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Thinking about Japan's Territorial Disputes

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ABSTRACT

Japan has territorial disputes with each of its international neighbors in the form of sovereignty contests over small islands that are shards of its once vast mid-twentieth century empire. In the meantime, recently emerging global ocean laws have taken root that urge some nationalists to take a maximalist approach to defining the space of their respective countries, although these same laws allow for more flexible approaches as well. In the past two decades, Japanese leaders have made clear that they are committed to national policies and planning that re-orient Japan again as a maritime nation. Moving forward, therefore, is the question of whether Japanese leaders will adopt a rigid definition for Japan or a more fluid one that emphasizes borderlines in the sea around it.

Keywords: Japan, territorial disputes, islands, UNCLOS, San Francisco Treaty, Japanese empire, US-Japan Security Agreement

Introduction

In August 1945, Emperor Hirohito announced Japan's total defeat in the wake of America's nuclear destruction of Hiroshima and Nagasaki, the firebombing decimation of over sixty other major Japanese cities, and the near annihilation of the Ryukyu Islands in the East China Sea (more commonly known as Okinawa). Equally important, Russia abrogated its neutrality pact with Japan, and Soviet troops were overwhelming Japanese soldiers and settlers in the northern reaches of the nation's empire in Manchuria, northern Korea, southern Sakhalin Island, and the Kuril Islands.

Only three years earlier—the moment of the height of the Japanese empire—the territory that was under Tokyo's control stretched from the Aleutian Islands off of Alaska in the northern Pacific all the way south through the Marshall Islands and the Solomon Islands, arching just above Australia through New Guinea and Indonesia, heading north again through Burma (now Myanmar), and including much of coastal and central China and the northern Manchurian region before heading east again through Korea back to Japan proper. Significantly, Japan controlled the Pacific Ocean space therein, making it, as historian William Tsutsui has explained, very much a “pelagic empire,” too (Tsutsui 2013, 21–38).

To accomplish the capture of so much of the planet's surface area meant that state planners and their agents—Japanese subjects by birth and colonized people as well—had directed an extremely rapid transformation of spaces and beings during

