

DOKDO
Then and Now



동북아역사재단
NORTHEAST ASIAN HISTORY FOUNDATION

DOKDO

THEN AND NOW

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NORTHEAST ASIAN HISTORY FOUNDATION

Prologue

Among some three thousand Korean islands, she is the first to greet the early morning sun.

Four and a half million years ago, a huge magma erupted deep in the heart of the East Sea to form a seamount. From there, she grew and shyly peeked above the waters two and a half million years ago.

For thousands of years, she provided precious shelter for sea lions, but they have all since disappeared because of human greed.

The island is now a haven for seagulls and migratory birds, providing rocks to rest on and shade for shelter in.

With most of her body covered by the ocean, she is home to mysterious marine ecosystems.

Long ago, Korean ancestors baptized her the Island of Usan because she was part of the State of Usan which became Korean territory one thousand five hundred years ago.

During the age of brutal imperialism, foreign imperialists coveted her as a strategic outpost to scout for enemy ships.

Now she is content, safe in the arms of Koreans, who devote care and affection upon her. Hundreds of thousands of Koreans come to see her every year. Every night, she throws light to guide ships traversing the East Sea.

Her present name is Dokdo.

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Part I

Overview of Dokdo

Chapter 1:

The Natural Environment of Dokdo

- 1. The Location of Dokdo**
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1. The Location of Dokdo

Dokdo is Korea's easternmost territory in the East Sea, located at 37°14' north and 131°52' east, some 216.8 kilometers (117.1 n.m.) from the Korean Peninsula and 87.4 kilometers (47.2 n.m.) southeast of Ulleungdo, Korea. It is 157.5 kilometers (85.0 n.m.) northwest of the Oki Islands, Japan.

On a clear day, it is visible from Ulleungdo. It is not, however, visible from the Oki Islands.

Administratively, Dokdo is part of Ulleung-eup Town, Ulleung-gun County, Gyeongsangbuk-do Province, Republic of Korea.

Picture 1

The distances between Dokdo and its closest neighbors

(Picture by the Korea Institute of Ocean Science and Technology: KIOST)





Picture 2

Dokdo as seen from Ulleungdo (Seokpo Village)

(Photo from the Dokdo Research Institute, NAHF, <http://www.dokdohistory.com/>)

2. The Size of Dokdo

Dokdo consists of Dongdo (East Island), Seodo (West Island), and 89 surrounding rocks. Dokdo's total area is 0.187 square kilometers, or roughly 46 acres.

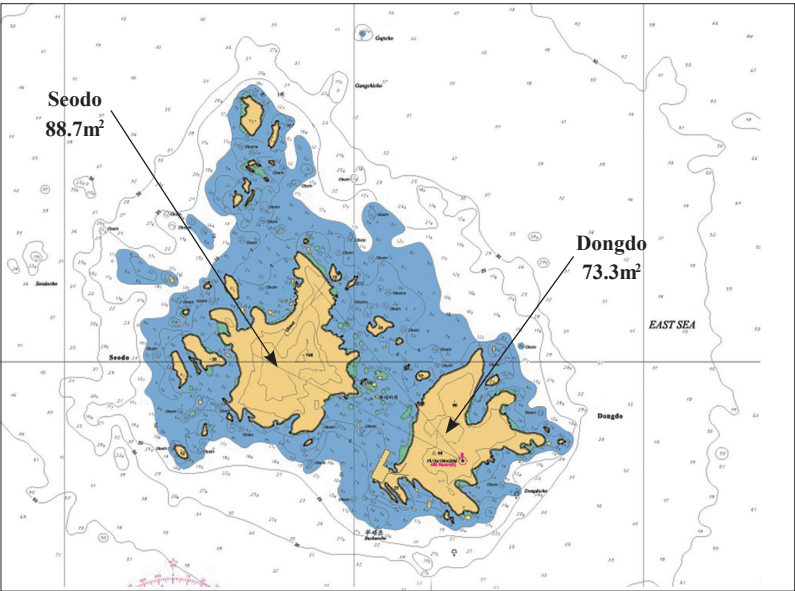
Dongdo is 98.6 meters high, covering 73,297 square meters. Seodo is 168.5 meters high, covering 88,740 square meters. Between Dongdo and Seodo, there is a shallow waterway 150 meters wide.

Picture 3

Size of Dokdo: Seodo (West Island) on the left and Dongdo (East Island) on the right
Seodo houses a private residence.
Dongdo houses a wharf, a lighthouse, a police station, a heliport, and a satellite antenna.
(Photo by KIOST)



Part of the map by the Korea Hydrographic and Oceanographic Administration



	height	circumference	area
Dongdo (East Island)	98.6 m	2.8 km	73,297m ²
Seodo (West Island)	168.5 m	2.6 km	88,740m ²
Surrounding Rocks			25,517m ²
Total			187,554m ²

3. The Topographical and Geological Features of Dokdo

The Formation of Dokdo

Dokdo is a volcanic island. About 4.6 million years ago, volcanic activity began in the middle of the East Sea, beneath the ocean floor, approximately 2,000 meters deep, and lasted for a long time to create Dokdo Seamount. A large amount of erupted lava and particles solidified and deposited on top of Dokdo Seamount, forming the Dokdo volcanic edifice. Around 2.5 million years ago, the volcanic edifice emerged above sea level. From there, time, winds, and ocean currents worked to carve it into the present form of Dokdo.

Topographical Features

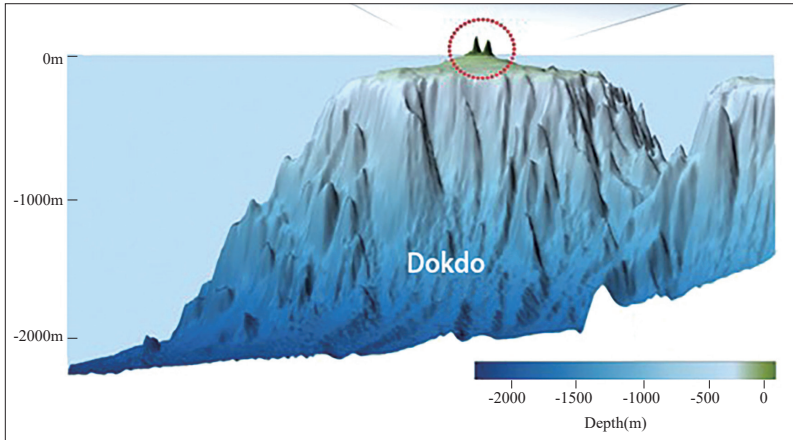
Dokdo's peak stands 168.5 meters above sea level, but its submerged body lies beneath the ocean floor, which is 2,300 meters deep. Its area above sea level is 0.187 square kilometers, but its submerged base covers 707 square kilometers, with a diameter of 30 kilometers.

Dongdo has a relatively flat top, 98.6 meters high, with gentle slopes. At its center lies a sea cave in the form of a cup, roughly 100x100 meters at the top and 50x25 meters at the base, with a depth of 55–75 meters. This sea cave is named “*Cheonjang-gul* (Open Ceiling Cave).”

Seodo resembles a cone 168.5 meters high, with an elevated crest atop steep slopes.

Picture 4

Dokdo on the Dokdo Seamount (Photo by KIOST)



Geological features

Dokdo mainly comprises basalt and trachyte that spewed from volcanic activity. These rocks have formed a wide variety of geological features, including columnar joints, sea stacks, sea caves, and coastal cliffs. To preserve these features, in 2012, the Minister of Environment designated the area around Dokdo and Ulleungdo as a national geopark.

The island is covered with thin, sandy soil, primarily from weathered rocks. Most of the soil on the island is less than 30 centimeters deep, with some places covering as much as 60 centimeters.

Picture 5: Interesting rock formations on Dokdo (Photos by Ulleung-gun County)



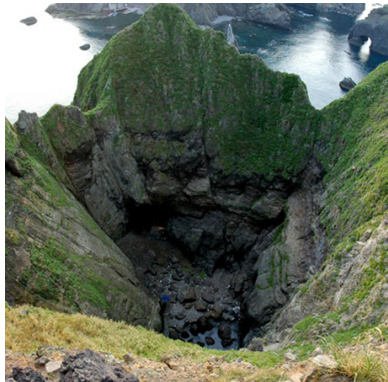
Kokkiri-bawi (Elephant Rock)



Dongnimmun-bawi
(Independence Gate Rock)



Samhyeongje-gul-bawi
(Three Brothers Cave Rocks)



Cheonjang-gul (Open Ceiling Cave)

4. The Climate of Dokdo

Although Dokdo is located at the southern edge of the subarctic climate zone, the climate of Dokdo is an oceanic climate under the influence of the warm currents from the south and the cold currents from the north.

Its average annual temperature stands at 14.0 degrees Celsius or 57.2 degrees Fahrenheit (2012–2021), which is 0.9 degrees higher than Ulleungdo (13.1°C) and 0.8 degrees higher than Seoul (13.2°C). The average monthly temperature is highest in August (25.1 °C) and lowest in January and February (4.2 °C).

The main wind in Dokdo is the west-southwest wind, or southwest wind (2012–2021). In winter, the west-southwest wind is dominant, while in summer, the west-southwest wind or the east-southeast wind is dominant.

5. Dokdo's Ecosystems

A. Dokdo's Terrestrial Ecosystem

Flora

Being a rocky island covered with sandy soil less than 30 centimeters deep on the steep slopes, Dokdo is exposed to salty sea winds and waves all year round. Furthermore, its flora consists of those that have found their way far from their way far from their places of origin. Due to its inhospitable conditions, only plants with tenacious vitality can survive there.

Picture 6: Indigenous plants on Dokdo



Spindle Tree of Dokdo Island
(Photo by Korea Heritage Service)



Holly fern
(Photo by Kyungpook National University)

Picture 7: Naturalized plants on Dokdo



Giant knotweed (*Fallopia sachalinensis*)
(Photo by KIOST)



New Zealand spinach (*Tetragonia tetragonioides*) (Photo by Kyungpook National University)

Although Dokdo is on the southern fringes of the subarctic climate, the ocean currents and warm, humid weather make it a habitat for subtropical plant life.

Currently, Dokdo is home to some 60 plant species. Indigenous plants, such as holly fern, black pine, and broomrape, and naturalized plants, such as giant knotweed, New Zealand spinach, and cough grass, make up Dokdo's flora.

The evergreen spindle that grows on Dokdo was named “Spindle Tree of Dokdo Island” and was designated as Natural Monument No. 538 in 2012.

Birds

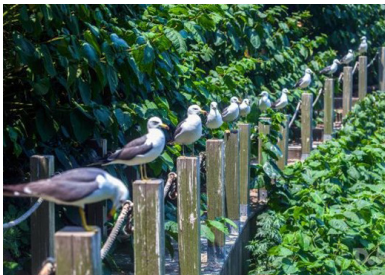
Dokdo is a stopover site not only for migratory birds with flight paths near Korea, but also for those traveling long distances. It also provides shelter for birds from typhoons or heavy rain.

The most notable birds of Dokdo are black-tailed gulls and Swinhoe’s storm petrels. About 8,000–10,000 black-tailed gulls come to Dokdo during their nesting season from April to June. Swinhoe’s storm petrels’ breeding season lasts from July to August, during which they dig a cave on slopes covered with soft soil. Other species found in Dokdo are streaked shearwaters, crested murrelets, and peregrine falcons.

B. Dokdo’s Marine Ecosystem

The marine ecology in the seas surrounding Dokdo is much more diverse than the flora and fauna on the island. Since the Korean

Picture 8: Birds on Dokdo



Black-tailed gulls
(Photo by KIOST)



Passer Montanus (Photo by the Daegu Regional Environment Office)

government carefully protects the marine environment around Dokdo with environment-friendly laws and policies, its unique marine life has flourished.

Aquatic Species

The sea around Dokdo provides a habitat for a variety of aquatic life. About 180 species of fish have been identified around Dokdo, but they vary depending on the seasonal currents and temperatures. According to a study by the Ministry of Oceans and Fisheries, 36 species of fish live in the waters around Dokdo, including anchovy, yellowtail, mackerel, Japanese jack mackerel, striped beak fish, Asian sheepshead wrasse, sardine, herring, Pacific saury, and salmon. The number of species found in the area greatly varies according to the season.

Picture 9: Notable fish in the sea around Dokdo



Humpback shrimp (*Pandalus hypsinotus*)
(Photo by the National Institute of Fisheries Science, www.nifs.go.kr)



Spottedfin puller (*Chromis notata*)
(Photo by the National Institute of Fisheries Science, www.nifs.go.kr)

Algae

Since Dokdo sits where the East Korea Warm Current meets the North Korea Cold Current, a variety of species of algae grow on its rocky shores.

Picture 10: Algae in the sea around Dokdo



Eisenia bicyclis (Photo by KIOST)

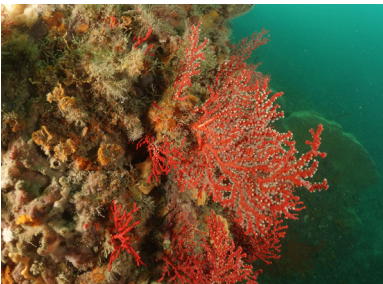


Ecklonia cava (Photo housed in the Dokdo Museum)

Corals

Coral reefs are not prevalent around Dokdo. However, the submerged rocks of Dokdo harbor some rare coral species.

Picture 11: Corals around Dokdo (Photos by KIOST)



Melithaea flabellifera



Dendrophyllia cribrosa

Marine Invertebrates

So far, 450 species of marine invertebrates have been found in the sea around Dokdo.

On December 2, 2006, researchers identified *Prochaetosoma dokdoense*. The body size of an adult measures 910–1.175 micrometers. Males and females have a thin and long tail. As it was discovered in the sea around Dokdo, it was baptized using the suffix “*dokdoense*.” It was first introduced in the March 2010 edition of *Marine Biology Research*, a European academic journal specializing in zoology and ecology.

Picture 12: Marine invertebrates around Dokdo (Photo by KIOST)



Prochaetosoma dokdoense

Marine Mammals

Gangchi, which is a species of marine mammals belonging to the sea lion family, lived in flocks on Dokdo until the beginning of the 1900s. They became extinct due to Japanese fishermen’s indiscriminate hunting.

Now, spotted seals, northern sealions, and fur seals sporadically appear in the waters around Ulleungdo and Dokdo.

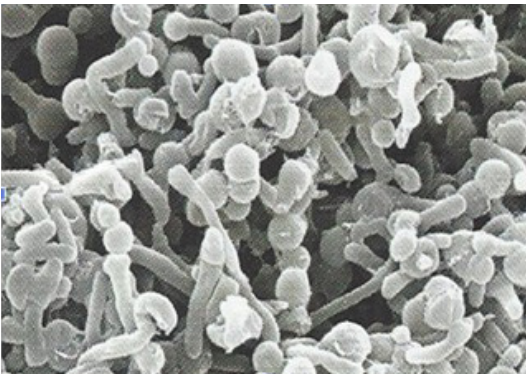
Picture 13: Sea lions that lived on Dokdo
(Photo taken in 1934, now housed in the *Sankei Shimbun*)



Marine Microorganisms

Many new marine microorganisms have recently been identified in the sea around Dokdo. *Donghaeana dokdonensis* was identified in 2005 and introduced in the *International Journal of Systematic and Evolutionary Microbiology* in 2006.

Picture 14: Marine microorganisms
(Photo housed in the Northeast Asian History Foundation)



Donghaeana dokdonensis

Chapter 2:

The Social Environment and Administration of Dokdo

- 1. The Population of Dokdo**
- 2. Visitors to Dokdo**
- 3. The Government Authorities Responsible for the Conservation and
Management of Dokdo**
- 4. The Laws for the Conservation and Management of Dokdo**
- 5. The facilities on Dokdo**

1. The Population of Dokdo

The small number of permanent residents live on Dokdo, including the Dokdo lighthouse keepers, the Dokdo Security Police, and the employees of the Dokdo Administration Office of Ulleung-gun County. As of March 2020, there were 3,655 Koreans registered as honorary Dokdo residents.

2. Visitors to Dokdo

Since Dokdo was designated as Natural Monument No. 336 in 1982 under the Cultural Heritage Protection Act, visiting the island has been strictly restricted. Since 2005, Dongdo, or East Island, has been open to the public. However, visitors must follow the regulations that limit the areas open to them as well as the duration of their stay. Still, the number of visitors to Dokdo has continuously increased, starting at 40,000 in 2005. Since 2016, the average number of visitors per year has settled at around 200,000.

3. The Government Authorities Responsible for the Conservation and Management of Dokdo

The Ministry of Oceans and Fisheries is responsible for the overall administration of Dokdo. Moreover, the Ministry of Land, Infrastructure

and Transport, the Ministry of Environment, the Cultural Heritage Administration, and other government agencies do their part in its administration by designating the island as a natural environment conservation area, a specified island, and a natural reserve, in accordance with their respective administrative competences.

4. The Laws for the Conservation and Management of Dokdo

The Act on the Sustainable Use of Dokdo, enacted in 2005, governs the comprehensive administration of the island.

“The purpose of this Act is to contribute to the sustainable use of Dokdo and its neighboring waters by prescribing matters necessary for the use, preservation, management, protection of natural ecosystem, etc. of Dokdo and its neighboring waters.”

In accordance with this law, the Minister of Oceans and Fisheries is charged with formulating the “Master Plan for the Sustainable Use of Dokdo” and its implementation each year. He is also responsible for coordinating the measures taken for the sustainable use of Dokdo.

In 1982, Dokdo was designated Natural Monument No. 336 under the Cultural Heritage Protection Act, and in 1999, it was designated as the Dokdo Natural Reserve.

