belong to Korea.” In 1821, an official map of Japan’s coastal waters also excluded Dokdo from being considered as Japanese territory.

The emergence of such maps in Japan provides strong evidence that the Japanese had come to recognize Dokdo as a part of Korea during the late 18th and early 19th centuries.

In 1870, an investigative team from the Japanese Foreign Ministry issued a report to mention that Dokdo had fallen under Korean possession. On March 29, 1877, Japan’s highest authority instructed the Home Ministry that it is understood that Japan has

nothing to do with Ulleungdo and Dokdo. Significantly, maps published by the Japanese Ministries of Army and Navy have positioned Dokdo outside of Japanese territory.

3. Japan claimed Dokdo in January 1905, asserting that it was “*terra nullius*,’ and thus susceptible to annexation.

The fact that Japan claimed the islets asserting that it was “*terra nullius*” is an acknowledgement by Japan that Japan’s earlier contacts with the islets were not sufficient to establish any claim of sovereignty. It, therefore, would appear that Japan is now “estopped” from arguing that it had established sovereignty at an earlier period.

Background of the claim and political situations around the Korean peninsula in 1904/5

During the winter of 1904/5, the seas surrounding Dokdo and Ulleungdo became a key battlefield of the Russo-Japanese war, and following a successful campaign, Japan completed construction of a watchtower on Dokdo. In 1904, a Japanese fisherman named Nakai Yozaburo approached the Ministry of Agriculture and Commerce for assistance in acquiring a license from Korea for fishing off Dokdo. The Ministry referred the request to the Ministry of Navy, which informed that Dokdo was “*terra nullius*,” and that he should therefore apply to the Japanese Government rather than the Korean Government for the fishing license. His application was approved on January 28, 1905, and the Japanese Government decided “to incorporate into Japan’s territory the *terra nullius*.”

In February 22, 1905, the Shimane Prefecture announced its incorporation of Dokdo in Public Notice No. 40. Japan’s central government, however, did not produce an official announcement of the incorporation, which ran counter to its usual practice in territorial affairs. In 1897, for example, when Japan established territorial sovereignty over Ogasawara Islands, it announced its decision by notifying the United States and 12 European countries.

On October 25, 1900 the Korean Government promulgated Imperial Ordinance No. 41, which established the county of Ulleungdo as having jurisdiction over Dokdo.

Although Korea took a neutral stance in the Russo-Japanese war, Japan sent troops to Seoul and compelled Korea to sign a Protocol Agreement on February 23, 1904, by which Korea was deprived of its rights to conduct diplomacy and its sovereignty and independence. Since then, all matters of foreign affairs were placed under the direction of a Japanese appointed foreign affairs adviser. The Protectorate Treaty was subsequently concluded on November 17, 1905.

4. Korea’s occupation of Dokdo since 1952

With the announcement of the Peace Line in 1952 (52.1.18) and the construction of a guarded lighthouse in August 1954, Korea has physically possessed Dokdo for more than half a century.

In September 1954, Japan proposed the matter be submitted to the “authoritative” International Court of Justice (ICJ), but Korea rejected the proposal.

Japan’s position on submitting this matter to the ICJ is inconsistent and hypocritical with its reluctance to submit other disputes to 3rd party determination. The reason why Japan wants the issue taken to the ICJ is simple: Japan would gain an enormous political advantage by standing at the Court on equal footing with Korea. However, neither in the dispute with China over the Senkaku Islands, nor in the case against Russia over the “Northern Territories,” has Japan shown any willingness to submit these issues to the ICJ. This apparent contradictory position on the part of Japan seems to stem from its belief that it has nothing to lose in the case of Dokdo, whatever the judgment of the ICJ might be.

Japanese ‘paper protests’ are made from time to time for propaganda purpose or other reasons but failure to bring the matter before the ICJ must be presumed to amount to acquiescence. Issuance of diplomatic protests by itself is not effective indefinitely. A protest not followed up by other action becomes in time only academic or useless.

5. There is absolutely no direct reference to Dokdo in the various documents of the Korea-Japan Treaty signed in 1965.

During the 8 years of negotiations, the Dokdo problem was never adopted as an official agenda item. It can be seen as a waiver by Japan of its claim, leading to the conclusion that Japan is estopped from continuing to raise the matter. Alternatively it can be interpreted that Japan had acquiesced in Korea’s argument that it is Korea’s inherent territory.

6. Korea’s perspective on the issue.

The incorporation of Dokdo into Japan’s territory in 1905 was a clear act of imperial invasion. Japan claimed Dokdo at about the same time as it established a protectorate over all of Korea (1905) and after formally annexing Korea (1910), and hence the claim is part of the imperialistic oppressive activity that led to WWII. Furthermore, the Japanese did not insist on resolving the issue during the normalization negotiation process, hence waiving their claim and are estopped from pursuing it at that point. Therefore, the matter has been taken off the table and should no longer be a matter of dispute.

Korea thus has no reason to bring the issue to the ICJ when Dokdo so clearly belongs to Korea from the perspective of history, geography, and even international law. Dokdo is Korea’s inherent territory and therefore not an object of dispute.