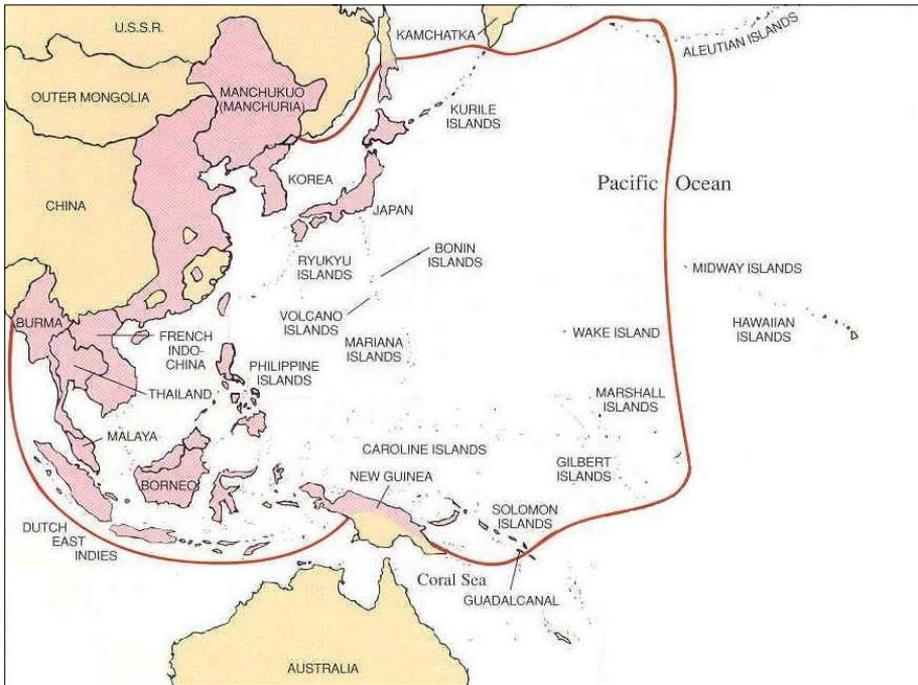


Figure 1. Map at Height of Empire

the first half of the twentieth century into the Japanese empire’s places and bodies. In August 1945, the emperor explained his nation’s surrender during a famous radio address that was heard even in the furthest reaches of the empire: “The war situation has developed not necessarily to Japan’s advantage.”¹ Exactly what would come next was unknown. In relatively short order, however, Japan’s total defeat meant that, in addition to the several million soldiers and sailors overseas, roughly six million settlers out of a Japanese population of 72 million—the preponderance having relocated to north China—worked their way back to Japan as best they could, although “home” and “return” for many people were strange concepts, having been born and raised abroad, never having set foot in “homeland” Japan (as the main islands were known in relation to the overseas colonies) (Watt 2010). In addition, in August 1945 the Soviet Union took captive as many as 700,000 Japanese soldiers and civilians—quite a number of whom included the 400,000 settlers to the southern half of Sakhalin Island—imprisoning them in Siberian gulags where a horrifically high death rate prevailed (up to 60,000 fatalities) (Barshay 2010).

Exactly what of the vast Empire of Japan would be stripped from Tokyo’s control was as bewildering as the human exodus already underway. At the 1943 Cairo Conference, the US, Britain, and China determined that Japan would lose all

¹ “Text of Hirohito’s Radio Rescript,” *The New York Times*, August 15, 1945, p. 3.

territories acquired since 1914—specifically all of the islands in the Pacific that it had come to control—and on August 15, 1945, *The New York Times* correspondent James Reston published an article based on these agreements, explaining that, “The Allied terms of surrender will . . . deprive [Japan] of 80 per cent of the territory . . . she held when she attacked Pearl Harbor” (Reston 1945). Other territory that would cease being under Japanese control included the occupied parts of China, Manchuria, and also the entirety of Korea and Taiwan and their related islands, the latter of which had become pieces of the Japanese empire before 1914, but had been annexed by force. As a result, during the years of Allied occupation of Japan (1945–1952) an area that once resembled a gigantic octopus spanning much of the Asia-Pacific region was reduced to the seahorse-shaped nation now known on maps of the world. The totality of this has yet to be fully absorbed by some in Japan, however, and today different understandings of this situation manifest in the territorial disputes which Japan has with each of its international neighbors in the form of sovereignty contests over tiny islands that Russia, North and South Korea, and China and Taiwan also claim for their own—and have since 1945.

At the same time, a second equally important historical phenomenon is taking place that dovetails with these historical legacies and further complicates matters: the advent of a new form of ocean empire building, much of which results from the changing meaning of islands everywhere. In broadest terms, an island's value has long been important for what lies above the waterline as a place of escape or exile, treasure or death. Most of all, for people living on islands, the geographic reality of being surrounded by the sea has afforded a natural security barrier. Nowhere is this truer than for Japan. Throughout much of the early modern Tokugawa era (1603–1868), for example, official policy mandated that foreign visitors to Japan be limited to Chinese, Korean, Ryukyuan, and Dutch envoys and traders, all of whom could come ashore only at fixed entry ports, mainly in the south far away from the capital (then called “Edo” and now “Tokyo”). Russian incursions would cause the greatest stress to this policy, yet well into the early nineteenth-century Japan's rulers were able to keep even the Russians at bay through a strategy that boiled down to what historian George Alexander Lensen described as, “It would be better to have no relations whatsoever.”²

In 1994, many of these long-standing truisms about islands dramatically shifted, however, when the United Nations Convention on the Law of the Sea (UNCLOS) went into force. With it, UNCLOS provisions have transformed islands everywhere into places with which to possess the sea around them, rather than the other way around. Put differently—and in terms of national interests— islands are no longer simply two-dimensional terrains rising from the water (as viewed on the horizon line that is); instead, now islands are bathymetric spots with which the nations that possess them—or the entire nation in cases of island states—delineate the ocean and seabed areas that radiate around them as national

² George Alexander Lensen's 1951 article, “Early Russo-Japanese Relations” remains a tour de force; see Lensen in *Far Eastern Quarterly*, 10 (1951): 3–37.

territory. For some, securing rigid definitions to ensure the largest possible claim over the seas is the surest course forward. At the same time, UNCLOS provides for joint resource development schemes in cases where states have international disputes over islands or other features such as reefs. With such provisions, nations can harvest resources provided that they agree to set aside maximalist assertions.

Japan consists of over 6,800 islands, rocks, reefs, and shoals, although most of today's 127 million Japanese live on the country's four main islands—with the largest of them (Honshu) literally meaning “mainland.”³ In the mix, the nation's outer islands and reefs provide the cartographic points with which the government of Japan is currently delineating a new shape of the country for the twenty-first century. Japan is not at all unique in pursuing these policies. Their pursuit, moreover, is in any nation's interests. Many coastal states—archipelagoes like Japan and the Philippines, as well as those with partial ocean borders, such as Italy and the United States—now define their distant offshore islands as the nation's outer baselines in order to lay exclusive claim to their nearby waters. Part and parcel of this change is a reconceptualization of the ocean itself as national territory, and Japan lies at the center of this monumental shift even if many Japanese are not yet aware of it (or anybody else for that matter). Japan's leaders, however, demonstrate a profound understanding of what is going on, having made significant policy developments during the first decade of the twenty-first century to align the nation to these changes.