In 1990, Dokdo was classified as a natural environment conservation

area under the National Land Planning and Utilization Act.

In 2000, the Minister of Environment designated Dokdo as a specified island under the Special Act on the Conservation of Ecosystems in Island Areas including Dokdo. In accordance with this law, he establishes the 10-year Master Plans for the Conservation of Specified Islands.

In 2005, Dokdo was re-registered as an administrative property under the State Property Act.

In 2012, the Minister of Environment designated “Ulleungdo and Dokdo National Geopark” under the National Parks Act.

Furthermore, the Fishery Resources Protection Act, the Fisheries Act, the Fishery Resources Management Act, and many other laws contain clauses that address Dokdo and its administration.

5. The Facilities on Dokdo

The Korean government and the local authorities strictly limit the facilities on Dokdo. They maintain the minimum facilities necessary for the island’s administration and environmental preservation: a wharf, a lighthouse, a police station, a satellite antenna on Dongdo, and a small residential quarter on Seodo.

Part II

Dokdo in History

Chapter 1:

A Tale of Two Islands: Ulleungdo and Dokdo

- 1. The Historical Names Used for Ulleungdo and Dokdo in Korea**
- 2. The Historical Names Used for Ulleungdo and Dokdo in Japan**
- 3. The Names Used for Ulleungdo and Dokdo in the West**

Ulleungdo and Dokdo are two Korean islands situated in the heart of the East Sea. In the days of yore, some residents of the east coast of the Korean Peninsula sailed to Ulleungdo and formed a community, which developed into a form of insular state. It was named the State of Usan (*Usan-guk*). After being subjugated to the Kingdom of Silla in 512 CE, the State of Usan was eventually integrated into Silla and the succeeding Goryeo Dynasty.

Dokdo is a tiny island composed mainly of volcanic rocks. In the past, there were no permanent residents, but Ulleungdo residents briefly stayed there to fish. Since the beginning of the 1950s, a small number of Koreans have resided there for different purposes. Because of the social and economic ties between the two islands, Dokdo has naturally been considered part of Ulleungdo.

The Japanese, too, treated Dokdo as a dependency of Ulleungdo, but for different reasons. In the 17th century, some Japanese fishermen stopped over on Dokdo on their way to and from Ulleungdo for seasonal fishing.

As a result, in the past, both Koreans and Japanese wrote almost all historical records on Dokdo piecemeal, either as parts of or in the context of historical records on Ulleungdo. That is why the history of Dokdo can be more properly understood when read in conjunction with the history of Ulleungdo.

1. The Historical Names Used for Ulleungdo and Dokdo in Korea

Since the names referring to Ulleungdo and Dokdo have changed several times in the course of history, it would be helpful to understand the history of their names before delving into historical records.

The historical names used for Ulleungdo in Korea

The original name of today's Ulleungdo was, in fact, Ulleungdo. Among the extant documents, the *History of the Three Kingdoms*, published in 1145, was the first to record the name Ulleungdo. In the narrative of subjugating the State of Usan to the Kingdom of Silla in 512 CE, there is a sentence saying, "The State of Usan is also called Ulleungdo." So, we can assume that the name Ulleungdo was used as early as in 512.

Some of the documents, produced during the Goryeo Dynasty and the Joseon Dynasty, referred to Ulleungdo by other names, such as "Ureungdo," "Mureung," or "Ureung," which were variations of the pronunciation of Ulleungdo.

The last syllable, "do," in Ulleungdo literally means island. So Ulleungdo refers to "Ulleung Island." As the "do" can be omitted without causing confusion, many historical documents refer to Ulleungdo and Ulleung interchangeably.

In Imperial Edict No. 41 promulgated in 1900, Ulleungdo was referred to as "Uldo" in abbreviation.

The historical names used for Dokdo in Korea

The original name of Dokdo was Usando (the Island of Usan). As in the case of Ulleungdo, the “do” is omissible. In historical documents, Usando and Usan were interchangeable. The name “Island of Usan” was obviously derived from the “State of Usan.”

Among the remaining documents, the first to use the name “Usan” was the Annals of King Taejong, published in 1431. As the name “Usando” appeared in the record narrating the events of 1417, we can infer that the name was in use in 1417.

However, there is an indication that the name “Usan” had been used long before 1417. The record on Usan also appears in the *History of the Goryeo Dynasty*, published in 1451. As this book was compiled on the basis of documents from the Goryeo Dynasty, we can conclude that the name “Usan” was used during the Goryeo period, which ended in 1392. But it is difficult to pinpoint the exact origin of the name Usan. The name was used consistently throughout the Joseon Dynasty.

In 1900, Imperial Edict No. 41 used the name “Seokdo” to refer to Dokdo. By then, residents of Ulleungdo called it “Dokseom,” which meant “rocky island” in their dialect. In the imperial edict, Dokseom was written “Seokdo,” which means “rocky island,” in a semantic translation into Chinese characters.

The first official Korean document to use the name “Dokdo” was the report the Uldo County Magistrate submitted to the central government in 1906. But the local community of Ulleungdo had used it in the years prior. The log of the Japanese warship *Niitaka*, which surveyed Ulleungdo and Dokdo in 1904, stated: “Koreans write ‘Dokdo’ to refer to

the ‘Lyankoruto Rocks’, which Japanese fishermen call ‘Lyanko Island’ in abbreviation.” This shows that the Ulleungdo community used the name Dokdo as early as 1904.

“Dokseom” in the dialect of Ulleungdo residents in the period around 1900 is composed of two syllables: “dok,” which means rock, and “seom,” which means island. The name Dokdo is the result of the combination of the phonetic transcription of “dok” and the semantic translation of “seom” into Chinese characters. When “dok” is phonetically transcribed into a Chinese character, that Chinese character keeps the original pronunciation of “dok,” but it loses its original meaning of rock. When “seom” is semantically translated into a Chinese character, it then retains the original meaning of island, but its original pronunciation becomes “do.”

Since Korean characters are phonetic alphabets and Chinese characters are ideograms, when older Koreans habitually wrote Korean words in Chinese characters, combinations of phonetic transcription and semantic translation were not so rare. To this day, the Chinese use this method when translating many foreign placenames into Chinese. For example, when writing “Cambridge” in Chinese, “Cam” is phonetically transcribed into a letter that is pronounced “cam,” and “bridge” is semantically translated into a letter meaning “bridge.”

Dokdo has been the island’s official name since 1906.

2. The Historical Names Used for Ulleungdo and Dokdo in Japan

Japan has also seen several changes in its names for Ulleungdo and Dokdo, but in a rather puzzling way.

The historical names used for Ulleungdo in Japan

In the early 17th century, the Japanese began to refer to Ulleungdo as “Takeshima,” meaning an island of bamboo. “Shima” in Japanese corresponds to “do” in Korean. “Shima” is the Japanese pronunciation, and “do” is the Korean pronunciation of the same Chinese character that means island.

Some old Japanese materials referred to Ulleungdo as “Isotakeshima” instead of Takeshima.

The first official Japanese document to make reference to “Takeshima” was the Permit for Passage to Takeshima that the shogunate granted to two families of Yonago, Japan, in 1618 or 1625. For more than two centuries thereafter, the Japanese used that name consistently in their documents as well as in their maps.

In the mid-19th century, some European cartographers mistook Ulleungdo for Matsushima, which was the Japanese name for Dokdo. In their maps, they erroneously marked Ulleungdo as Matsushima. When those maps were introduced in Japan, the Japanese began to use the incorrect name. Katsu Kaishu, a Japanese naval officer and administrator of the Japanese navy under the late Tokugawa regime and the early Meiji government, was among the first Japanese to disseminate the same error

by publishing in 1867 the “Simplified Map of Great Japan’s Coastal Seas,” in which he referred to Ulleungdo as Matsushima. More and more Japanese came to use the name Matsushima when referring to Ulleungdo. However, when they noticed that their historical documents and maps had used Matsushima to refer to Dokdo, not Ulleungdo, they began to fall into disarray over the names Ulleungdo and Dokdo.

To clarify that question, the Japanese government dispatched the warship *Amagi* to Ulleungdo in 1880. *Amagi* reported that Matsushima was certainly Ulleungdo. If *Amagi* searched for the island with the geographical coordinates for Matsushima, it was natural for the ship to arrive at Matsushima. As such, *Amagi* yet again confirmed the wrong name.

For the first time in 1881, the Japanese government used the Korean name Ulleungdo in a diplomatic letter replying to the Joseon government’s letter. However, the name Matsushima was more widely used than Ulleungdo in Japan in the 1880s and 1890s.

Today, the Japanese use the name Ulleungdo, pronouncing it “Utsuryo-to.”

The historical names used for Dokdo in Japan

The first Japanese name for Dokdo was Matsushima, meaning an island of pine trees. It has not been verified why it was so named, while there is no pine tree on Dokdo. The first official Japanese document to use the name Matsushima was the *Records of Observations on Oki Province*, which a local official in charge of the administration of the Oki Islands published in 1667. Since then, until the 1860s, the name Matsushima was

used consistently in Japanese historical documents and maps to refer to Dokdo.

When the Japanese began to use the name Matsushima to refer to Ulleungdo in the 1860s, Dokdo was deprived of the historical name “Matsushima.” Accidentally, by this time, a European name for Dokdo, “Liancourt Rocks,” was introduced in Japan. In the “Simplified Map of Great Japan’s Coastal Seas,” published by Katsu Kaishu in 1867, Dokdo was denoted by “Lyankoruto Roku,” which was a Japanese pronunciation of Liancourt Rocks. In the “World Pilot,” published in 1883 by the Hydrographic Bureau of the Japanese Navy, Dokdo was described as “Lyankoruto Rocks.” Since then, until 1905, the Japanese referred to Dokdo as Lyankoruto Rocks, Lyanko Island, or Yanko Island.

When the Japanese Cabinet decided to incorporate Dokdo into Japanese territory on January 28, 1905, it named the island Takeshima. Thus, in 1905, the Japanese attached the name Takeshima, which they had used to refer to Ulleungdo since the 17th century and abandoned in the 1860s, to Dokdo. Since then, the Japanese have used the name Takeshima for Dokdo.

Since the names Takeshima and Matsushima were interchanged in Japan, as described above, Takeshima refers to Ulleungdo in some materials but to Dokdo in others. Similarly, Matsushima refers to Ulleungdo in some materials but to Dokdo in others.

3. The Names Used for Ulleungdo and Dokdo in the West

When European explorers first sighted Ulleungdo and Dokdo in the 18th and 19th centuries, respectively, they did not know the local names of these islands. So, the Europeans coined the names, in their languages, for the islands they thought they had discovered.

The names used for Ulleungdo in the West

The first European name for Ulleungdo was Dagelet. In 1787, the French expedition headed by La Pérouse, a naval commander and explorer, saw Ulleungdo and dubbed it “Dagelet” after Lepaute Dagelet, who first spotted it. The French explorers correctly marked the geographical coordinates for Ulleungdo.

In 1791, the HMS *Argonaut*, commanded by British naval officer James Colnett, found Ulleungdo. Some years later, the island was named Argonaut in Great Britain. But the coordinates that the HMS *Argonaut* measured were different from those that the French explorers measured in 1787. Therefore, Europeans considered Dagelet and Argonaut to be two distinct islands, and they depicted two islands in European nautical charts and sailing directions. In the 1850s, European explorers verified that there was no island at the coordinates for Argonaut, and those coordinates were proved incorrect. Thereafter, the name Argonaut disappeared from maps. However, the effect of the mistaken coordinates persisted for a long time, not only in Europe but also in Japan, as follows:

Philipp Franz von Siebold, a German physician and botanist who was naturalized Dutch, stayed in Nagasaki for many years in the 1820s.

After leaving Japan, he settled in Leiden, the Netherlands. There, he published many books and maps using the materials he had collected during his stay in Japan. In 1840, he published the Map of the Japanese Empire (*Karte vom Japansichen Reiche*), which he made by comparing European materials with Japanese ones. He mistook Argonaut for Takeshima and Dagelet for Matsushima because Argonaut was to the west of Dagelet in European maps, just as Takeshima was to the west of Matsushima in Japanese maps. On his map, he wrote the Japanese and European names of the two islands together: “Takasima/I. Argonaute” (Takasima was an incorrect romanization of Takeshima) with the wrong coordinates and “Matsusima/I. Dagelet” with the correct coordinates for Dagelet. This mistake was repeated on some other European maps. At that time, Dokdo was unknown to the Europeans. The European maps containing the mistaken names were introduced in Japan and misguided the Japanese. Some years later, Argonaut was proven to be an imaginary island and disappeared from maps. One mistake was thus corrected. But the other mistake, the mismatching of the name “Matsushima” with Dagelet,” remained in Japan for decades. That is the origin of the Japanese confusion over the names of the two islands in the late 19th century, according to Japanese scholars.

The Western name Dagelet was used throughout the world until the mid-20th century. It has since been corrected to Ulleungdo on most Western maps.

The names used for Dokdo in the West

The first European name for Dokdo was “*Rochers du Liancourt*.” On

January 27, 1849, the French whaler *Liancourt* sighted Dokdo in the East Sea and reported it to the French Navy. In the *Carte Générale de l'Océan Pacifique* and the *Annales hydrographiques*, published in 1851 by the French Navy, Dokdo was introduced as “*Rochers du Liancourt*” for the first time in the Western World. The British Navy translated the French name into English as “Liancourt Rocks” in the *China Pilot*, which it published in 1861. After that, the name Liancourt Rocks became widely used in the Western World.

In April 1854, the *Olivutsa*, a supporting ship for the Russian warship *Pallada* (or *Pallas*), sighted Dokdo. The Russian Navy named Dongdo (East Island) “Menelai” and Seodo (West Island) “Olivutsa” on the Map of the East Coast of Korea it published in 1857.

In April 1855, the British warship *Hornet* espied Dokdo and named it the Hornet Islands. The *China Pilot*, published by the British Navy in 1858, introduced Dokdo as the Hornet Islands.

The name Liancourt Rocks was widely used in the Western world until after the end of the Second World War. It has since been changed to Dokdo in many documents and maps.

The Names Used for Ulleungdo

The year of the first appearance*	Korean names	Japanese names	Western names
1145 (512)	Ulleungdo		
1431 (1417)	Mureung		
1618 or 1625		Takeshima	
1787			Dagelet Island
1811 (1791)			Argonaut Island

1867		Matsushima	
1881		Utsuryo-to	
1900	Uldo		
Present	Ulleungdo	Utsuryo-to	Ulleungdo

* The number indicates the year when the name first appeared in an official document. The number in parenthesis is the year when the first recorded event took place.

The Names Used for Dokdo

The year of the first appearance*	Korean names	Japanese names	Western names
1431 (1417)	Usan (Usando)		
1667		Matsushima	
1851 (1849)			Rochers du Liancourt
1857 (1854)			Menelai & Olivutsa
1858 (1855)			Hornet Islands
1861			Liancourt Rocks
1867		Lyankoruto Rocks, Lyanko Island, Yanko Island	
1900	Seokdo		
1905		Takeshima	
1906	Dokdo		
Present	Dokdo	Takeshima	Dokdo

* The number indicates the year when the name first appeared in an official document. The number in parenthesis is the year when the first recorded event took place.

Chapter 2:

Korea's Long-standing Sovereignty over Ulleungdo and Dokdo

- 1. The Kingdom of Silla subjugates the State of Usan.**
- 2. The Goryeo Dynasty Incorporates Ulleungdo and Dokdo into
its Local Administrative System.**
- 3. The Joseon Dynasty Exercises Sovereignty over Ulleungdo and Dokdo.**
- 4. The Empire of Korea Reinforces the Exercise of
its Sovereignty over Ulleungdo and Dokdo.**

1. The Kingdom of Silla Subjugates the State of Usan.

Several decades after the end of Old Joseon, which was the first Korean state, the Korean people formed three kingdoms on the Korean Peninsula and in Manchuria in the first century BCE. The Kingdom of Silla was founded circa 57 BCE in the southeastern part of the Korean Peninsula. The Goguryeo Kingdom was founded around 37 BCE in southern Manchuria and expanded to the whole of Manchuria and the northern part of the Korean Peninsula. The Kingdom of Baekje was established around 18 BCE in the southwest of the peninsula. There were other smaller states, but they were annexed to one of the three kingdoms. After a long period of rivalry and battles among the three kingdoms, the Kingdom of Silla unified Korea by conquering Baekje in 660 CE and Goguryeo in 668 CE. The Kingdom of Silla after the unification of Korea is also referred to as the Unified Kingdom of Silla.

Apart from the Korean states on the Korean Peninsula, a group of Koreans established a tiny insular state called the State of Usan, in the heart of the East Sea, whose territory comprised the two islands of Ulleungdo and Dokdo. In 512, when the three kingdoms were still in rivalry, the Kingdom of Silla subjugated the State of Usan. Therefore, the recorded history of Ulleungdo and Dokdo dates back to 512.

The History of the Three Kingdoms (Samguk sagi)

Among the extant official historical documents, the *History of the Three Kingdoms* is the first to record the story of the State of Usan. It was an official history of the three old Korean kingdoms: the Kingdom

of Silla, the Kingdom of Goguryeo, and the Kingdom of Baekje. King Injong, the 17th sovereign of the Goryeo Dynasty (918–1392), which succeeded the Unified Kingdom of Silla, ordered Kim Bu-sik, a retired prime minister, to publish an official history of the three preceding states. Kim Bu-sik, assisted by a group of historians, compiled the *History of the Three Kingdoms*, based on the documents dating back to the three kingdoms and those from China, and published it in 50 volumes in 1145.