Shards of an Earlier Empire Discomfit Plans for a New One

The tensions involved in redefining Japan's place in the sea today are multilayered, involving competing issues such as Northeast Asia's inflamed “history wars” that revolve around several hot-button issues not necessarily related to island disputes but which can quickly devolve into diplomatic standoffs and popular protests that include the territorial contests, too. Also, the architecture of the US-Japan Security Agreement weighs heavily on how the Japanese government fashions its military posture in the region and globally. Moreover, natural resource claims are elemental given Japan's heavy reliance on imported fuel and other materials. Finally—and relating back to the regional history debates—within Japan substantially different interpretations of modern Japanese history inform how Japanese themselves consider their nation's re-emergence as an ocean power.

In the background is the legacy of the twentieth-century history of maritime Japan and the nation's devastating 1945 defeat (which at the time the Imperial Army blamed on the Imperial Navy and the Navy on the Army). In his recent book, *Post-war Japan as a Sea Power*, security analyst Alessio Palatano (2015) compellingly underscores how memories of Imperial Japan's once great naval

³ The four main islands include Honshu, Hokkaido, Shikoku, and Kyushu; noticeably, however, the “Basic Information on Japan” section of the Japanese-government authored/Nippon Foundation sponsored 2009 report submitted to the UN defines “five major islands” for Japan (including Sado); the report defines 377,835 sq. kms of land mass; and 35,000 km of coastline.

prowess and subsequent staggering loss continue to inform policy planning for the contemporary Japan's Maritime Self-Defense Forces (by the end of World War II, for example, Japan's destroyer force was halved). For decades after World War II a social consensus held that Japan's island nature *caused* the nation's 1945 defeat. During the past twenty years, however, renewed commitment to Japan's maritime disposition as definitional to the nation's future strength has regained traction, with Coast Guard cadets and Maritime Self-Defense Forces emerging as new cultural heroes. There is pride that Japan's territorial oceans coupled with its land mass would make it the world's sixth or seventh largest country, and many are pleased that an elongated measurement of the nation's coastline would make Japan one and a half times bigger than the United States and twice as large as China.

UNCLOS has introduced two key legal mechanisms for claiming nationally exclusive control over resources in the oceans: exclusive economic zones (EEZs) and the regime of the extended continental shelf. Together, these are delineated areas in the sea that international norms designate by limit lines that grant a nation sole control over natural resources such as fish in the water and oil or rare earth minerals in the seabed crust or under the ocean floor. Countries may also share, lease, or sell these privileges for profit. Taken together, these oceanic boundaries can extend a nation into its surrounding water by as much as 350 miles beyond its baseline, which begins at the state's littoral edge, which can also begin again at the shoreline of a state's outer islands. Landlocked countries such as Mongolia and Austria are out of luck while the ocean itself can now conceptually be understood as a different form of national territory. In the moment, some nations such as archipelagic and island states like the Philippines, Japan, and New Zealand find themselves greatly expanded into the sea. The United States, too, like France and England also benefit because of their possession of distant offshore islands—Hawaii, Guam, French Polynesia, Martinique, the British Virgin Islands, Pitcairn among others—which allows claim to exclusive ocean space around these islands as areas of “national” privilege (UNCLOS means that nearly half of the territory of the United States currently lies underwater through possession of islands such as Guam and Midway). In cases of a sovereignty dispute, such as the Aland Islands between Sweden and Finland or Machias Seal Island between the United States and Canada, UNCLOS allows for “Joint Development Agreements” provided that the disputants agree that designating ultimate sovereignty is counterproductive to maintaining regional relations and resource development—at least for the present time. UNCLOS is clear, however, that it will make no determination over sovereignty; only other organs of international law do that, and those require something that the law calls “history” to make such a determination. Therefore, in Japan's claims of full sovereignty over islands that its neighbors also claim, history and law now find themselves headed towards a collision course.

For Japan much of the new oceanic space the nation claims is entirely uncontested—most particularly the area surrounding the Ogasawara Islands 1000km due south of Tokyo. That said, since 2014, the government of Japan has inaugurated an aspirational new policy of “inherent territoriality” with which the country would lay claim not only to these unchallenged places but also to the

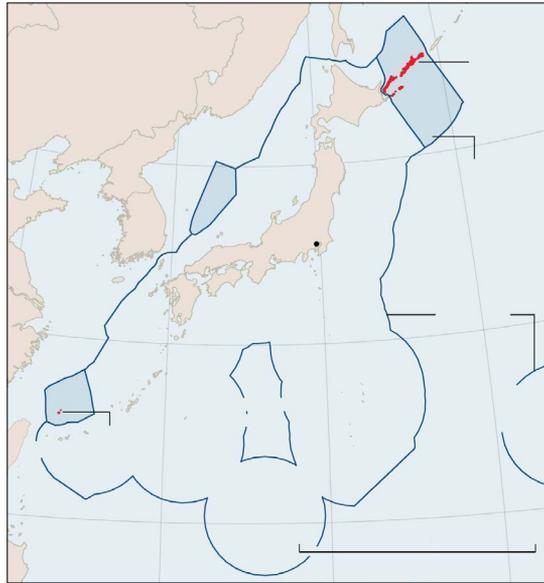


Figure 2. Japanese Foreign Ministry Map

ones that its neighbors equally claim as their own. With official maps, government websites, and efforts at public education and diplomacy, Japan now publicly asserts control over these islands, awaiting the international community's accession to its claims. While the bulk of Japan's claims are entirely unproblematic, this draws scrutiny to these claims, which are far from straightforward. Moreover, although the few islands that Japan contests with Russia, North and South Korea, China and Taiwan add more in terms of oceanic area to the vast space and amount of territories that Japan *can* claim without issue, the Japanese government's recent hardline stance undermines the nation's economic and security interests overall by stymieing resource development in the disputed areas (Dudden 2015).

Tokyo controlled each of the islands in question today as pieces of its sprawling Asia-Pacific empire. As Allied officials prepared the definition of Japanese "territory" for the 1952 San Francisco Treaty that would formalize the end of World War II, Japanese officials demanded the inclusion of the islands contested today as part of the country's national territory—together with a number of other islands that Japan no longer claims, such as the southern portion of Sakhalin Island, Ulleungdo, and Jeju-do. The San Francisco Treaty is integral to the confusion today, making its chief architect—the United States—elemental to the obfuscations and omissions concerning clear-cut sovereignty over these very small pieces of land in Northeast Asia.

Japan's 2014 assertion of "inherency" over the smallest fragments of empire it failed to hold onto means in legal terms that the islands are integral to Japan's very national being. For historians, the notion additionally introduces an understanding that these spaces have always and forever been Japanese—which, in the case of these islands, could not be further from the history involved. Finally,

it is only since 2014 that the Japanese government has linked one territorial dispute to another through this policy. Now, for example, for a Japanese diplomat to negotiate calmly with a Chinese diplomat over the dispute in the East China Sea would risk forfeiting Japan's claims vis-à-vis Korea because both claims now summon the same language and vision for Japan. In turn, this draws attention to the particular worldview that undergirds this policy within Japan.

The East China Sea

Japan's "inherency" policy garners most attention in the East China Sea and centers on uninhabited islands that Japanese know as the Senkaku and Chinese and Taiwanese call Diaoyutai. Betting odds are on for a major military confrontation erupting over control of them, yet discussing them first should not make secondary the other disputes; rather it underscores contours and histories common among all of Japan's disputes.

In 1972, the United States returned the Ryukyu Islands (Okinawa) to Japan—having denied the Japanese this in 1952—although the United States still stations over half of the 50,000 American troops it maintains in Japan on these islands. During the 1971–1972 reversion negotiations, the territorial dispute between Japan and China and Taiwan over the contested islands that Taiwan also claims as "inherent" territory began to ignite broader popular interest (including what would become a now famous 1981 Harvard Law School dissertation by Taiwan's future president Ma Ying-jeou as well as numerous forceful landing attempts by nationalist groups in small boats on all sides).⁴