Under the heading “King Jijeung” in Volume 4, constituting a part of the Basic Annals of Silla, there is a paragraph on Ulleungdo as follows:

In June, the summer of the 13th year of the king (512), the State of Usan (*Usan-guk*) was subjugated to the kingdom. It was agreed that the State of Usan would offer its local specialties as an annual tribute to the kingdom. The State of Usan is on an island in the sea, due east of Myeongju (*present-day Gangneung*). It is also called Ulleungdo.

This passage clearly states that Ulleungdo was the territory of the State of Usan. The *History of the Three Kingdoms* did not mention any island other than Ulleungdo. However, as Dokdo was located at a visible distance from Ulleungdo, the residents of Ulleungdo could naturally recognize Dokdo and travel there.

Under the heading “Isabu” in a volume constituting a part of the “Biographies,” there is an account of the subjugation of the State of Usan, which did not bow to the Kingdom of Silla for a long time. In 512, Isabu, the Commander of Haseula Province (the present-day Gangneung), sailed

to Ulleungdo, commanding several warships, and received the surrender of the people of the State of Usan by intimidating them.

This book does not describe the population of the State of Usan, but the narrative indicates that it was a community with a substantial population; it was difficult for the powerful Kingdom of Silla to subjugate the State of Usan. There is no record indicating the nature of its political system. Relying only on the records stating that the State of Usan was subjugated to the Kingdom of Silla in 512 and that it pledged to pay annual tribute, it is difficult to see the relationship between them after 512.

2. The Goryeo Dynasty Incorporates Ulleungdo and Dokdo into Its Local Administrative System.

At the beginning of the 10th century, when the Kingdom of Silla was waning, two rebel regimes emerged. The Kingdom of Later Baekje was proclaimed in 900, claiming to succeed the Kingdom of Baekje in the southwestern part of the Korean Peninsula. The Kingdom of Goryeo was proclaimed in 918 under the banner of restoring the Kingdom of Goguryeo in the northern part of the Korean Peninsula. These three states are referred to as the Later Three Kingdoms. The Kingdom of Goryeo reunified Korea in 936, by annexing the Kingdom of Silla in 935 through diplomatic means and conquering the Later Baekje in 936. As the same family reigned throughout the Kingdom of Goryeo from 918 to 1392, the Kingdom of Goryeo is commonly called the Goryeo Dynasty.

The History of the Goryeo Dynasty (Goryeosa)

The *History of the Goryeo Dynasty* states that the Goryeo government incorporated Ulleungdo and Dokdo into Goryeo's local administrative system.

The *History of the Goryeo Dynasty* is an official record of the Goryeo Dynasty. In 1392, the newly established Joseon government launched a project to compile an official history of the preceding dynasty. Inheriting predecessors' work, Kim Jong-seo, Jeong In-ji, *et al.* completed the compilation and published the *History of the Goryeo Dynasty* in 1454 by order of King Sejong. Since it was compiled by selecting from the daily records, annals, and other documents written during the Goryeo period, it details historical facts about the Goryeo Dynasty.

Under the heading "Uljin Prefecture," in the Geography Section of the *History of the Goryeo Dynasty*, there lies a paragraph on Ulleungdo and Dokdo, as follows:

The East Frontier Region

...

Uljin Prefecture

...

There is Ulleungdo. It lies in the middle of the sea, due east of the prefecture. It was called the State of Usan during the Silla period. It is also called Mureung or Ureung. Its circumference is 100 *ri*. It was subjugated in the 12th [13th] year of King Jijeung (512).

...

In the 13th year of King Taejo of the Goryeo Dynasty (930), the

people of the island sent their representatives, Baekgil and Todu, to offer their local specialties as tribute to the king.

...

In the 11th year of his reign, King Uijong (1157) heard that there was a large and fertile piece of land in Ulleungdo, where a prefecture had been instituted in the past, and that the island was inhabitable. The King then ordered Kim Yu-rip, the warehouse keeper of Myeongju, to survey that island. Kim Yu-rip returned from the island and reported, “However, the island is uninhabitable because it is rocky.” Therefore, the government stopped the discussion on the matter.

...

Some people say that Usan and Mureung are two distinct islands. Since the two islands are not far apart, each of them is visible from the other on a clear day.

This paragraph states the following facts about Ulleungdo and Dokdo: Ulleungdo was incorporated into the local administrative system of Goryeo. The fact that the description of Ulleungdo is included under the heading “Uljin Prefecture” means that the island belonged to Uljin Prefecture. The sentence “It was called the State of Usan during the Silla period” indicates that the State of Usan as a political entity had disappeared.

The Goryeo government exercised sovereignty over Ulleungdo by dispatching a commissioner to Ulleungdo to examine the possibility of developing the island. Other records on the dispatch of officials to

Ulleungdo appear in the *History of the Goryeo Dynasty*. These records prove that the Goryeo Dynasty administered the island as part of its territory.

The last sentence of the above paragraph shows that the Goryeo government recognized another island near Ulleungdo, named it “Usan Island,” and placed it under the jurisdiction of Uljin Prefecture. The geographical relationship between the two islands is described in brief terms: “Since the two islands are not far apart, each of them is visible from the other on a clear day.” The fact that the record on Usan Island is also placed under the heading “Uljin Prefecture” means that the Goryeo government placed it under the jurisdiction of Uljin Prefecture. The words “Some people say” in the lead-up to the description of Usan Island indicate that the compilers had no direct evidence of their geographical knowledge of the island. Still, it is clear that they believed the two islands “Ulleung” and “Usan” belonged to Uljin Prefecture during the Goryeo period.

3. The Joseon Dynasty Exercises Sovereignty over Ulleungdo and Dokdo.

In 1392, King Gongyang, the thirty-fourth sovereign of the Goryeo Dynasty, stepped down, ceding the throne to General Yi Seong-gye. The latter changed the name of the kingdom to Joseon. The Joseon Dynasty, thus born, lasted until 1897, when it was reorganized as the Empire of Korea. Throughout the Joseon period, the government exercised

sovereignty over Ulleungdo and Dokdo.

A. The Geography Section of the Annals of King Sejong (Sejong sillok jiriji)

The Joseon period saw a lot of official and private materials on Ulleungdo and Dokdo. The most prestigious one can be found in the Annals of the Joseon Dynasty. During the Joseon Dynasty, when a king died, the government formed an Annals Compilation Committee. The Director-General of the Compilation Committee was appointed from among high-ranking officials at the level of the prime minister or vice prime minister, and a great number of officials and historians took part in the project of compiling and publishing the history of the reign of the prior king.

The annals were chronologically compiled by selecting daily records of the court by diarist-historians and other documents of government bodies written during the reign of the predecessor monarch. When the compilation was complete, its title was decided by attaching the term “annals” to the posthumous title of the former king, such as the “Annals of King Taejong,” “the Annals of King Sejong,” and so on. The whole collection of the annals of the twenty-five sovereigns from King Taejo to King Cheoljong was collectively entitled the “Annals of the Joseon Dynasty.”

The “*Geography Section of the Annals of King Sejong*” is a treatise on historical geography, describing the territory of the Joseon Dynasty under the reign of King Sejong (1418–1450) province by province. In 1424, King Sejong ordered Byeon Gye-ryang and others to publish a treatise

on the national territory. As a result, the New Edition of the *Treatise on the Geography of the Eight Provinces* was published in 1432. After a comprehensive update, it was attached to the Annals of King Sejong, published in 1454, and renamed the *Geography Section of the Annals of King Sejong*.

Under the heading “Uljin Prefecture” in Gangwon Province, we can find a paragraph on Ulleungdo and Dokdo as follows:

Gangwon Province

...

Uljin Prefecture

...

The two islands of Usan and Mureung lie in the middle of the sea, due east of the prefecture. Since the two islands are not far apart, each of them is visible from the other on a clear day. During the Silla period, they were called the State of Usan, which was also called Ulleungdo.

The *Geography Section of the Annals of King Sejong* relied on the records on Ulleungdo and Dokdo from the *History of the Three Kingdoms* and the *History of the Goryeo Dynasty* and further clarified and updated them. While the *History of the Goryeo Dynasty* treated the description of Usan Island and Mureung Island as a theory, the *Geography Section of the Annals of King Sejong* described them as facts in more definitive terms. Although the *History of the Goryeo Dynasty* and the *Geography Section of the Annals of King Sejong*

were published during a similar period, there is a slight difference in their descriptions of the two islands. It was because the former was based on historical materials from the Goryeo period, while the latter was based not only on the inherited historical materials but also on the data gathered from all the counties and prefectures during King Sejong's reign.

The paragraph on Ulleungdo and Dokdo in the *Geography Section of the Annals of King Sejong* shows that the Joseon government administered the two islands, placing them under the jurisdiction of Uljin Prefecture. A prefecture was one of the base units of local administration. Uljin was a prefecture in the East Frontier Region during the Goryeo period but was part of Gangwon Province during the Joseon period.

The *Geography Section of the Annals of King Sejong* recorded for the first time that the two islands of Usan and Mureung constituted the State of Usan during the Silla period. This had not been written in either the *History of the Three Kingdoms* or the *History of the Goryeo Dynasty*.

B. The Repatriation Policy

In the early years of the Joseon Dynasty, the government applied the policy of repatriating the residents of Ulleungdo to the mainland and prohibiting settlement on the island. Today's historians call it the "Repatriation Policy."

The Annals of King Taejong and the Annals of King Sejong recorded the policy in action. In 1417, King Taejong dispatched Kim In-u as a commissioner to Ulleungdo to study the possibility of cultivating arable land on the island. Upon receiving the commissioner's report, the king

discussed the method of administering Ulleungdo with his ministers. Most of the ministers proffered to stabilize the lives of the islanders by providing them with grain seeds and farming tools. But the king adopted the repatriation policy, accepting the opinion of Hwang Hi, the Minister of Industry. The king immediately dispatched Kim In-u again as royal commissioner to Usan, Mureung, and other locales to move the residents of the islands to the mainland. King Sejong, who succeeded King Taejong, also appointed Kim In-u as royal commissioner to oversee their relocation in 1425. Again in 1438, King Sejong dispatched an official to the islands, and Ulleungdo finally became an uninhabited island.

Although there are different explanations of the objectives of the repatriation policy, the most authoritative one is the rationale that King Taejong himself gave to his ministers when deciding upon the policy in 1417, as follows:

“It is fitting to repatriate them. They have lived there conveniently, evading compulsory services. Setting a tribute and appointing an overseer would certainly sow their discontent. Therefore, it is not wise to let them stay long there.”

The government turned it into an uninhabited island but did not forsake the island for foreign occupation. This is clearly evidenced in the position that the Joseon government took in its territorial dispute with Japan over Ulleungdo in the 17th century and the ensuing Ulleungdo Inspection Policy it carried out for more than two centuries. The Joseon government prohibited not only Joseon people but also foreigners from

settling on the island.

C. The Revised and Augmented Edition of the Geography of Korea (*Sinjeung dongguk yeoji seungnam*)

After the *Geography Section of the Annals of King Sejong* was published in 1454, the Joseon government pressed on with efforts to publish an updated and enriched geography book on the territory of the kingdom. The *Geography of Korea*, published in 1481, was the first result. However, a myriad of scholars then revised and expanded upon this book for several decades. And finally, Yi Haeng, Yun Eun-bo, *et al.* completed the compilation of an updated edition in 1530 and published it under the title of the *Revised and Augmented Edition of the Geography of Korea* in 1531.

It was a government publication on national geography, widely regarded as the most comprehensive geography of the early Joseon period. It covers the history, customs, natural features, cultural heritage, famous figures, and other aspects of each region. It contains several maps representing the whole territory and each province. The concept map representing the entire territory of Joseon is titled “General Map of the Eight Provinces” (*Paldo chongdo*). The term “Eight Provinces” was commonly used to signify the whole territory of Joseon.

Under the heading “Uljin Prefecture” in Gangwon Province, there is a paragraph on Usando and Ulleungdo as follows:

Usando and Ulleungdo

The latter is also called Mureung or Ureung. The two islands lie

in the sea, due east of the prefecture.

...

According to a theory, Usan and Ulleung refer originally to one island, of which the circumference is one hundred *ri*.

The words “according to a theory” indicate that there remained such a theory among people at the time. But the official position of the Joseon government was that Usando and Ulleungdo were two islands. That was clear from the fact that the title of the above paragraph was “Usando and Ulleungdo,” and the two islands were depicted with their respective names on the General Map of the Eight Provinces.

Usando, which lies to the southeast of Ulleungdo, is marked to its west on the map. This error was due in part to the limited geographical knowledge at that time. Still, the fact that the two islands were depicted with their names specified in the East Sea on the concept map representing the general configuration of the territory of Joseon shows an understanding on the part of the government that the two islands were part of the national territory.

D. The Territorial Dispute over Ulleungdo

In May 1693, a group of Japanese fishermen kidnapped two Joseon subjects from Ulleungdo and abducted them to Japan. The incident escalated into a territorial dispute between Joseon and Japan over Ulleungdo. After long diplomatic negotiations, the Japanese government recognized Takeshima as Joseon territory, thereby putting an end to the dispute in 1699. Joseon documents referred to this dispute as the

“Territorial Dispute over Ulleungdo (*Ulleungdo jaenggye*, literally the Ulleungdo Frontier Dispute),” while Japanese documents referred to it as the “Takeshima Affair (*Takeshima ikken*).”

Many Korean documents narrate the dispute. Among them, the most important ones are the Annals of King Sukjong, the Records of the Border Defense Council (*Bibyeonsa deungnok*), and the Diaries of the Royal Secretariat (*Seungjeongwon ilgi*). Because the dispute occurred during the reign of King Sukjong, important events of the dispute are recorded in the Annals of King Sukjong. The Records of the Border Defense Council are a collection of the official records of the Border Defense Council, which was the supreme government organ during the middle and late Joseon. The Diaries of the Royal Secretariat are a collection of the official records of royal orders, administrative matters, and ceremonial events written in the form of a diary by the secretariat of the king. In Japan, too, there remain many official and private documents on the dispute.

In this chapter, the dispute is summarized relying on Korean documents as seen through the eyes of the Joseon people at that time. The Japanese documents on that dispute will be examined in the following chapter.

Summary of the Territorial Dispute over Ulleungdo

Time	Events
May 1693	Japanese fishermen kidnap two Joseon people and abduct them to Japan.
September to October 1693	An envoy of the governor of Tsushima arrives in Joseon and hands over the two Joseon people to the Joseon government. The envoy also delivers the Tsushima governor’s letter requesting that the Joseon government prohibit Joseon people from coming to Takeshima.

September 1694	The Vice Minister of Rites of Joseon sends a reply, requesting that the Japanese government prohibit the Japanese from coming to Ulleungdo.
January 1696	Japan's shogunate decides to recognize Takeshima as Joseon territory and issues the Ban on Passage to Takeshima.
October 1696	Tsushima Domain notifies, in writing, the Joseon government of the shogunate's decisions.
March 1698	The Joseon government sends a letter to the Japanese government in which it welcomes the latter's decision.
January 1699	Tsushima Domain sends a letter to the Joseon government, notifying them that the latter's letter has been delivered to the shogunate.

1) The trigger for the Territorial Dispute over Ulleungdo

As a result of the repatriation policy, no permanent residents remained in Ulleungdo from the middle of the 15th century onward. By the 17th century, only a handful of people went to Ulleungdo for brief stays to fish.

In the beginning of the 17th century, Japanese people, too, began temporary stays on the island once a year for fishing. In May 1693, a group of Japanese fishermen from Yonago in Tottori Domain kidnapped two Joseon people, Ahn Yong-bok and Park Eo-dun, from Ulleungdo and took them to Tottori. The shogunate instructed the governor of Tottori to transfer the Joseon people to Tsushima Domain. The shogunate then gave the order to the governor of Tsushima to send them back to Joseon and ask that the Joseon government prohibit its people from coming to the island.

Tsushima Domain was charged with that mission because it had been authorized to represent the Japanese government before the Joseon

government in accordance with an agreement to reestablish diplomatic relations between Joseon and Japan at the beginning of the 17th century.

- Diplomatic relations between Joseon and Japan in the late Joseon period -

The Seven Years' War between Joseon and Japan, or the *Imjin* War, broke out with Japan's invasion of Joseon in 1592 and ended with the withdrawal of the Japanese forces in 1598. After the war, at the request of Japan's Tokugawa shogunate, the two governments concluded the Treaty of the Year of *Kiyu* (1609), thereby reestablishing diplomatic relations. The Joseon-Japan relations, defined under the treaty and developed thereafter by practice, were as follows:

The Joseon government designated an area in Busan specifically reserved for the Japanese, called *Waegwan* (Japanese Settlement, or literally, Japan House). The Japanese, regardless of their status as official envoys or merchants, were allowed to stay exclusively in that area, and they were not allowed to venture beyond.

All communications and trade between the two states had to be conducted through the Busan-Tsushima channel. The governor of Tsushima represented the shogunate before the Joseon government. Whenever the states needed to negotiate on a matter, the governor of Tsushima sent an envoy to *Waegwan* to negotiate with Joseon officials. Staying there, the Japanese envoy communicated with the governor of Dongnae, the district contiguous to

Waegwan.

When a Japanese envoy arrived at *Waegwan* on an important mission, the Joseon government sent its representative to Dongnae to negotiate with the Japanese envoy. The counterparts for the exchange of diplomatic correspondence were the governor of Tsushima and the Vice Minister of Rites of Joseon.

On special occasions, the Joseon government sent to Japan ad hoc embassies called the *Tongsinsa* (literally Communication Delegation), which were multipurpose goodwill missions for diplomatic negotiations, trade, and cultural exchanges.