Backing up a bit, between 1895 and 1945 what that era's maps collectively named the "Senkaku" fell under the administration of Ishigaki Island of the Yaeyama Island group in the southern part of the Ryukyu chain. Yet, from the moment of America's April 1, 1945 invasion of the entire East China Sea region until its 1972 reversion of Okinawa to Japan, the islands were entirely under US sovereign control. American fighter pilots used them for target practice (as some of the islands in the group are still used today). Following reversion, since 1972 international maps of the region—such as the United States' 2016 CIA map—have labeled Japan as having "administrative rights" over these islands, a legal term that denotes a step below the full sovereignty that Japan's policy now publicly asserts. During the Ryukyu Island reversion negotiations among American and Japanese officials, the US side made clear that as far as it understood ownership of the islands, Taiwan's claims to the islands were as valid as Japan's (Yabuki and Selden 2014). Instead of the full sovereignty Japan sought, therefore, the United States granted Japan "administrative rights" over these uninhabited islands via Ishigaki Island's municipal control in order to attempt to forestall disagreement and also to serve American military, economic, and power interests in the region—as they continue to do today. The United States has, moreover, guaranteed these same

⁴ Both Japan and Taiwan claim the contested islands; China claims the islands as "China's Taiwan's islands" which gets into a separate but equally convoluted territorial dispute over Taiwan's sovereign status, which, in international legal terms is still very much in limbo.

rights ever since through Article V of the Security Alliance with Japan:

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.⁵

By leaving hanging the question of full ownership, US policy planners ensured that Japan's interactions with China and Taiwan would have a necessary dependency on America's expedient determinations—true, too, for Japan's territorial problems with Korea and Russia. In the meantime, the ambiguity renders the islands ripe for all sorts of political machinations, thus obscuring some of their more compelling modern histories following Japan's 1879 forcible annexation of the Ryukyu kingdom. At that juncture, for the first time Japan expanded the nation's interests and claims into the East China Sea. Eventually, Japanese trading aspirations along the Chinese coast coupled with Japanese and Chinese advisors and troops jockeying for power in Korea devolved into a full-on war between Japan and China that erupted in August 1894 and lasted for half a year until the Qing government sued for peace in February 1895. Fought predominantly to the north of this East China Sea area, nonetheless battles in this region would lead to Japan's 1895 outright capture of Taiwan. In the 1895 Treaty of Shimonoseki that ended the war, Japan received Taiwan and its related islands.

Currently, the Japanese government argues that this history has nothing to do with the sovereignty dispute over the disputed islands, maintaining that in 1885 these islands were “no man's land” (*terra nullius*) when the Japanese government began to conduct surveys of them. In addition, energetic private entrepreneurship meant that a man named Koga Tatsushiro living at the time on Ishigaki Island would take over these rocks as his own for a fish drying and albatross processing factory that a confidential cabinet decision legitimated for him in January 1895. In such reasoning, the islands were then as they are today: “inherently Japanese.” The Taiwanese and Chinese governments completely disagree and bring forth all sorts of counter evidence from questionable claims about rare herb growing farms to remarkably clear eighteenth and nineteenth-century Japanese maps on which the shade of the color that portrays the islands identifies with that of the color of the Ryukyu Kingdom or Taiwan or mainland China—none of which was under Japanese control at the time the maps were made.

As such, contemporary political jockeying occludes the context involved in the way the islands technically became Japanese territory and then how they fell away from the dissolved empire. For centuries, fishermen built temporary huts on rocks in areas they fished that were too far from home. In the late nineteenth-century, new Japanese property laws allowed people—including fishermen—to

⁵ Treaty of Mutual Cooperation and Security between the United States and Japan, January 1960; online at Ministry of Foreign Affairs of Japan, <http://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html> (accessed September 2, 2017).

make more exclusive claims, and shacks became more permanent structures that could even involve a private leasehold, which is what would ultimately happen for Koga's business. Before Koga's claim could be formalized, however, Japan engaged China in 1894 and 1895 in what many regard as Japan's first modern international conflict. In clear ways, the war between Japan and China did not revolve around the islands now in dispute, yet Japan's broader strategy at the time reveals the nation's interests in harnessing the entire East China Sea region, which policy planners ultimately achieved by stringing together numerous islands throughout these waters, including the ones contested now.

Japanese officials were confident of their nation's victory over China shortly before the war actually ended, and, thus, on January 14, 1895, Tokyo's Home Ministry passed a secret cabinet resolution for the first time naming the "Senkaku" Japanese territory and granting Koga Tatsushiro formal permission for his desired leasehold. To argue, therefore—as Japan's "inherency" policy attempts today—that the war with China had nothing to do with Japan gaining control over these islands is not simply spurious reasoning. It intentionally disconnects these fragmentary components of the much larger endeavor of empire building from the reality of that historical moment. Moreover, in asserting these islands' "inherency" to the Japanese nation today, the government of Japan would appear to erase the roughly three decades that these rocks spent under American occupation—as well as Tokyo's repeatedly demonstrated need for American assertion of Japan's "administration" of them today to exercise any measure of control over them.

Korean and Russian Dimensions

The sharply pointed volcanic outcrop that Koreans know as Dokdo and Japanese call Takeshima holds one of the world's most unusual security distinctions: should Tokyo push Washington to support its 2014 "inherency" policy the United States would face a choice to side with one ally against another—Japan or South Korea—because it is obliged under separate agreements to defend this territory for each. South Korean police have lived on the island since 1954, and more importantly than the simple adage that "possession is nine-tenth of the law" for Koreans these islets are the first piece of Korean territory that Japan seized in the early twentieth-century—a move that prefigured the 1910 annexation of the country. Today, visitors to nearby Ulleungdo, from which they embark on a high-speed ferry to Dokdo, are greeted with the sign, "The Loss of Dokdo is the Loss of Korea." Perhaps the thorniest of Japan's island problems, much of the complication rests with America's post-1945 involvement in determining its ultimate sovereignty. Similar to how the Senkaku dispute benefits the United States by requiring Washington's central place in Northeast Asia's security calculus, for now the American government hides its responsibility in this sovereignty contest to the extent that it still labels these islands on its official maps by their nineteenth-century European name, the Liancourt Rocks, after a French whaler that nearly shipwrecked on them in 1849.

A peaceful example of how this confusing situation can play out publicly happened in late July 2008 when, with astonishing lack of knowledge, an obscure

branch of the American government called the US Board on Geographic Names (BGN) reversed fifty years of officially orchestrated avoidance concerning this ongoing sovereignty contest. Washington decided that the United States would henceforth consider them of “undesigned sovereignty,” generating midnight phone calls at the highest levels in Washington to reverse this reversal and prompting South Korean President Lee Myung-Bak to pause with President George W. Bush for photographers when he visited Seoul a month later in front of a map with the island clearly depicted as Korean territory.

The Korean position claims that these rocks have been part of Korean territory for over a thousand years, making such assertions with official documents and numerous maps, including a nineteenth-century map recently discovered in a private collection in Japan (Kwon Mee-yoo 2017). For its part, Japan’s position has morphed from a decades-long insistence that the islands are Japanese territory because the 1952 San Francisco Treaty did not state that they were not to today’s assertion of “inherency” based on Japan’s 1905 takeover of them (which at the time, like the Senkaku dispute, summoned “*terra nullius*” as justification).

In 1952, the Allied nations—particularly the United States—commanded responsibility for determining what constituted Japan, which they did in Chapter II, Article 2 of the San Francisco Treaty: “Territory.” As noted, the Ryukyu Islands remained under American occupation for another twenty years, keeping dormant the dispute in the East China Sea until 1972. In Korea’s case, however, the first clause of this section of the treaty made clear that “Japan, recognizing the independence of Korea, renounces all right, title, and claim to Korea, including the islands of Quelpart, Port Hamilton, and Dagelet [today known as Jeju, Geomundo, and Ulleungdo respectively].”

The island that Koreans know as Dokdo was of interest to Japanese and Korean fishermen throughout their long history of fishing these waters. Early in the twentieth-century the Japanese government took a different kind of interest in both Dokdo and its much larger neighbor, Ulleungdo. In the winter of 1904, Japan ended diplomatic ties with Russia and began to prepare its troops and ships for war. Considered a stunning victory for Japan’s emergent empire, the battles involved in the 1904–1905 Russo-Japanese War largely took place in and around the Korean peninsula and northeastern areas of China. In the mix, an important telecommunications station was established on Dokdo, that the Japanese government determined to keep for future purposes once victory over Russia was secure. As such, in February 1905 following the Japanese government’s formal incorporation of these islands into Japanese territory—something no Korean protested until the following year because none knew it had happened—it granted formal permission to Nakai Yozaburo to establish a permanent sea-lion hunting outpost there, which enriched Nakai and led to the extinction of this species of sea lion.