By order of the shogunate, So Yoshitsugu (also known as Taira Yoshitsugu), the governor of Tsushima, dispatched Tada Yozaemon (also called Tachibana Masashige) as his envoy to Joseon. Arriving at *Waegwan*, the Japanese envoy turned over the two Joseon people to the governor of Dongnae and delivered the Tsushima governor's letter addressed to the Vice Minister of Rites of Joseon in September 1693. The letter reads as follows:

Every year, several fishermen operating in the seas of your country came to Takeshima, which belongs to our country. Our local officials told them that they should not come there again, explaining in detail that it was forbidden to cross the border.

Nevertheless, some forty Joseon fishermen came to Takeshima and haphazardly fished there this spring. Therefore, our local officials detained two of them as temporary evidence of the affair. The

governor of Inshu Province quickly reported the fact to Edo, and the shogunate ordered my province to send the fishermen back to their homeland.

I hereby request that your government strictly ban your people from going to the island by enforcing the laws more stringently so as to prevent any harm to the friendly relations between our two countries.

In December 1693, Kwon Hae, the Vice Minister of Rites of Joseon, wrote a reply to the governor of Tsushima and sent it to the latter's envoy. To avoid a conflict with Japan, Kwon Hae wrote it in ambiguous and confusing terms. It stated that the Joseon government prohibited Joseon people from going to Ulleungdo, which was Joseon territory; therefore, the Joseon government would naturally prohibit Joseon people from going to Takeshima, which was Japanese territory. It was confusing to say that Ulleungdo was Joseon territory while Takeshima was Japanese territory.

In February 1694, the governor of Tsushima sent another letter requesting that the Joseon government remove the term "Ulleungdo" from the latter's letter. The Tsushima envoy stayed long in *Waegwan*, persistently asking to change the letter, but the Joseon government did not accede to the request. In the end, Tsushima Domain sent the letter back to the Joseon government in August 1694.

2) The escalation of the dispute

Meanwhile, in 1694, a general reshuffle in the Joseon government resulted in the appointment of a new Prime Minister, Nam Gu-man. Prime Minister Nam took a more hardline stance with respect to the territorial dispute with Japan. Censuring the former government for having sent a conciliatory letter, he proposed to withdraw it and send a new one. King Sukjong approved his proposal. The Prime Minister himself drafted a new letter, and Yi Yeo, the new Vice Minister of Rites, delivered it to the governor of Tsushima in September 1694. It reads as follows:

There is an island called Ulleungdo that belongs to Uljin Prefecture in the Gangwon Province of our country. This island lies in the middle of the sea, to the east of the prefecture. Considering that the sea route to the island is inconvenient due to violent waves, our government repatriated the islanders to the mainland and left the island uninhabited some years ago.

Nevertheless, our government has dispatched officials to investigate the island from time to time. The pinnacles and trees on the island are clearly visible from the mainland. The configuration of the mountains and rivers, the area of the island, the remains of the inhabitants, and the local products are described in the book *Yeoji seungnam* of this country. As such, the fact that the island has been handed down across generations is clear.

Recently, some fishermen from our country's coastal regions went to this island. Unexpectedly, they encountered people from your country who intruded on the island at will. Your people

kidnapped ours and took them to Edo. Fortunately, your shogun clearly reviewed the situation and sent them back, providing them with generous travel expenses. This is a manifestation of an extraordinary friendship extended to a neighboring country. I deeply admire such noble goodwill, which impressed me indescribably.

However, the land where our people were fishing is Ulleungdo, which is also called Takeshima (Bamboo Island) because it produces a lot of bamboo. In fact, this is one single island with two names. The fact that the same island is called by two names is not only written in our country's books but also known to all the people of your province.

Nevertheless, in the letter you sent us this time, you requested that our government should ban our country's fishing boats from going to Takeshima, arguing that this island belongs to your country. But you have not mentioned the wrongdoing your country's people committed by violating our country's border and by kidnapping our people. Isn't this contrary to the principle of good faith? I sincerely hope you will convey our government's views to the shogunate so that your government will prohibit people in your coastal regions from causing further trouble by frequenting Ulleungdo. Nothing would be better than this for promoting faithful and friendly relations between our two countries.

This strongly worded letter asserts in no uncertain terms the firm stance of the Joseon government that Ulleungdo is Joseon territory and asks the Japanese government to prohibit the Japanese from coming to the island.

Clearly, the two governments' positions were squarely at odds, escalating the territorial dispute.

After receiving this letter, the Tsushima envoy extended his stay in *Wae-gwan*, asking the Joseon government to modify the wording of the letter. The Joseon government did not yield to the request.

3) The settlement of the dispute

While the dispute was in a protracted stalemate, the governor of Tsushima died. Following his death, the Tsushima envoy returned home in June 1695.

Having received reports from Tottori Domain and Tsushima Domain, the shogunate recognized Takeshima as Joseon territory and issued the Ban on Passage to Takeshima in January 1696. However, the shogunate's decision was not relayed to the Joseon government until January of the following year.

In October 1696, two interpreter-envoys of Joseon, Byeon and Song, visited Tsushima to convey condolences from the Joseon government upon the governor's death and to congratulate So Yoshizane on his resuming power as regent. The regent then verbally explained the shogunate's decision to the interpreter-envoys. At the latter's request, six Tsushima officials jointly wrote a paper notifying the Joseon government that the shogunate had forever banned the Japanese from going to Takeshima. In January 1697, the interpreter-envoys came back to Joseon and submitted the paper to the government.

The Joseon government found the paper's contents satisfactory, although its form did not conform with long-standing practices between

the two states. In April 1697, Park Se-jun, the Assistant Minister of Rites of Joseon, sent a formal letter to the regent of Tsushima, welcoming the Japanese government's decision and reiterating that Ulleungdo was Joseon territory. However, the envoy from Tsushima requested that some words be removed from the Joseon government's letter. The Joseon government and the Japanese envoy spent a considerable amount of time conferring on the wording of the Joseon government's letter. Finally, in March 1698, Yi Seon-bu, the new Assistant Minister of Rites, sent a new letter, changing some of the words in the previous letter but maintaining the paragraph reiterating that Ulleungdo was Joseon territory.

In January 1699, the regent of Tsushima wrote a letter to the Ministry of Rites of Joseon, in which he notified them that he had duly delivered the Joseon government's letter to the shogunate. In March 1699, a Tsushima envoy transmitted the letter to the Joseon government, completing the official formality of concluding the dispute.

4) Ahn Yong-bok's journeys to Japan

Ahn Yong-bok, an oarsman serving the navy in Dongnae, was deeply involved in the Territorial Dispute over Ulleungdo. In 1693, he was kidnapped from Ulleungdo and abducted to Yonago in Tottori by Japanese fishermen. He was sent back to Joseon in the same year, but that incident triggered the territorial dispute.

In May 1696, he mobilized ten companions and went to Oki Province, Japan. When the Oki officials interrogated him, he explained, showing the map of Joseon he carried with him, that Takeshima and Matsushima were part of Gangwon Province, which was one of the eight provinces of

Joseon. The Oki officials wrote it in a report entitled, “Memorandum on the arrival of a boat from Joseon in the 9th year of *Genroku*, the year of *Byeongja* (1696).” He attempted to submit a petition to the shogunate regarding a territorial issue, but in vain. He returned to Joseon in August of that year. Joseon’s Border Defense Council interrogated and punished him for having traveled to Japan without permission and for having caused a diplomatic incident. The Border Defense Council first sentenced him to death but commuted the sentence to banishment, considering his meritorious deed of declaring that Ulleungdo and Dokdo were Joseon territories before Japanese authorities.

There are certain discrepancies between what he stated before the Border Defense Council after his return to Joseon and what was recorded in relevant Japanese documents regarding the purpose of his journey to Japan in 1696 and his activities during his stay there. Still, the common thread in both Korean and Japanese documents is that he claimed that Ulleungdo and Dokdo were Joseon territories before Japanese officials. Since the shogunate decided to recognize Takeshima as Joseon territory and banned the Japanese from sailing to Ulleungdo in January 1696 before Ahn Yong-bok arrived in Japan in May, his actions did not exert any influence on the shogunate’s decision. However, he went to Japan without knowing that the shogunate had already recognized Ulleungdo as Joseon territory. In that situation, declaring that Ulleungdo and Dokdo were Joseon territories in front of Japanese officials was unquestionably a courageous and patriotic deed. Highlighting this aspect, many Korean writings published afterwards applauded his activities in Japan, saying that it was thanks to him that the Japanese could no longer claim Ulleungdo as

their territory.

E. The Ulleungdo Inspection Policy

Alarmed by Japan's territorial ambitions regarding Ulleungdo, the Joseon government adopted a new policy for the administration of the island. King Sukjong dispatched Jang Han-sang, a military officer, to Ulleungdo. After surveying the island from September 19 to October 3, 1694, he reported that there were traces of Japanese stays on the island but that no Japanese were there. He also assessed that Ulleungdo was not suitable for human settlement. Based on Jang Han-sang's report, the government decided to send an inspector to Ulleungdo every one or two years.

In 1697, the Joseon government received notification that Japan had banned the Japanese from going to Ulleungdo. In this new context, the Joseon government reexamined its policy for Ulleungdo. Regardless of Japan's promises, the Joseon government considered it necessary to keep a watchful eye on the island and decided to send an inspector every two or three years. In accordance with this policy, the government sent inspectors there every three years or so, from 1699 to 1894. Their mission was to survey the island and watch for signs of Japanese infiltration. Today's historians have dubbed it the "Ulleungdo Inspection Policy."

In 1881, an inspector discovered seven Japanese who were about to transport timber from the island. Immediately, the Joseon government filed a diplomatic protest with the Japanese government. After an examination, the Japanese government again issued a ban on Japanese traveling to Ulleungdo in 1883.

F. The *Reference Compilation of Documents on Korea (Dongguk munheon bigo)*

The Joseon government published an encyclopedic reference book entitled “*Reference Compilation of Documents on Korea*” in 1770. By order of King Yeongjo, the 21st sovereign of Joseon, Hong Bong-han and others compiled it by selecting documents on Korea’s institutions, history, geography, and culture ranging from the State of Old Joseon, the first Korea state, to the Joseon under King Yeongjo’s reign. The aim of this work was to enhance the everyday lives of the people and the administrative capabilities of the government.

Prior to its inception, Shin Gyeong-jun published, in 1756, “*A Study of National Territory (Ganggyego)*,” a book describing historical geography from ancient Korea to Joseon. King Yeongjo, greatly appreciating his book, commissioned him to compile the geography section for the *Reference Compilation of Documents on Korea*. Shin Gyeong-jun undertook the task, compiling the geography section titled “*A Study of National Geography (Yeojigo)*,” based on his previous work, *A Study of National Territory*.

In Volume 13, Border Defense 3, Coastal Defense 1, Uljin on the East Sea of “*A Study of National Geography*” of the *Reference Compilation of Documents on Korea*, there is a paragraph on Ulleungdo and Dokdo as follows:

Uljin Prefecture

...

Usando and Ulleungdo

...

These islands lie 350 *ri* east of the prefecture.

...

One of the two islands is Usando.

...

The Treatise on National Geography (*Yeojiji*) says, “Ulleung and Usan were both territories of the State of Usan, and Usan is the island that the Japanese call Matsushima.”

Although the Joseon government had recognized Usando and Ulleungdo as two islands, ever since the *Geography Section of the Annals of King Sejong*, a theory that Usando and Ulleungdo might refer to the same island remained among private scholars. Shin Gyeong-jun investigated this point and concluded that Usando and Ulleungdo were two islands, both of which had been territories of the State of Usan, citing Yu Hyeong-won’s Treatise on National Geography (*Yeojiji*).

The description that Usando and Ulleungdo had been territories of the State of Usan was not new. It was a reiteration of the record that borrowed heavily from the *Geography Section of the Annals of King Sejong*. But the *Reference Compilation of Documents on Korea* was the first official document to record the fact that “Usan is the island that the Japanese call Matsushima.”

G. The Manual of State Affairs for the Monarch (Mangi yoram)

Seo Yeong-bo and others published the *Manual of State Affairs for the Monarch* in 1808, by order of King Sunjo, as a reference for the king

in handling state affairs. Regarding Ulleungdo and Usando, the paragraph in “A Study of National Geography” of the *Reference Compilation of Documents on Korea* was introduced unaltered in the *Manual of State Affairs for the Monarch*. The *Manual of State Affairs for the Monarch* is divided into two parts: financial policy and military policy. The records on Ulleungdo and Usando are included in “Military Policy, Volume 4, Maritime Defense, East Sea, Facts about Ulleungdo.”

H. The Ulleungdo Development Policy

Ulleungdo had no permanent residents for centuries due to the repatriation policy that was adopted early in the 15th century. At the start of the 1880s, Joseon people began to frequent Ulleungdo to harvest ginseng, medicinal plants, seaweeds, and timber. Some of them settled there, forming villages.

By then, some Japanese too, began to arrive to cut down lumber or catch abalone. In the spring of 1881, the Joseon government sent an inspector to Ulleungdo in accordance with the Ulleungdo Inspection Policy. The inspector discovered seven Japanese preparing to ship the timber they had illegally felled on the island. In June of the same year, the Joseon government took a diplomatic démarche against the Japanese government, asking it to ban Japanese from traveling to the island.

On the other hand, the Joseon court decided to examine the possibility of developing the island. In 1882, King Gojong appointed Yi Gyu-won as a special inspector for Ulleungdo to study the possibility of developing the island. After a survey of the island, Yi Gyu-won reported that the island was suitable for development as he found considerable flat land there. The

king adopted a policy that sought to develop the island. The government accordingly provided settlers with grain seeds, cattle, agricultural tools, etc. and exempted them from taxes. As a result, the number of permanent residents grew rapidly. In 1895, the government appointed a superintendent of Ulleungdo from among the residents and entrusted him with its administration. However, the government provided him with neither a budget nor personnel. To meet administrative expenses, the superintendent collected lumbering fees or levied 2% of ad valorem tariffs on goods exported from the island.

4. The Empire of Korea Reinforces the Exercise of Its Sovereignty over Ulleungdo and Dokdo.

King Gojong, the twenty-sixth sovereign of the Joseon Dynasty, reformed the Joseon Kingdom into the Empire of Korea and declared himself its first emperor in 1897. As the population of Ulleungdo grew, due largely to the development policy for the island, so did the need to reinforce the administration of the island. However, as more and more Japanese infiltrated the island in the 1890s, many problems ensued in Ulleungdo. To reinforce its jurisdiction over the island, Emperor Gojong promulgated Imperial Edict No. 41 instituting Uldo County and appointed the Uldo County Magistrate in 1900.

A. The Infiltration of the Japanese into Ulleungdo

To prevent further intrusion on Ulleungdo by the Japanese, the Minister

of Rites of Joseon sent letters to the Japanese Minister of Foreign Affairs in 1881 and 1882, requesting that the Japanese government prohibit its people from sailing to the island.

The Japanese government issued the Ban on Japanese Voyages to Ulleungdo in 1883. For several years thereafter, the Japanese government made efforts to prevent Japanese from traveling to the island. In the fall of 1883, the Japanese government sent officials to Ulleungdo, removed the Japanese there, and filed criminal charges against them. In 1886, the Japanese government levied fines on the Japanese who had transported timber stolen from Ulleungdo and transferred to the Joseon government the proceeds from the public sale of the timber. Nevertheless, the number of Japanese who intruded into Ulleungdo jumped in the late 1890s. The Japanese government began to turn a blind eye to, or even encourage, Japanese activities in Ulleungdo.

In 1895, Bae Gye-ju, who was appointed Superintendent of Ulleungdo, went to Japan, asked the Sakai police station to prevent the Japanese from coming to Ulleungdo, and sued those who had illegally cut timber on Ulleungdo. Despite his endeavors, with neither legal power nor administrative organization, he could not bar the Japanese intrusion. The government of the Empire of Korea dispatched a survey team to Ulleungdo, and the team found some two hundred Japanese settlers on the island working as lumberjacks, shipbuilders, blacksmiths, etc.

The Korean government again exerted pressure on the Japanese government to evacuate these Japanese individuals. In 1899, the Korean government and the Japanese Legation agreed to send a joint survey mission to Ulleungdo. The joint mission comprised officials from the

Korean Ministry of Home Affairs, the customs house in Busan, and a Japanese vice consul in Busan. The joint mission found some 150 Japanese on the island who were illegally cutting down timber and committing various offenses against Korean residents. The Korean Ministry of Foreign Affairs asked the Japanese Minister in Korea to immediately remove these Japanese. However, instead of cooperating with the Korean government, the Japanese Minister began to advance strange arguments in defense of the Japanese settlers on Ulleungdo. Following its victory in the Sino-Japanese War of 1894–1895 for control over Korea and its ongoing power struggle with Russia in Korea, the Japanese government began to disregard the Korean government’s demand.

As it was evident that it would be difficult to peacefully expel the Japanese from Ulleungdo and that it was impossible for the superintendent to properly govern the island without a budget or administrative bodies, the government of the Empire of Korea decided to boost its jurisdiction over the island by revamping the administrative system.

B. Imperial Edict No. 41

The Ministry of Home Affairs submitted the “Proposal for renaming Ulleungdo as Uldo and changing Island Superintendent to County Magistrate” to the State Council on October 22, 1900. The State Council adopted the proposal, and Emperor Gojong approved it as Imperial Edict No. 41 on October 25, 1900. The edict was publicized in the official gazette No. 1716 on October 27. The edict reads as follows:

Subject: Renaming Ulleungdo as Uldo and changing the Island Superintendent for the County Magistrate

Article 1

Ulleungdo shall be renamed Uldo under the jurisdiction of Gangwon Province, and the post of Island Superintendent shall be changed to County Magistrate and incorporated into the public service organization. This county shall be among the 5th grade counties.