Notwithstanding its utilitarian history, one could wonder whether Dokdo is simply so small that the San Francisco Treaty’s authors did not feel the need to list it among the territories that Japan would forfeit (Korea has over 3000 small, offshore islands, yet only three are specifically named in the document). Yet Japanese and Korean officials lobbied the Allied framers of the San Francisco Treaty throughout

the drafting process (with Japan additionally demanding Jeju and Ulleungdo for Japan, too). Moreover, several drafts of the treaty listed the island's name.⁶ Simply put, other considerations won the day. When the San Francisco Treaty system came into effect, the islands contested now had become valuable territory to American regional security during the 1950–1953 Korean War as a platform for a US tactical presence vis-à-vis the Korean peninsula—which was not at all what Japanese argued to justify their claims. If nothing else, the contingent nature of America's final determination over these islands' status—ultimately decided by US Secretary of State John Foster Dulles—reveals Washington's own anxiety about shaping the region's future (Hara 2014). The American formula for these islands, moreover, underscores the ad hoc ways with which the United States would ultimately choose to deal with sovereignty issues in the midst of delineating Japanese territory: leave them intentionally ambiguous to the point of avoiding them altogether.

In this regard, the disjuncture between what the Supreme Commander of the Allied Powers General Douglas MacArthur viewed as American interests in Asia following the collapse of the Japanese empire and onset of the Cold War revealed a glaring perception gap about priorities and history with regard to Japanese fears of Soviet designs. Japanese officials were most concerned about the northern threat centered on the Southern Kuril Islands (what Japanese would come to refer to collectively as the Northern Territories), and the southern half of Sakhalin Island (Japan's former colony of Karafuto, 1905–1945), which are located above Japan's northern frontier in Hokkaido.

Both of these territories were entirely under Japanese control during the first half of the twentieth century. Different from the other territorial disputes that Japan has today these were places of intense violence and fear for the nearly 20,000 Japanese settlers on the Kuril Islands and the 400,000 colonists on the southern portion of Sakhalin at the end of World War II when Soviet troops dislodged them. The Japanese government no longer formally seeks the return of its former piece of Sakhalin, which makes its current “inherency” claims to Dokdo illogical at best since they became Japanese territory during the same 1905 moment. At the same time, many Japanese continue to demand four of the southern Kurils in language expressed in numerous signs along Hokkaido's northeastern coastline: “The Return of These Ancestral Lands is the Fervent Prayer of All Japanese.” The indigenous Ainu, Nivkh, or Oroch people first encountered Japanese in the eighteenth and nineteenth centuries. During the expansion of the Japanese empire in the 1920s and 1930s the Japanese removed them and established some of the world's largest fish canning operations on the islands that Japanese colonists knew as Habomai, Suisho, Shikotan, and Etorofu. In late November 1941, Admiral Yamamoto Isoroku departed from Hittokappu Bay on Etorofu where he had gathered his fleet for fueling before launching the December 7 attack on Pearl Harbor. And despite President Franklin Roosevelt's 1945 promise to Josef Stalin of these islands in exchange for Soviet entry into the war against Japan, many Japanese continue to

⁶ Kimie Hara, *The San Francisco System and Its Legacies: Continuation, Transformation and Historical Reconciliation in the Asia-Pacific* (London: Routledge, 2014).

believe these islands are theirs.

In fact, during the American occupation of Japan (1945–1952), US officials in Tokyo took very seriously Japan's claims to these islands even if the San Francisco Treaty ultimately designated them as Soviet (now Russian) territory. Nonetheless, the possibility of a Russian invasion of Japan from or through these islands made them subject to political deals made in Washington and between Washington and Moscow that sacrificed Japanese claims. For example, Secretary of the Army Kenneth C. Royall's off-the-record comments at the American Embassy in Tokyo on February 6, 1949 caused great distress among the diplomatic community there. Visiting briefly from Washington, Royall emphasized that:

... in case of war with the Soviet Union, or even during the period of the so-called cold war, Japan is, in fact, a liability, and that it might be more profitable from the viewpoint of United States policy to pull out all troops from Japan.⁷

Understandably, the American political staff in Tokyo spent considerable effort after these remarks became public to assuage their Japanese colleagues that the United States was not in fact going to abandon Japan.

President Harry Truman's special representative to the treaty process, John Foster Dulles, kept abundant correspondence, and his records along with those of other diplomats make clear that the final map would not fully commit to naming who owned what—for reasons ranging from real and perceived threats of Communist takeover of the entire area, including Japan, to a desire to cement the need for American power in the region. The Senate Foreign Relations Committee was displeased with this gamble, especially in terms of the islands Japan contested with Russia. On January 17, 1952, Senator Tom Connally wrote to Dulles that the formula was “vague and contained the germ of future conflicting claims.”⁸

Conclusion

All of the competing threads involved in Japan's territorial disputes feed into the question of the purpose of Japan's new policy of “inherent territoriality” which by definition only the United States can realize for Japan. Twenty-first century efforts to re-orient Japan's resources and planning out into the sea are logical and important. On July 20, 2007, Japan's Basic Act on Ocean Policy went into force. Centered in the Ministry of Land, Infrastructure, Transport, and Tourism (MLIT)—Japan's second largest bureaucracy after the Ministry of Defense—its minister and the prime minister coordinate measures to represent the interests of the nation's merchant marine together with the Japan Coast Guard and other parties, such as offshore oil drilling. The first plan went into motion in March 2008, and by 2013 legislators significantly enhanced policing and prosecuting powers for

⁷ Quoted in “The Acting Political Adviser in Japan (Sebald) to the Secretary of State,” February 12, 1949, in *Foreign Relations of the United States*, 7: 648.