Article 2

The county office shall be located at Taeha-dong, and this county shall have jurisdiction over the entire island of Ulleung, Jukdo, and Seokdo.

...

Article 4

The budget for the county shall be determined at the level of the fifth-grade county. However, given the current situation, where the government funds are insufficient and the business of the county is at its initial stage, the county budget will be secured through taxes collected on that island for the time being.

Among the areas under the jurisdiction of Uldo County, as specified in Article 2, Jukdo was the islet contiguous to Ulleungdo, 2.4 km to the

northeast, and Seokdo referred to Dokdo. This edict upgraded Ulleungdo and Dokdo, which had been under the jurisdiction of Uljin Prefecture throughout the Goryeo Dynasty and the Joseon Dynasty, to constitute a county directly under Gangwon Province. The edict also gave the Uldo County Magistrate elevated status and a certain degree of legal power, whereas the former Island Superintendent had been a nominal administrator.

C. The Ordinance on Uldo County

After instituting Uldo County, the government of the Empire of Korea had to set a legal basis for the county's budget.

In accordance with the 1876 Treaty of Peace and Friendship between Joseon and Japan, the three ports of Busan, Incheon, and Wonsan were open to Japan. Since Ulleungdo was not one of the open ports, Japanese economic activities were not permitted there. According to the 1883 Trade Regulations between Joseon and Japan, 5% of the customs duties had to be levied on imports and exports to and from Joseon. However, because Ulleungdo was not an open port under the treaty, it was difficult to apply these regulations to the transactions conducted on the island. Instead, the Ulleungdo Superintendent levied 2% tariffs on the merchandise imported to and exported from Ulleungdo at his discretion. Joseon and Japan held clashing views regarding the nature and legal basis of these tariffs.

Consequently, in April 1902, the Ministry of Home Affairs of the Empire of Korea issued the "Ordinance on Uldo County," authorizing the Uldo County Magistrate to collect taxes. It allowed the Uldo County Magistrate to levy 10% taxes on fish and seaweed harvested by Koreans

who were not residents of Uldo, as well as 1% ad valorem tariffs on goods imported to or exported from Uldo, so that the county could cover its administrative expenses. The Ordinance on Uldo County did not specify the geographical scope of its application, but Article 2 of Imperial Edict No. 41 had already defined Uldo County's jurisdictional area.

At the end of July 1905, the Japanese Consulate in Busan reported to the Japanese Ministry of Foreign Affairs the statistics on goods the Japanese on Ulleungdo imported and exported during the whole year of 1904 and the first half of 1905. This report included “animals living on Lyanko Island (Dokdo), 25 nautical miles to the southeast of Ulleungdo.”

D. The Revised and Augmented Reference Compilation of Documents on Korea (Jeungbo munheon bigo)

Under the imperial order of Emperor Gojong, Park Yong-dae and others published the *Revised and Augmented Reference Compilation of Documents on Korea* in 1908, revising and expanding upon the 1770 *Reference Compilation of Documents on Korea*. A paragraph on Ulleungdo and Dokdo appears under the heading “Maritime Defense” in the section “A Study of National Geography,” as follows:

Usando and Ulleungdo

They lie 350 *ri* east of Uljin.

...

One of the two islands is just Usan.

Addendum: They have now become Uldo County.

The *Revised and Augmented Reference Compilation of Documents on Korea* incorporated the description of the islands of Usando and Ulleungdo, nearly word-for-word, from the *Reference Compilation of Documents on Korea*. However, the sentence “They have now become Uldo County” was added to reflect the changes that occurred after 1900. Although the name “Dokdo” was used in some official documents and in the press after 1906, the *Revised and Augmented Reference Compilation of Documents on Korea* used the name “Usando,” echoing the *Reference Compilation of Documents on Korea*.

Although the *Revised and Augmented Reference Compilation of Documents on Korea* was published after the government of the Empire of Korea learned in 1906 that Japan had illegally incorporated Dokdo into Shimane Prefecture, this book recorded Usando and Ulleungdo as part of Uldo County. This shows that the Korean government disregarded Japan’s actions.

Chapter 3:

Japan's Recognition of Korean Sovereignty over Ulleungdo and Dokdo

1. The First Official Japanese Document that Refers to Dokdo
2. The “Takeshima Affair” and the Ban on Passage to Takeshima of 1696
3. The Enforcement of the Ban on Passage to Takeshima
4. The Ban on Sailing to Takeshima and Distant Seas of 1837
5. The Confidential Inquiry into the Particulars of the Relations
with the State of Joseon
6. The Dajokan Order of 1877
7. The Ban on Japanese Voyages to Ulleungdo of 1883

Japan continuously treated Dokdo as Korean territory from the time it first recognized the island's existence until 1904. In 1905, the Japanese government took surreptitious steps to appropriate the island.

1. The First Official Japanese Document that Refers to Dokdo

The *Records of Observations on Oki Province (Inshu shicho goki)*, published in 1667, was the first Japanese official document to write about Dokdo. The author, Saito Toyonobu (also known as Saito Hosen), received the order from his overlord, the governor of Izumo, to administer Oki Province (the Oki Islands) on his behalf in 1667. Upon his arrival in Oki Province, Saito surveyed every corner of the province and heard about it from the experienced residents. On the basis of what he observed and heard, Saito wrote the *Records of Observations on Oki Province* in the same year. He presented this book to the governor of Izumo.

Volume 1, detailing the history and geography of Oki Province, shows a paragraph on Ulleungdo and Dokdo:

Oki Province (Inshu) lies in the North Sea. Therefore, it is called Oki Island.

...

If we sail northwest for two days and one night, we can arrive at Matsushima. If we continue sailing one more day, we can arrive at

Takeshima. In slang, it is called Isotakeshima. It is rich in bamboo, fish, and sea lions.

These two islands are uninhabited. Seeing Goryeo (from these islands) is like seeing Inshu (Oki Province) from Unshu (Izumo Province). Therefore, this province constitutes the northwestern limit of Japanese territory.

During the Edo period, the Oki Islands were called Oki Province (or Inshu in an abridged term) as a local administrative unit. After the publication of the *Records of Observations on Oki Province*, Ulleungdo was consistently called Takeshima or Isotakeshima, and Dokdo was called Matsushima in Japan for more than two centuries. (The name Takeshima was first used in the Permit for Passage to Takeshima issued by the shogunate in 1618 or 1625.)

In the sentence “Therefore, this province constitutes the northwestern limit of Japanese territory,” the term “this province” refers to Oki Province. Therefore, the author and the residents of Oki Province understood that Takeshima and Matsushima were Joseon territories, lying beyond the limits of Japanese territory.

2. The “Takeshima Affair” and the Ban on Passage to Takeshima of 1696

Many Japanese documents recount the 1693–1699 territorial dispute over Ulleungdo. They referred to the dispute as “Takeshima Affair” (*Takeshi-*

ma ikken). Among them, the most significant and reliable ones are listed below:

- The official documents the Tottori Domain and the shogunate exchanged during the 17th century in dealing with the Takeshima issue: The Tottori Prefectural Museum collected these documents and compiled them into a volume titled “Documents on Takeshima.”
- The *Records of the Takeshima Affair (Takeshima kiji)*, published by two Tsushima officials in 1726, by compiling the official documents on the territorial dispute over Ulleungdo that were conserved in the Tsushima archives
- The *Summary History of Japan’s Foreign Relations (Tsukou ichiran)*, compiled by the Compilation Agency in 1853
- The *Isotakeshima* Memorandum, compiled by an official of the Japanese Ministry of Home Affairs in 1875

The sequence of events in the dispute summarized in the preceding chapter is based on Korean documents. The important events recorded in the above Japanese documents, as seen through the eyes of the Japanese, can be summarized as follows:

A. The Trigger for the Territorial Dispute

In the early 17th century. Ohya Jinkichi, a merchant of Yonago in Tottori Domain, found himself adrift at sea heading to Ulleungdo while sailing for coastal transportation. After looking around the island, he found it

rich in abalone. On returning home, he joined Murakawa Ichibe and received a permit for passage to Takeshima from the shogunate. The permit was made in the form of a letter signed jointly by four *Rojus* (elders) of the shogunate, which reads as follows:

We have received a report that Murakawa Ichibe and Ohya Jinki-chi, residents of Yonago, who sailed from Yonago in Hoki Province to Takeshima, petitioned for permission to travel again to that island. Hence, we inform you that there was no objection from above, and, accordingly, we hereby allow their passage to the island.

Best wishes,

May 16.

Nagai Shinanonokami Naomasa

Inoue Kazuenokami Masanari

Doi Oinokami Toshikatsu

Sakai Utanokami Tadayo

To Matsudaira Shintaro

At the time, Tottori Domain was composed of Hoki Province and Inaba Province. Therefore, the governor of Tottori was also called the governor of Hoki or the governor of Inaba. The shogunate more frequently referred to him as the governor of Hoki. Yonago was a port city in Hoki Province.

The four signatories to this permit were *Rojus*, or elders, of the shogunate. Its recipient, Matsudaira Shintaro, was the governor of Tottori. In the letter, the date of issuance was specified, but the year was not. Some

historical documents state that this permit was issued in the fourth year of *Genna*. That would make the year 1618. However, historical documents show that not all four signatories to the permit were *Rojus* in 1618 and that the period when the four served simultaneously as *Rojus* was around 1625. As such, Japanese scholars have not yet pegged down the year when this permit was issued. They say it was issued in 1618 or 1625.

According to the wording of this permit, it appears to be a single-use document for passage to Takeshima. But the two families of Ohya and Murakawa continued to send their fishermen to Takeshima alternately each year, using a copy of the permit, until the Ban on Passage to Takeshima was issued in 1696.

It was in 1692 that fishermen from the Murakawa family encountered Joseon people on Ulleungdo for the first time. The Japanese fishermen returned after quarreling with the Joseon people, but without skirmishes. In May 1693, fishermen from the Ohya family came to Ulleungdo with rifles, kidnapped two Joseon people, Ahn Yong-bok and Park Eo-dun, and abducted them to Yonago in Tottori.

Receiving a report of the incident, the shogunate instructed the governor of Tottori to transfer the Joseon people to Tsushima via Nagasaki. The shogunate also ordered the governor of Tsushima to send the two Joseon people back home and ask the Joseon government to prohibit the Joseon people from coming to the island in the future. Accordingly, So Yoshitsugu, the governor of Tsushima, sent Tada Yozaemon as his envoy to Joseon in September 1693.

Arriving at *Waegwan* in Busan, the Tsushima envoy handed over the two Joseon people to the governor of Dongnae and delivered the letter

from the governor of Tsushima requesting the Joseon government to prohibit Joseon people from coming to Takeshima. In September 1694, the Joseon government responded by sending a reply in which it asked the Japanese government to prohibit the Japanese from coming to the island.

Amid the increasing complexities surrounding the dispute, the fourth governor, So Yoshitsugu, died in 1694, and his younger brother, So Yoshimitsi, succeeded him. Since the new governor was only ten years of age at the time, the shogunate ordered So Yoshizane, the father of the new governor and who had served as the third governor, to step in and take on his son's duties. The elder "So" was not officially appointed regent but acted as the de facto regent, with the honorary title "*Gyobu taifu* (literally "the senior assistant for criminal affairs"). For the sake of convenience, let's refer to him as the regent of Tsushima in this book.

So Yoshizane (also known as Taira Yoshizane) replaced the envoy and made every effort to persuade the Joseon government. However, talks were deadlocked. In October 1695, he went to Edo, submitted a copy of the letter from the Joseon government to the shogunate, and conferred on ways to settle the dispute. Staying in Edo until January 1696, the regent discussed the matter with Abe Bungonokami, the *Roju* in charge of dealing with this dispute in the shogunate, by exchanging memoranda.

On the other hand, Hirata Naoemon, an assistant to the regent, played an important role as his messenger to the *Roju*. Hirata also submitted to the shogunate excerpts of the two Joseon documents, the *Geography of Korea* (abridged appellation of the *Revised and Augmented Edition of the Geography of Korea*) and the *Collection of Jibong's Essays*, both of which described Ulleungdo as Joseon territory.

B. The Shogunate's Questionnaire and the Tottori Domain's Answer

In an effort to settle the dispute, *Roju* Abe Bungonokami sent a seven-point questionnaire to the Edo residence of the governor of Tottori on December 24, 1695. The first question was as follows:

“Since when has Takeshima, which belongs to Inshu (Inaba Province) and Hakushu (Hoki Province), been under the jurisdiction of the two provinces? Had it been placed under the jurisdiction of the two provinces before the fiefs were bestowed on the ancestors of the governor or thereafter?”

The next five questions concerned the island's geography and the activities of the Japanese fishermen on the island. The final question was,

“Is there another island that belongs to either of the two provinces? If so, do people from the two provinces go there to fish?”

The very next day, December 25, 1695, the Edo residence of the governor of Tottori Domain handed in its reply. To the first question, it replied,

“Takeshima belongs neither to Inaba Province nor to Hoki Province.”

To the last question, it replied,

“Neither Takeshima/Matsushima nor any other island belongs to the two provinces.”

On January 25, 1696, the Edo residence of the governor of Tottori submitted a supplementary report to the shogunate. After describing the route for navigation from Tottori to Matsushima and the distances between the ports on the route, it said,

“We have never heard that people from any other province have been there to fish. From the beginning, people from Izumo Province or Oki Province have sailed there together with Yonago people on the same boat.”

Through these two reports from Tottori Domain, the shogunate found that Takeshima did not belong to Japan and, moreover, that there was yet another island called Matsushima, which also did not belong to Japan.

C. The Decision of the Shogunate to Recognize Takeshima as Joseon Territory

On January 9, 1696, *Roju* Abe Bungonokami summoned Hirata Naoemon, a retainer for Tsushima, explained the shogunate’s position on the territorial dispute, and told him to convey it to the regent of Tsushima. The *Roju* said that he had discussed the problem with his fellow *Rojus* of the shogunate and that they had reached a consensus to recognize Takeshima as Joseon territory and ban the Japanese from sailing to the island. He said that he wished to hear from Tsushima’s regent once more

before reporting to the shogun for a final decision. And he asked Hirata to transmit the following memorandum to the regent:

When I asked Matsudaira, the governor of Hoki, about Takeshima, he told me that the island belonged neither to Inaba Province nor to Hoki Province.

...

Two merchants of Yonago have sailed there to fish, having obtained the permit to do so when Matsudaira Shintaro governed Hoki Province as his fief. Japan has not acquired the island of Joseon, and no Japanese have ever inhabited it. When I asked the distance to the island, he told me that Takeshima is about 40 *ri* from Joseon and 160 *ri* from Hoki Province. If the island is much closer to Joseon, isn't it Ulleungdo of Joseon? If Japan had acquired the island before or Japanese people had inhabited it, it would be difficult for us to return it to Joseon now. But there is no such evidence. Then, isn't it better for us not to get involved in matters concerning the island?

...

Since we have never acquired it, it is unreasonable to say that we will return it.

After receiving this memorandum, Tsushima's regent sent a memorandum in which he supported the shogunate's position, as follows:

Regarding the Takeshima Affair, we cannot say that the island

belongs to Inaba Province or Hoki Province. Simply put, we have heard that people from Hoki Province have sailed to the island to fish. As the island is closer to Joseon but much farther from Hoki, it might be an island within Joseon territory. Furthermore, there is no clear evidence that Japan has acquired it. We cannot say that the Japanese have inhabited the island. For these reasons, if you are of the opinion that it is better for us not to get involved in matters concerning the island, I think such a view is natural.

And thus, the shogunate, Tottori Domain, and Tsushima Domain reached a consensus to recognize Takeshima as Joseon territory. Their position was to recognize that the island was originally Joseon territory and had never been part of Japan.

D. The Ban on Passage to Takeshima

As the shogunate decided to recognize Takeshima as Joseon territory, the next step was to prohibit Japanese people from setting foot on the island. On January 28, 1696, the four *Rojus* of the shogunate invited the regent of Tsushima and delivered the memorandum conveying the shogun's decision. The memorandum stated that the shogun had ordered a ban on Japanese sailing to Takeshima, considering that it was not good to let Japanese fishermen encounter Joseon fishermen on the island.

On the same day, the shogunate sent the following order to the Edo residence of the governor of Tottori Domain:

In a previous year, when Matsudaira Shintaro was governing

the provinces of Inaba and Hoki, Murakawa Ichibe and Ohya Jinkichi, residents of Yonago in Hoki Province, began to sail to Takeshima for fishing, and they have continued to do so until now. However, there is now an order from above that bans the passage to Takeshima. You shall bear it in mind.

Best wishes,

January 28,

Tsuchiya Sagaminokami

Toda Yamashironokami

Abe Bungonokami

Okubo Kaganokami

To Lord Matsudaira, Governor of Hoki

This order was sent to the capital of Tottori on August 1, 1696.

The Conclusion to the Dispute

The regent of Tsushima received instructions to notify the Joseon government of the shogunate's decision and thereby conclude the dispute. In January 1696, during his stay in Edo, he conferred on the method of notification with Roju Abe Bungonokami. In accordance with their agreement, the regent of Tsushima explained verbally the shogunate's decision to two interpreter-envoys from Joseon, Byeon and Song, when visiting Tsushima in October 1696. When the interpreter-envoys requested a written notification, six Tsushima officials drew up a paper that they jointly signed, notifying the Joseon government of the shogunate's decision. In January 1697, the interpreter-envoys returned

home and submitted the paper to the Joseon government. The paper reads as follows:

The late governor of Tsushima had twice sent his envoy to your state to deal with the Takeshima Affair. Unfortunately, the governor passed away before the envoy accomplished his mission, and the envoy was recalled. A little later, *Gyobu taifu* (the regent of Tsushima) sailed to Edo. When he met the *Roju*, the latter inquired about Takeshima's location and features, and the former provided detailed answers based on the facts. In consequence, the shogunate, becoming aware that the island was far from this state but close to your state, worried that, if people of the two states mingled there, they would certainly do private business in disorder, causing problems such as smuggling. For this reason, the shogunate immediately issued an order banning our people forever from going there to fish...

Although notifying such an important decision through an informal paper did not conform to the traditional diplomatic practices between the two states, the Joseon government responded by sending a formal letter acknowledging receipt of the paper and welcoming the shogunate's favorable decision. However, as the Tsushima envoy requested that the Joseon government remove some words from the letter, the two sides spent more than a year fine-tuning the phrasing of the Joseon government's letter. Finally, in March 1698, Yi Seon-bu, the Assistant Minister of Rites of Joseon, wrote a letter to the regent of Tsushima, welcoming the

shogunates' decision and reiterating that Ulleungdo was clearly Joseon territory. The regent of Tsushima sent a letter to the Ministry of Rites of Joseon in January 1699, informing the Joseon government that he had properly conveyed the latter's letter to the shogunate. The Tsushima regent's letter was transmitted to the Joseon government in March 1699. Thereby, the territorial dispute over Ulleungdo was formally closed in favor of Joseon.

Along with the formal letter, Tsushima officials sent a memorandum to the Joseon government in accordance with *Roju* Abe's instructions. In the memorandum, they explained the particulars of the shogunate's decision to recognize Takeshima as Joseon territory and pointed out that the Joseon government had committed mistakes while dealing with the dispute. The memorandum was an informal paper, with neither the writer nor the recipient specified. However, in 1877, the Japanese Ministry of Home Affairs selected this memorandum as one of the documents with which it verified that the shogunate had decided Takeshima and Matsushima to be Joseon territories in the 1690s.

E. Ahn Yong-bok's activities in Japan

Ahn Yong-bok and his ten companions on a boat arrived at the Oki Islands in Japan in May 1696. Officials of Oki Province investigated the incident and wrote up a detailed report entitled "Memorandum on the arrival of a boat from Joseon in the 9th year of *Genroku*, the year of *Byeongja* (1696)." Ahn Yong-bok carried with him a map of Joseon and explained it. Noting the map, Oki officials included in their report a paragraph specifying the names of eight provinces in Joseon. Next to the

entry “Gangwon Province,” there is a sentence:

“Takeshima and Matsushima are in this province.”

Many Japanese documents recount Ahn Yong-bok’s activities in Japan. The common thread running through the various source materials is as follows:

Ahn Yong-bok and his companions traveled to Tottori Domain. He then attempted to submit a petition to the shogunate through the governor. Hearing about the incident, the regent of Tsushima feared that Ahn might raise a territorial question and proposed to the shogunate not to allow him to submit a petition. The shogunate ordered the governor of Tottori to make him leave Japan without allowing him to submit any petitions. Ahn and his companions left Japan on August 6, 1696.

According to the Japanese documents narrating his activities in Japan, it is certain that Ahn Yong-bok attempted to submit a petition to the shogunate. The subject matter of his abortive petition has not been verified. However, many passages in the Japanese documents indicate that he planned to raise a territorial issue before the shogunate.

3. The Enforcement of the Ban on Passage to Takeshima

The 1696 Ban on Passage to Takeshima only specified Takeshima as the forbidden destination. Although the shogunate learned from reports by Tottori Domain that there was another island called Matsushima, which

also did not belong to Japan, it did not allude to the latter in the Ban on Passage to Takeshima. Through the textual interpretation alone, it is difficult to infer whether the ban only applied to Takeshima or applied to Matsushima as well. However, the subsequent practices and documents show that the 1696 ban prohibited the Japanese from going not only to Takeshima but also to Matsushima.

After the Ban on Passage to Takeshima, the Murakawa family and the Ohya family petitioned the shogunate for a permit to reopen their businesses on the island, but to no avail. In 1740, Ohya Katsuhisa, the fourth head of the Ohya family, planned to obtain the right to embark on another business: the transportation of rice in Osaka or the wholesale of dried fish in Nagasaki. To achieve that, he contacted four officials of the shogunate (*Jisha bugyo*) and lobbied for his cause. According to the records of their conversation, the four officials asked,

“Following the ban on the passage to the two islands, Takeshima and Matsushima, have you received any stipend from the lord of Yonago Castle?”

To them, Ohya answered,

“After the ban on the passage to the two islands of Takeshima and Matsushima was issued, the lord of Yonago Castle granted us the right to collect commissions on fish and poultry transactions in the market under the castle. It has sustained our lives.”

The shogunate's officials advised him to petition the Nagasaki Magistrate. On June 10, 1741, Ohya paid a visit to the Nagasaki Magistrate and related his predicament due to the inability to access the two islands of Takeshima and Matsushima.

The above record of conversation, conserved in the Yonago City Library, demonstrates that the 1696 ban prohibited Japanese passage not only to Takeshima but also to Matsushima.

4. The Ban on Sailing to Takeshima and Distant Seas of 1837

In 1836, a Japanese subject was executed for having sailed to Takeshima. As this incident took place during the *Tempo* (or *Tenpo*) era (1830–1844), it is referred to as the “*Tempo Takeshima Affair* (*Tempo Takeshima ikken*)” in Japan.

In 1830, Imazuya Hachiemon, a shipping agent based in Hamada Domain, petitioned the Edo residence of the governor of Hamada for a permit for passage to Takeshima, explaining that he would bring timber and seafood from Takeshima and that the taxes he would pay thereon would help beef up the domain's budget. An official in the Edo residence of the governor of Hamada rejected the petition on the ground that it was difficult to regard Takeshima as Japanese territory. Upon returning to Hamada, Hachiemon discussed his plan with Hashimoto Sanbe and other Hamada officials. Although the Hamada officials were aware that passage to Takeshima was banned, they decided to turn a blind eye to Hachiemon's plan. Hachiemon left Hamada in June 1833, landed on Takeshima, and

returned to Hamada in August, bringing timber cut down from Takeshima. En route, he saw Matsushima but did not land there because it was a small island without trees.

In 1836, the officials of the Osaka Magistrate's Office arrested him. After interrogating him, the magistrate's office transferred him to the Supreme Court of the Shogunate (*Hyojoshō*). Hachimon and Hashimoto Sanbe were executed. Two other accomplices committed suicide. The governor of Hamada was placed under house arrest for life. Several other officials were punished.

During the review of the case, the shogunate sent the following question to the Edo residence of the governor of Tsushima:

We have heard that the circumference of Takeshima is about 20 *ri*, and in front of it there is a smaller island with a circumference of 4 or 5 *ri*. This small island is said to lie 40 *ri* from Takeshima but is closer to Japan. Do these two islands constitute Ulleungdo, which belongs to Joseon? If not, is Takeshima Ulleungdo, but Matsushima is a land out of Joseon?

The Edo residence of the governor of Tsushima answered as follows:

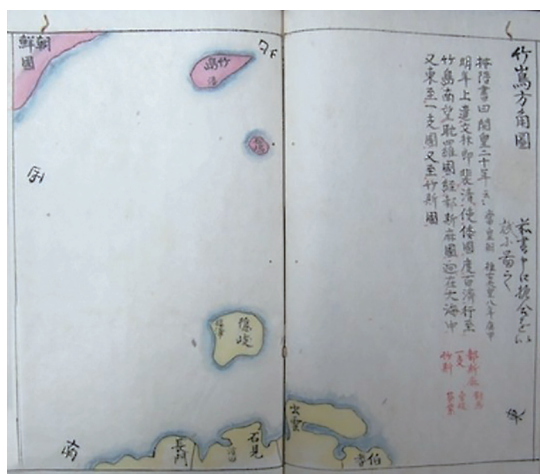
Ulleungdo lies in the middle of the sea, to the east of Uljin Prefecture in the Gangwon Province of the State of Joseon. In Japan, we call the island Takeshima.

As for Matsushima, we have the record of the reply, submitted to *Rōju* Abe Bungonokami during the *Genroku* era (1688-1704),

stating that there was an island called Matsushima near Takeshima and that we heard from our subordinates that some Japanese went there. We understand that the Japanese have been prohibited from going to Matsushima for fishing, just as they have been prohibited from going to Takeshima. However, we cannot say for certain that it was so determined. Takeshima and Matsushima seem to be the two islands depicted as Ulleung and Usan on Joseon's maps.

Since the Edo residence of the governor of Tsushima gave its reply based on the documents that it had conserved from the 17th century, it toned down the content of the answer by saying, “However, we cannot say for certain that it was so determined.” However, the complete document demonstrates that the officials of the Edo residence of the governor of

Map of the Direction of Takeshima, housed in the General Library of University of Tokyo

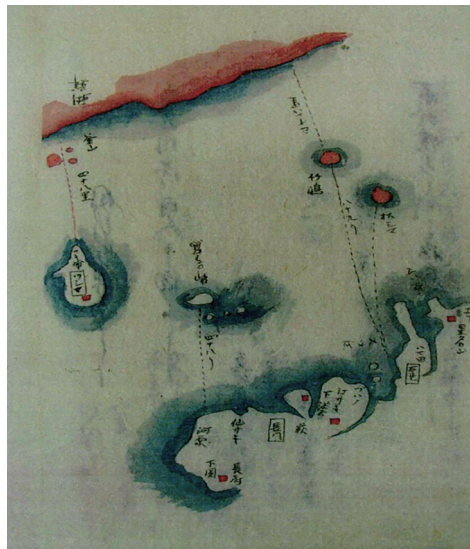


Tsushima understood that the 1696 Ban on Passage to Takeshima also covered Matsushima.

After investigating the incident, the Office of Osaka Magistrate wrote a report titled “Record of the Incident of Passage to Takeshima,” in which it included a concept map, entitled “Map of the Direction of Takeshima.” On this map, the mainland of Joseon, Takeshima, and Matsushima are colored pink, while the Japanese mainland and the Oki Islands are colored yellow.

Following the judgment on the case, the shogunate made a record of the case titled “Record of the Particulars of Passage to Joseon’s Takeshima,” which included an untitled concept map. On the map, the mainland of Joseon, Takeshima, and Matsushima were colored red, while the mainland of Japan and the Oki Islands were left uncolored, as follows:

Untitled map, housed in the Hamada City Library



After dealing with the incident, the shogunate proclaimed a ban on sailing to Takeshima and distant seas. It was publicized throughout Japanese territory in 1837. It reads as follows:

Hachiemon, a wanderer in Matsubara Port in Hamada Domain of Iwami Province, which was formerly Matsudaira Suonokami's fief, sailed recently to Takeshima. Following an investigation into this incident, Hachiemon and his accomplices were severely punished. The above-mentioned island is the place where residents of Yonago in Hoki Province went for fishing and other activities in the past. However, since the shogunate ceded the island to the State of Joseon during the *Genroku* era, the Japanese have been banned from going there. As there was an order strictly forbidding travel to any foreign country, everybody must keep in mind from now on that it is forbidden to go to that island too. Of course, as it was notified to everyone in the past that ships in all provinces of this country engaging in coastal transportation must be careful in choosing their sea routes so as not to encounter foreign vessels at sea, everyone must abide by this order and navigate without going to distant seas, as far as practicable. Administrators of the *tenryo* (shogun's estates) and land stewards of daimyos' private domains must notify all coastal villages and towns without exception of this order. This order must be imprinted on the notice board in each place for public notice.

February of the 8th year of *Tempo* (1837)

By order of the shogunate, this proclamation was publicized in all coastal regions. One of the wooden notice boards on which the proclamation was engraved remains in Japan. The text of the 1837 proclamation made it clear that it was based on the shogunate's recognition of Takeshima as Joseon territory and banned passage there during the *Genroku* era. However, the phrase "the shogunate ceded the island to Joseon during the *Genroku* era" was slightly misleading. As stated previously, when the shogunate decided to recognize Takeshima as Joseon territory in 1696, the *Roju* in charge of the issue stated, "Since we have never acquired it, it is unreasonable to say that we will return it."

5. The Confidential Inquiry into the Particulars of the Relations with the State of Joseon

Following the Meiji Restoration in 1868, Japan embarked on a task to modernize the nation. In an attempt to establish western-style diplomatic relations with Joseon, the Japanese government sent a letter to the Joseon government. The Joseon government refused to receive it because it lacked the proper form and referred to the Japanese sovereign as the emperor.

Consequently, the Dajokan instructed the Japanese Ministry of Foreign Affairs to dispatch a survey team to Joseon. The ministry sent a team composed of three officials, including Sada Hakubo, to investigate circumstances in Joseon in December 1869. The ministry instructed the survey team to study twelve aspects of Joseon's internal affairs, including its politics, external relations, and military power. To this, the ministry

added a separate instruction to investigate **“The Particulars of How Takeshima and Matsushima Became Joseon Territories.”**

Before arriving in Joseon, the survey team went first to Tsushima, consulted historical documents conserved in Tsushima’s archives, and prepared the report entitled “Report of a Study on the Relations Between Tsushima Province and Joseon.” This report was the result of their investigation into the Takeshima Affair.

In February 1870, the survey team arrived at *Waegwan* in Busan, conducted a survey, and compiled its report entitled **“Confidential Inquiry into the Particulars of the Relations with the State of Joseon.”** In that report, the survey team included a section entitled **“The Particulars of How Takeshima and Matsushima Became Joseon Territories.”** The instruction from the Japanese Ministry of Foreign Affairs and the report from the survey team both had the same title, “The Particulars of How Takeshima and Matsushima Became Joseon Territories.” This indicates that the Japanese government was aware that the two islands were Joseon territories, even before conducting the survey on the matter.

6. The Dajokan Order of 1877

In 1877, the Dajokan, the supreme body of the Japanese government, ordered the Japanese Ministry of Home Affairs to keep in mind that Ulleungdo and Dokdo were Joseon territories.

A. The Backdrop to the Dajokan Order of 1877

In 1876, the Japanese government launched a cadastral project to compile modern-style land registers for the whole territory. For the project, two officials of the Ministry of Home Affairs visited Shimane Prefecture to help the prefecture draw up its land register. Leaving Shimane on October 5, 1876, they instructed the Land Registration Section of the Shimane Prefectural Government to conduct research on Takeshima by consulting relevant historical documents and maps and to submit to the Ministry of Home Affairs an inquiry on whether to include the island in the land register of Shimane Prefecture.

“Inquiry about Takeshima and Another Island in the Sea of Japan for Compilation of the Land Register”

After conducting its research on Takeshima, the Shimane Prefectural Government submitted its “Inquiry about Takeshima and another island in the Sea of Japan for compilation of the land register” to the Ministry of Home Affairs on October 16, 1876. In its inquiry, the Shimane Prefectural Government stated that it was evident from old books and documents that Ohya Kyuemon and Murakawa Ichibe, merchants of Yonago in Tottori Domain, sailed to Takeshima every year from 1618 to 1695 with the permit granted by the shogunate, but it was not clear whether the island was put under the jurisdiction of Shimane Prefecture. Consequently, the Shimane Prefectural Government inquired whether the island should be included in the prefecture’s land register. Since the former Tottori Domain was incorporated into Shimane Prefecture in 1876, the Shimane Prefectural Government drew up a report after

consulting historical documents and maps conserved in the archives of the former Tottori Domain and attached the report to its inquiry submitted to the Ministry of Home Affairs. The following paragraph was included in that report:

Isotakeshima is also called Takeshima. It is located about 120 *ri* northwest of Oki Province. Its circumference is about 10 *ri*. There is a small piece of flat land with three rivers and waterfalls.

...

There is another island that is called Matsushima. Its area is about 30 *cho*. It is located on the route to Takeshima. It is 80 *ri* away from Oki. Trees and bamboo are rare on the island, but there are fish and animals.

The two officials from the Ministry of Home Affairs had instructed the Land Registration Section of the Shimane Prefectural Government to study Takeshima and submit an inquiry about its registration to the ministry. But the Shimane Prefectural Government inquired about “Takeshima and another island.” Regarding the term “another island,” two questions may arise: Why did the Shimane Prefecture add “another island” to Takeshima as the subject of its inquiry? What did the term “another island” mean? While examining historical documents and maps on Takeshima, the Shimane Prefectural Government found passages about Matsushima, which was located on the sea route to Takeshima. In its inquiry, the Shimane Prefectural Government used the term “another island.” The Shimane Prefectural Government clarified, in the

abovementioned paragraph of its report, that the term “another island” referred to Matsushima, stating, **“There is another island that is called Matsushima.”**

Having received the inquiry from Shimane Prefecture, the Ministry of Home Affairs conducted its own research by exploring the diplomatic correspondence exchanged between the shogunate and the Joseon government during the territorial dispute in the 1690s. As a result, the ministry verified that the shogunate had recognized Takeshima and Matsushima as Joseon territories. However, considering that determining a territory was an important matter, the ministry submitted, on March 17, 1877, the “Inquiry about Takeshima and another island in the Sea of Japan for compilation of the land register” to the Dajokan for a final decision. The title of this inquiry was identical to the title of Shimane Prefecture’s inquiry. But the ministry’s inquiry contained its provisional conclusion regarding the two islands. It was submitted as follows:

Inquiry about Takeshima and another island in the Sea of Japan
for compilation of the land register

Since Shimane Prefecture inquired about the jurisdiction over Takeshima, as attached herein, we conducted research on the matter. The affair of the said island, caused by the arrival of some Joseon people there in the 5th year of *Genroku* [1692], was settled in January of the 9th year of *Genroku* [1696], as shown in the following selected documents: Annex No. 1: The orders of the former government following its deliberation; Annex No. 2: The

memorandum delivered to the [Joseon] interpreters; Annex No. 3: The letter from Joseon; Annex No. 4: The reply letter and the memorandum from Japan

In fact, as a result of the exchange of correspondence that ended in the 12th year of *Genroku* (1699), it was determined that these islands had nothing to do with Japan. Although we have learned as such, since determining territory is a serious matter, we hereby submit this inquiry on the matter, just in case, with the relevant documents attached hereto.