⁸ Catalogued in the John Foster Dulles Papers, Seeley G. Mudd Manuscript Library, Princeton University.

the Coast Guard around Japan's offshore boundary islands. Significant debate continues, however, over the Coast Guard's coordination with the Maritime Self Defense Forces (Japan's navy), yet it has become abundantly clear that the islands that Japan disputes with neighboring countries are key to the measures taken. These entities coordinate closely now with the Office of the Cabinet Secretariat's recently established "Office of Policy Planning and Coordination on Territory and Sovereignty" to sponsor cabinet level study groups responsible for, among other things, "initiatives on enhancing territorial integrity."⁹

Differently put, the Basic Ocean Policy in no small way realizes the idea of Japan as a maritime nation as a central narrative—not to mention law—with which to shape Japan for the twenty-first century. The recent foreign policy to rigidly inscribe the Japanese nation in the sea is related, but it is not necessarily the same thing—nor are its aspirations a foregone conclusion. As some Japanese political and opinion leaders showcase the island disputes at the center of national policy, they bring with them sharply divergent understandings of the pre-1945 histories that made them Japanese territory in the first place. As a result, politically inflexible efforts by some factions to shape the nation in rigid terms now find themselves on a collision course with more fluid understandings of Japan's place in Asia's past, present, and most importantly its future.

For some, the recently published understanding of the nation's "inherent" territory is core to Japan's very national being. Ironically, such insistence on a definition that transcends temporal and spatial specificity denies the very Japanese history that brought these islands into the Japanese empire in the first place as well as how they "fell away" from it, as it were. Within Japan, in April 2012 the Liberal Democratic Party released a draft proposal for a revised constitution that offers a helpful way of conceiving of the islands' value to this particular worldview. As previously mentioned, the 2014 policy for the first time internationally broadcast plans that tied each territorial dispute to another, collectively naming them a matter of "inherency" rather than an issue of "Japanese-Korean" relations, for example. This effort, thus, seeks to strengthen broader hardline claims that the era of empire is inconsequential to the islands' "being" Japanese. Among the striking features of the 2012 constitutional draft—proposals such as the redefinition of the emperor, the role of women, an obligation to honor national symbols, a preamble that denies the universalisms definitional to Japan's current constitution—this constitutional proposal would, for the first time, *constitutionally* define Japanese territory (*ryōdo* 領土) by obliging citizens to defend it (VOYCE 2012).

The notion of territory articulated in these constitutional proposals synchronizes with the current Japanese administration's broader policy of "inherency" which at once denies Japanese history and requires the international community's agreement to such a worldview. It is not "anti-Japanese" to draw attention to these trends, which if nothing else would erase the history of the place of the Japanese empire in modern East Asia. Rather, now is the time to consider

⁹ Office of the Cabinet Secretariat of Japan, Office of Policy Planning and Coordination on Territory and Sovereignty, http://www.cas.go.jp/jp/ryodo_eg/ (accessed September 2, 2017).

more open-ended definitions for Japan in the sea; more fluid understandings of the future based on a more honest understanding of the past. In this vein, instead of “inherent territory,” it is key to the possibility of a coherent path forward to recognize those in Japan—and elsewhere—who see “borderlines” with which to define a Japan open to productive and peaceful engagement with its neighbors. Although competing visions exist for how Japan should move forward, it is not possible to divide these camps along simple lines. Regardless of how the debate proceeds Japan will be a maritime nation. There are fundamental issues with the hardline vision for Japan’s future. While the United States has repeatedly clarified that it upholds Japan’s administration of islands in the East China Sea, it does not make similar assertions about islands that Japan contests with South Korea in the Sea of Japan/East Sea or with Russia in the Sea of Okhotsk. Because the government of Japan’s increasingly provocative assertions of a rigidly defined national territory that is at odds with history implicate US assurances of security protection, they raise the question of this policy’s broader aspirations.

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