March 17, the 10th year of Meiji [1877],

Maejima Hisoka, Vice Minister,

Acting for Okubo Toshimichi, Minister of Home Affairs

To Iwakura Tomomi, Minister of the Right of Dajokan

Along with its inquiry, the Ministry of Home Affairs attached a series of documents: the four documents it had selected among those concerning the territorial dispute in the 1690s; the inquiry it had received from Shimane Prefecture; and the research report drawn up by Shimane Prefecture. The four documents that the ministry selected among the correspondence exchanged between Joseon and Japan in dealing with the territorial dispute over Takeshima in the 1690s were crucial to the decision of the ministry and the Dajokan on the question of sovereignty over Takeshima and Matsushima. On the basis of those documents, the ministry and the Dajokan confirmed that the two islands had been determined to be Joseon territories in the 1690s.

B. The Dajokan Order of 1877

The office of the Dajokan examined the inquiry from the Ministry of Home Affairs and submitted the following subject for the deliberation of the Dajokan on March 20, 1877:

March 20, the 10th year of Meiji

Seal of the Minister

Seal of the Secretariat

Seal of the Councillor

Seal of the Vice Minister

Subject: Takeshima and another island in the Sea of Japan for compilation of the Land Register, as per the attached inquiry from the Ministry of Home Affairs

The Ministry of Home Affairs asserts that, on the basis of its research, the former government determined that Takeshima and another island in the Sea of Japan had nothing to do with Japan, as a result of the exchange of correspondence with the Joseon government after some Joseon people came there in the 5th year of *Genroku*. Therefore, regarding the ministry's inquiry, we think it is appropriate to give it the following order:

“Draft Order

Regarding Takeshima and another island, referred to in the attached paper, bear in mind that they have nothing to do with Japan.”

Iwakura Tomomi, the Right Minister of the Dajokan, delivered the

following order to the Ministry of Home Affairs on March 29, 1877:

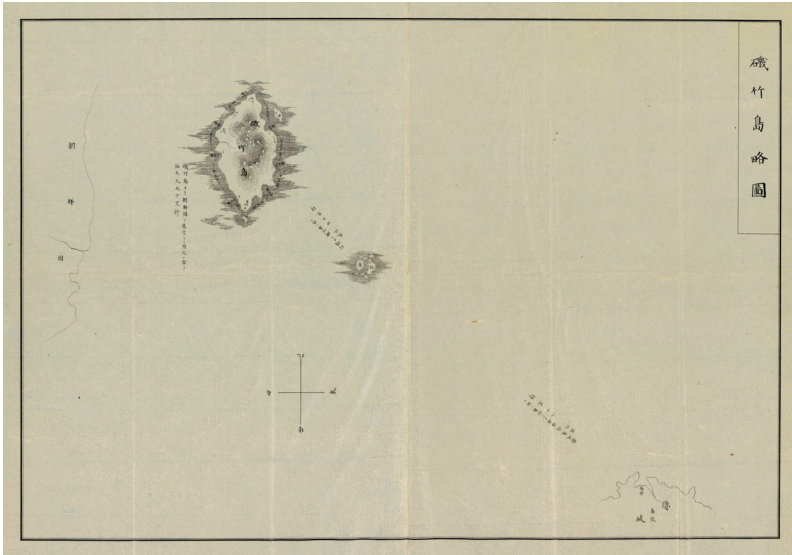
Regarding Takeshima and another island in question, bear in mind that they have nothing to do with Japan.

March 29, the 10th year of Meiji

The Ministry of Home Affairs relayed this order to the Shimane Prefectural Government on April 9, 1877.

As the Dajokan Order was written in brief and abstract terms, it can only be correctly interpreted in the light of the inquiry from the Ministry of Home Affairs and the relevant reference materials submitted to the Dajokan for a final decision. In the Dajokan Order itself, there is no indication of what the term **“another island”** refers to. The report that the Shimane Prefectural Government submitted to the Ministry of Home Affairs shows unquestionably that the term “another island” referred to Matsushima, saying, **“There is another island that is called Matsushima.”** The Ministry of Home Affairs attached that report to its own inquiry, which was submitted to the Dajokan. In addition, the “Simplified Map of Isotakeshima,” which was drawn by the Shimane Prefectural Government and included in the supporting materials submitted to the Dajokan, clearly demonstrates that “another island” referred to Matsushima. Therefore, the Shimane Prefectural Government, the Ministry of Home Affairs, and the Dajokan shared the knowledge that the term **“another island”** referred to Matsushima.

Isotakeshima ryakuzu (Simplified Map of Isotakeshima), housed in the National Archives of Japan



The term “they have nothing to do with Japan” meant that they were Joseon’s territories because the shogunate had recognized the two islands as Joseon territories in the context of the territorial dispute with Joseon in the 1690s, on which the Dajokan Order was based.

7. The Ban on Japanese Voyages to Ulleungdo of 1883

In 1881, the Joseon government discovered some Japanese lumberers in Ulleungdo. In 1881 and 1882, the Joseon government lodged protests with the Japanese government against it. In 1883, the Japanese government issued a ban on Japanese voyages to Ulleungdo. The records on these events are

conserved in the diplomatic archives of Korea and Japan.

A. The Infiltration of the Japanese into Ulleungdo

The 1696 Ban on Passage to Takeshima and the 1837 Ban on Sailing to Takeshima and Distant Seas denied Japanese access to Ulleungdo and Dokdo for a long time. With regard to the two forbidden islands, the Japanese lost interest, and their memories grew dim. When Japanese merchants spotted Ulleungdo on their way to and from Vladivostok in the 1870s, their interest in the island was rekindled. Many Japanese submitted petitions for the development of Matsushima (mistaking Ulleungdo for Matsushima) or Takeshima, but the Japanese government rejected them all. Nevertheless, some Japanese began to once again land on Ulleungdo to cut down timber.

B. The Joseon government's Diplomatic Démarche

In May 1881, the Joseon government dispatched an inspector to Ulleungdo. The inspector discovered seven Japanese who were about to ship a lot of timber that they had cut down on the island. Sim Sun-taek, the Minister of Rites of Joseon, took immediate action and sent a letter to Inoue Kaoru, the Japanese Minister of Foreign Affairs, requesting that the Japanese government prohibit the Japanese from coming to Ulleungdo, as follows:

When the Ulleungdo Inspector surveyed the island, he discovered seven Japanese people who had piled up the timber they had cut down, which they were preparing to transport to the ports of

Busan and Wonsan.

This island has belonged to this state since the time of the Three Kingdoms.

...

One hundred and eighty-nine years ago, in the *Gyeyu* year (1693), the Japanese people's mistake about the name of that island triggered a dispute. Our two states finally settled the dispute after exchanging several letters. At the time, the Japanese government promised to forever prohibit Japanese people from sailing to that island to fish. These letters, which are included in the historical books, may serve as evidence.

...

I sincerely expect your government to strictly enforce your laws prohibiting violations of frontiers and recall your vessels so as to prevent them from repeating past mistakes.

In response, Ueno Kagenori, the Acting Minister of Foreign Affairs of Japan, sent a letter to the Minister of Rites of Joseon on August 20, 1881, in which he promised to promptly investigate the matter and take necessary measures so that bilateral friendly relations would not suffer. He proposed that the Japanese government take the necessary measures to prevent Japanese people from sailing to Ulleungdo.

The Joseon government then dispatched Yi Gyu-won as a special inspector to Ulleungdo in May 1882. He reported that the Japanese continued to be active on the island. In June 1882, Yi Hoe-jeong, Joseon's Minister of Rites of Joseon, sent the following letter to Japan's Minister

of Foreign Affairs:

Our state's Ulleungdo is not an island on the frontier. Recently, our government sent a letter requesting that your government prohibit your people from lumbering on that island, and your government promised to take special steps to forbid such action. After that, our government dispatched Inspector Yi Gyu-won to survey the entire island. Upon his return, he reported, "There has been no change. The Japanese continue to cut down timber as before." I am wondering why your government has not yet taken any measures to prevent your people from committing these illegal acts. With this doubt growing, I write this letter. I would be deeply grateful if your government could strictly enforce the law so that your people do not repeat unlawful practices.

C. The Japanese Government's Ban on Japanese Voyages to Ulleungdo

Upon receiving the letter from the Joseon government, Inoue Kaoru, the Japanese Minister of Foreign Affairs, submitted to the Prime Minister a draft order banning the Japanese from going to Ulleungdo in December 1882. The minister submitted the draft order on the grounds that the island had been determined as Joseon territory during the *Genroku* era. As a theoretical basis for his proposal to ban Japanese people from going to Ulleungdo, he attached a report entitled "Study on the Territorial Sovereignty over Takeshima." This was an abridged version of the Historical Investigation into Takeshima that Kitazawa Masanari, a historian-geographer who once served in the Ministry of Foreign Affairs,

published in 1881. His book was based on his research into the territorial dispute between Japan and Joseon over Ulleungdo in the 1690s, as well as the petitions for the development of Ulleungdo in the 1870s. That report concluded,

“The present-day Matsushima is the island that was referred to as Takeshima during the 12th year of *Genroku* (1699). We know that it is beyond Japan’s territory.”

That report constituted one of the theoretical bases for the Japanese government’s decision to issue a ban on Japanese voyages to Ulleungdo in 1883.

After the deliberation by the Council, the Prime Minister (Minister of Dajokan) issued the following directive to the Minister of Home Affairs on March 1, 1883:

Regarding the island located at 37 degrees 30 minutes of north latitude and 130 degrees 49 minutes of east longitude, which is called Matsushima (or Takeshima) in Japan and Ulleungdo in Joseon, the two governments previously concluded an agreement. Therefore, I hereby request that your ministry instruct the governor of each local government to declare that Japanese people have been banned from sailing to that island and landing there, so as to ensure that everyone is aware of this.

On the same day, the Prime Minister gave the following directive to the

Minister of Justice:

I am sending a directive to the Minister of Home Affairs, as attached hereto. Accordingly, I hereby request that you instruct the head of each tribunal to apply Rule 9 of the Japan-Joseon Trade Regulations to those who smuggle on that island in violation of the above-mentioned directive and treat those who commit grave or minor offenses on the island in accordance with the Japanese Penal Code.

The 1883 Ban on Japanese Voyages to Ulleungdo was based on the shogunate's recognition of the island as Joseon territory and the ensuing Ban on Passage to Takeshima in the 1690s. However, the real effect of the 1883 ban was limited. Even after the ban was imposed, many Japanese continued to visit Ulleungdo. As this became a diplomatic issue between the two states, the Japanese government dispatched officials from the Ministry of Home Affairs and policemen to Ulleungdo, evacuated some 250 Japanese, and indicted them at criminal courts. However, several municipal courts found all of them innocent for various reasons. The Japanese government then started to turn a blind eye to the Japanese infiltration into Ulleungdo. It even encouraged the move. As a result, Japanese infiltration into Ulleungdo became a thorny diplomatic issue between the two states until the end of the 1890s.

Chapter 4:

Ulleungdo and Dokdo on Historical Maps

- 1. Ulleungdo and Dokdo on Korea's Historical Maps**
- 2. Ulleungdo and Dokdo on Japan's Historical Maps**

1. Ulleungdo and Dokdo on Korea's Historical Maps

Among the Korean historical maps that still exist to this day, the first to depict Ulleungdo and Dokdo was the “Map of Korea (*Dongguk jido*),” published by Jeong Cheok and Yang Seong-ji in 1463. They generated the Map of Korea by royal order, using the geographical information from the New Edition of Geography of the Eight Provinces, published in 1432. This geography book described only the existence of two islands in the East Sea, without giving their exact size or location. Jeong Cheok and Yang Seong-ji drew Usando and Ulleungdo on their map in the same order as described in the geography book. This caused the reversal of the locations of Usando and Ulleungdo, a mistake that would last for a long time. The “Map of Korea” became a standard for Korean maps, and many cartographers reproduced it until large-scale maps began to appear in the 1740s.

General Map of the Eight Provinces (*Paldo chongdo*)

The “General Map of the Eight Provinces” is a concept map of Joseon’s whole territory, included in the “*Revised and Augmented Edition of the Geography of Korea (Sinjeung dongguk yeoji seungnam)*,” published in 1531. This map, like the previous maps, also reversed the positions of Ulleungdo and Dokdo, depicting Usando to the west of Ulleungdo. The “*Revised and Augmented Edition of the Geography of Korea*” was printed on woodblocks and was widely used throughout the nation. Even some Japanese officials owned copies of this book.

Paldo chongdo (General Map of the Eight Provinces), housed in the Kyujanggak Institute for Korean Studies



Map of Korea (*Dongguk jido*)

The 18th century saw the publication of a series of maps that depicted Ulleungdo and Dokdo more accurately. In the mid-18th century, Jeong Sang-gi published the “Map of Korea,” which was an atlas consisting of a map of Joseon’s whole territory and more detailed maps of provinces. It was the first Korean map to specify the scale. This map depicts Usando more accurately as an island smaller than Ulleungdo and located to its east. King Yeongjo ordered the government to make a new map based on Jeong Sang-gi’s Map of Korea. The result was the “Great Map of Korea,”

Map of Korea by Jeong Sang-gi, housed in the National Museum of Korea



completed in the period between 1755 and 1767. The Great Map of Korea depicted Usando as an island, much smaller than Ulleungdo, situated to the latter's east. Jeong Sang-gi's descendants reproduced his map by supplementing its contents over several editions. Today, scholars refer to these as "maps of the series of Jeong Sang-gi's maps."

Map of Gangwon Province and Map of Ulleungdo

When the Joseon government began to draw up the *Reference Compilation of Documents on Korea (Dongguk munheon bigo)*, the king ordered Shin Gyeong-jun to compile its geography section and create a detailed map of the kingdom. Shin Gyeong-jun gathered a large number of maps of counties and prefectures, with which he made an album of regional maps. Based on these maps, he created a map of the entire territory of Joseon. However, the map of the entire territory has not survived to this day. Among his maps, the Map of Gangwon Province and the Map of Ulleungdo depict Ulleungdo and Usando. On these maps, Usan is properly illustrated as a smaller island, located to the east of Ulleungdo.

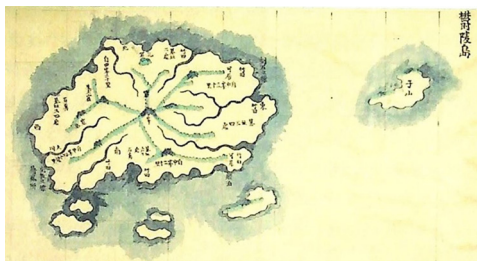
Map of Korea (*Carte de la Corée*)

Kim Taegon, the first Catholic priest of Korea, produced a map of Korea entitled "*Carte de la Corée*" in French in 1845. He was born into a Catholic family in 1821, during a period when the Joseon government severely persecuted Catholics. He converted to Catholicism and received the baptismal name "Andrea" or "André." In 1836, he went to Macao, where he studied philosophy and Catholic theology. In 1845, he was

Map of Gangwon Province by Shin Gyeong-jun, housed in the Hye-Jung Museum, Kyung Hee University



Map of Ulleungdo by Shin Gyeong-jun, housed in the National Library of Korea



ordained a priest by a French bishop in Shanghai. In 1845, he created the “*Carte de la Corée*” to help foreign missionaries in their work in Korea. According to a French priest, André Kim made this map by consulting maps housed in the Archives of the Hanseong (Seoul) Metropolitan Government.

As this map was made to help foreign missionaries, placenames are

Carte de la Corée faite par André Kim, 1845, Bibliothèque Nationale de France



written in Roman characters to be pronounced in French. Ulleungdo and Dokdo are drawn in the East Sea under the names “Oulengto” and “Ousan.” This was the first Korean map to find its way to the West.

On this map, Ulleungdo and Usan are referred to as “Oulengto” and “Ousan”, the French pronunciations of “Ulleungdo” and “Usan.”



André Kim was martyred in Seoul in 1846 and canonized as a saint by Pope John Paul II in 1984.

He sent his map to a French priest in Beijing via a secret emissary. French priests in Beijing reproduced it and sent the original and reproduced maps to France through the French Consul General in Shanghai and French naval officers. Today, André Kim’s original map and its reproductions are conserved in the *Bibliothèque Nationale de France*. The original map is captioned “*Carte de la Corée faite par André Kim* (Map of Korea made by André Kim),” while the reproductions are captioned “*Carte de la Corée d’après l’original envoyé par André Kim* (Map of Korea based on the original sent by André Kim).”

2. Ulleungdo and Dokdo on Japan's Historical Maps

On January 28, 1905, the Japanese Cabinet took steps to incorporate Dokdo into Japan, naming it Takeshima. On February 22, 1905, the Shimane Prefectural Government made it public to Shimane residents. In theory, all maps produced in Japan after February 1905 must have depicted Dokdo as Japanese territory. Such maps would have little additional value in the Dokdo issue. If a map produced in Japan after February 1905 shows Dokdo as Korean territory, it may have a certain bearing on the issue because it indicates that the measure of incorporation of Dokdo was unknown even to the map-maker. If a map produced in Japan before February 1905 depicts Dokdo as Korean territory, such a map may be considered an element that denies the validity of the Japanese theory of the occupation of *terra nullius* or another Japanese argument that the Cabinet decision of 1905 reaffirmed, under modern international law, Japanese sovereignty over Takeshima that had been established before.

Pictorial maps of Japan produced during the Edo period

In the early years of the Edo period, the shogunate ordered each daimyo to submit a pictorial map of his domain. By combining all the regional maps thus gathered, the shogunate completed maps of the whole territory of Japan. The feudal domains of the daimyos were distinguished by color. The most famous among these is the “*Shoho* Map of Japan” made during the *Shoho* era (1644–1648).

The area where Dokdo lies is excluded from the scope of the map. In the direction of Dokdo to the northwest of Japan, the scope of the map

is cut around the north of the Oki Islands. This configuration of Japan's outer limits corresponds to the northwestern limit of Japanese territory, as described in the *Records of Observations on Oki Province (Inshu shicho goki)*, published in 1667:

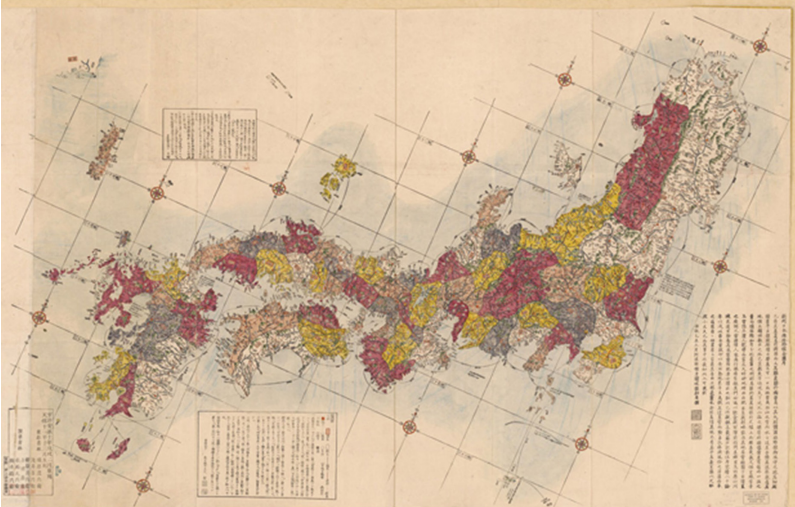
“Therefore, this province (Oki) constitutes the northwestern limit of Japanese territory.”

Revised Complete Map of Japanese Lands and Roads ***(Kaisei Nihon yochi rotei zenzu)***

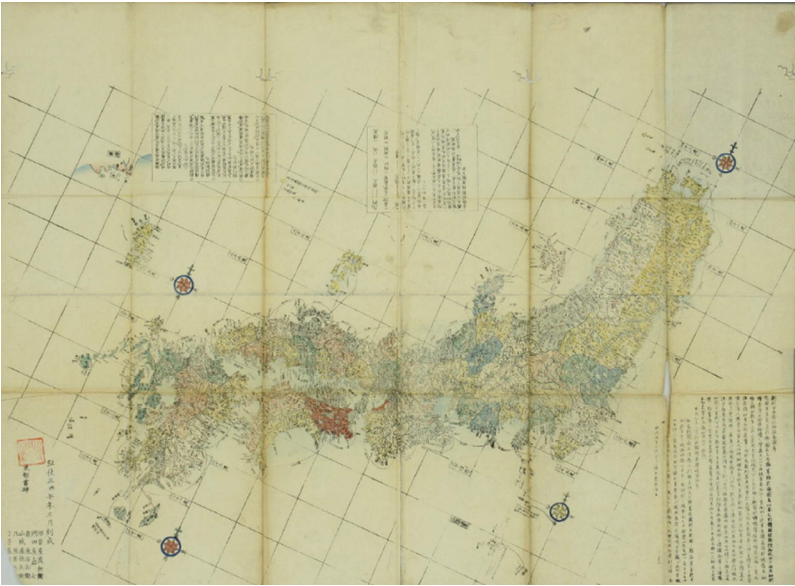
Nagakubo Sekisui (1717–1801) was the first Japanese cartographer to produce detailed maps of the whole of Japan using modern mapping technology. The first edition of the “*Revised Complete Map of Japanese Lands and Roads*” was published in 1779 under license from local authorities. On that map, horizontal and vertical lines are drawn across the Japanese territory. The horizontal lines largely correspond to the latitudinal lines, but the vertical lines do not correspond to the longitudinal lines. Nagakubo Sekisui published the second edition in 1791, which was slightly richer in content compared to the first edition. The 1791 edition included a depiction of important coastal sea routes as well as a written description of maritime tides in Japan's coastal seas.

In the first and second editions, feudal domains were distinguished by colors. Ulleungdo and Dokdo were drawn without color, as was the mainland of Joseon, and beyond the areas where the horizontal and vertical lines were drawn. Next to the two islands was a sentence: “Seeing Goryeo (from these islands) is like seeing Inshu (Oki Province) from

Revised Complete Map of Japanese Lands and Roads, by Nagakubo Sekisui, the second original edition of 1791 (fifth print in 1840), housed in the U.S. Library of Congress



Revised Complete Map of Japanese Lands and Roads, published by an unidentified author in 1846, housed in the Waseda University Library



Unshu (Izumo Province).” Since this sentence was taken from the *Records of Observations on Oki Province (Inshu shicho goki, 1667)*, the geographical information on Takeshima and Matsushima seems to have been borrowed from that book. The two authors shared the perception that the two islands belonged to Joseon.

Nagakubo Sekisui’s maps were so popular in Japan that many cartographers and publishers published many similar maps, copying or imitating his maps after his death. Those maps are collectively referred to as “Sekisui maps” in Japan. Among them, the 1811, 1830, and 1840 editions can be regarded as reproductions of the originals, deserving to be classified as “Sekisui maps,” for the following reasons: they were published under license; their bibliographic information is specified on the maps; and their contents are almost identical to the two original editions.

As for the editions of 1844 and 1846, their authenticity as “Sekisui maps” is dubious. There is no trace of license on the maps or elsewhere; the names of the engravers and other bibliographic information are unknown; their size is noticeably smaller than the originals; and their contents are quite different from the originals (the number of placenames marked on these maps is almost half of the originals, and the colors distinguishing the provinces are different from the originals). In particular, the 1844 and 1846 editions color Ulleungdo and Dokdo, like the Oki Islands, yellow. This is an obvious distortion of the ideas of the original author.

Complete Map of Great Japan's Coastal Lands

(Dai Nihon enkaï yochi zenzu)

Ino Tadataka (1745–1818) was commissioned by the shogunate to draw up a map of Japan. Ino Tadataka and his disciples undertook ten survey trips throughout Japanese territory from 1800 to 1816. The *Complete Map of Great Japan's Coastal Lands* was completed by his disciples in 1821, after his death, and was dedicated to the shogunate.

Although its title suggests that it depicts only Japan's coastal regions, it covers Japan's entire territory. It is an atlas composed of 225 pieces of detailed maps on three different scales: 3 small-scale maps, 8 medium-scale maps, and 214 large-scale maps. Japanese territory was partitioned into many rectangular blocks, and each block was drawn up in detail. This atlas is commonly called the “Ino Map.”

As in the *Shoho* Map of Japan, the area where Dokdo lies is excluded

A part of the Complete Map of Great Japan's Coastal Lands (three pieces of small-scale maps), from <https://Wikipedia.org>



from the scope of this map. This means that the authors considered Dokdo to be beyond the limits of Japanese territory.

Map of the Direction of Takeshima

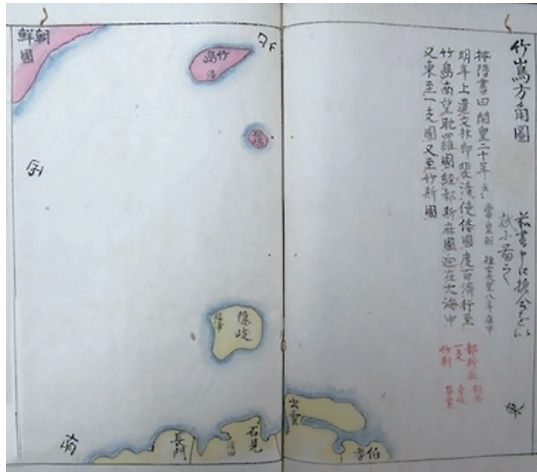
The “Map of the Direction of Takeshima” was drawn up by the Office of Osaka Magistrate (*Osakamachi bugyosho*) and attached to the report entitled “Record of the Incident of Passage to Takeshima.” It was created in 1836 after conducting a criminal investigation into Imazuya Hachiemon’s illegal voyage to Takeshima (Tempo Takeshima Affair).

On this concept map, Ulleungdo and Dokdo are colored pink, matching the color for the mainland of Korea, unlike Japanese territories, which were colored yellow. This map was made to verify and show whether Takeshima and Matsushima belonged to Joseon or Japan.

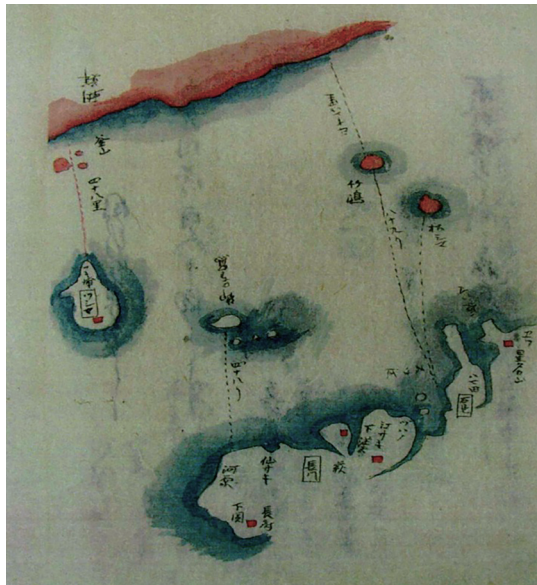
After completing the investigation, the Office of Osaka Magistrate transferred the case to the Supreme Court of the Shogunate (*Hyojosho*) for judgment. After the judgment was made, the shogunate drew up an incident report titled “Record of the Particulars of Passage to Joseon’s Takeshima,” to which it attached an untitled concept map. As the Map of the Direction of Takeshima, this concept map distinguished between Joseon territory and Japanese territory by color. On this map, Ulleungdo and Dokdo are colored red, as was the mainland of Joseon, while the Japanese territories are uncolored and surrounded by blue.

The above two maps were attached to the records of criminal proceedings, in which one of the key issues was the question of whether Ulleungdo and/or Dokdo belonged to Joseon or Japan. The two maps unmistakably show that the two islands belonged to Joseon.

Map of the Direction of Takeshima, housed in the General Library of University of Tokyo



The untitled map attached to the “Record of the Particulars of Passage to Joseon’s Takeshima” made by the shogunate, housed in the Hamada City Library



Simplified Map of Isotakeshima (*Isotakeshima ryakuzu*)

The Shimane Prefectural Government drew the “Simplified Map of Isotakeshima” and attached it to the “Inquiry about Takeshima and another island in the Sea of Japan for compilation of the land register” it submitted to the Ministry of Home Affairs in 1876, asking whether to include Takeshima and Matsushima in the prefecture’s land register.

In the inquiry, Takeshima and Matsushima were referred to as “Takeshima and another island in the Sea of Japan.” In the attached report, “another island” was specified as Matsushima. On this map, the two islands were marked “Isotakeshima” and “Matsushima.” Isotakeshima was a synonym of Takeshima, and “another island” was evidently Matsushima (Dokdo).

Isotakeshima ryakuzu (Simplified Map of Isotakeshima),
housed in the National Archives of Japan



In 1877, the Ministry of Home Affairs submitted its own “Inquiry about Takeshima and another island in the Sea of Japan for compilation of the land register” to the Dajokan for a final decision. The ministry attached this map, along with other supporting materials, to its inquiry.

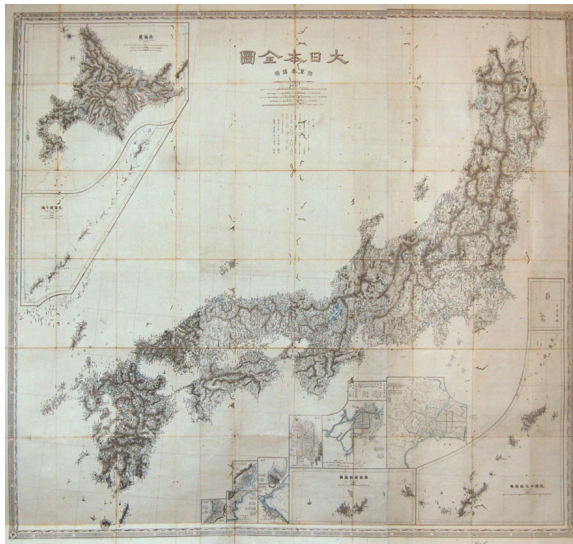
On March 29, 1877, Dajokan issued an order to the ministry, saying,

“Regarding Takeshima and another island in question, bear in mind that they have nothing to do with Japan.”

Complete Map of Great Japan (Dainihon zenzu)

The General Staff of the Japanese Army produced the *Complete Map of Great Japan* in 1877. This map is believed to be based on Ino Tadataka’s

Complete Map of Great Japan (1877), housed in the U.S. Library of Congress



“Complete Map of Great Japan’s Coastal Lands,” although it is not marked so on the map. Japan’s outlying small islands are drawn in the boxes: Hokkaido and the Kuril Islands in the left-upper corner of the map; the Ryukyu Islands in the right-lower corner; and the Ogasawara Islands in the central-lower corner.

In the area where Dokdo lies, nothing is drawn, although there is enough space to draw it.

Complete Map of the State of Great Japan (Dainihonkoku zenzu)

The Geography Bureau of the Ministry of Home Affairs published the *Complete Map of the State of Great Japan* in 1881. This map appears

Complete Map of the State of Great Japan (1881), housed in the U.S. Library of Congress



to be based on Ino Tadataka's *Complete Map of Great Japan's Coastal Lands*.

On this map, the box representing Hokkaido and the Kuril Islands occupies the area where Dokdo is located. Japan's other outlying islands, such as the Ryukyu Islands and the Ogasawara Islands, are drawn in the boxes in the right-lower corner. This means that the Japanese officers did not regard Dokdo as Japanese territory. The content of this map is consistent with the Dajokan Order of 1877, confirming that Takeshima (Ulleungdo) and Matsushima (Dokdo) were territories of Korea.

Part III

The Illegal Incorporation of Dokdo into Japanese Territory

The Japanese government embarked on incorporating Dokdo into Japanese territory in 1905, considering its military value in the war against Russia. Shortly after the end of the war, Japan made Korea a Japanese protectorate in 1905 and occupied it in 1910. With Japan's defeat in the Second World War, Korea was liberated from Japan in 1945. The Korean people established the government of the Republic of Korea in 1948 and resumed the exercise of sovereignty over Dokdo.

Chapter 1:

The Historical Background of the Illegal Incorporation of Dokdo into Japan

- 1. Korea Falls Prey to Imperialist Powers.**
- 2. Japan's Expansionary Policy and Aggression against Korea**

1. Korea Falls Prey to Imperialist Powers.

The Joseon Dynasty, established in 1392, placed significant emphasis on metaphysical and moral studies but little importance on commerce and industry. The dynasty pursued such a policy for more than four centuries, to varying degrees, according to the political and ideological propensities of the kings. As a result, Joseon became a country that was culturally advanced, economically poor, and militarily weak towards the end of the dynasty.

In the late 17th century, new academies called “practical learning schools” began to emerge. With a vision akin to western pragmatism, these schools studied natural and social sciences and tried to introduce western civilization. However, as these scholars did not belong to the ruling class of Joseon, they could not play a leading role in modernizing the nation. Their influence waned through the 19th century.

In the 19th century, Catholicism began to spread secretly across Joseon territory. Joseon’s ruling class was hostile to Catholicism, mainly because Catholic doctrines were incompatible with traditional Confucian and Neo-Confucian norms and morals. So, the Joseon government persecuted Catholics, whether they were converted Koreans or foreign missionaries. Furthermore, in the eyes of the Joseon aristocrats of the time, Catholicism was seen as the core of western civilization. Their hostility against Catholicism led them to a negative vision of western civilization in general. In addition, they were concerned about the encroachment of Western powers into East Asia. A closed-door policy was one of the outcomes of the combination of these factors, which troubled the minds of the leaders

of Joseon society. The Joseon government succeeded in repulsing French warships in 1866 and U.S. warships in 1871 that invaded the western coasts of Korea. The two incidents prompted the Joseon government to be more rigid toward Western powers, which Joseon aristocrats called “Western Barbarians.” Prince Daewongun, the regent and father of young King Gojong, helmed the nation’s adamant hardline in implementing the closed-door policy from 1863 to 1873 while pursuing internal reforms.

As King Gojong reached maturity, the regent resigned in 1873, and the king began to rule the nation directly. King Gojong’s foreign policy was more flexible than his father’s, and he was ready to open up the country with an ambivalent sentiment toward foreign powers. Japan, which had unsuccessfully attempted to establish a new western-style relationship with Joseon just after the Meiji Restoration, now tried gunboat diplomacy toward Joseon, imitating Western powers. In 1875, Japan sent a gunboat to Joseon’s west coast. After an exchange of fires with Joseon’s coastal garrisons, the Japanese warship withdrew to Japan. However, the military gesture had an impact on the Joseon government’s foreign policy. This time, the Joseon government was no longer resolutely determined to fight as it did in 1866 and 1871 against French and American warships. Partly through its own volition and partly weighed down by external forces, the Joseon government concluded the Treaty of Peace and Friendship with Japan (the Treaty of Ganghwa) in 1876. It was a typical unequal treaty, under which the Joseon government opened three ports to Japan and gave extraterritorial consular jurisdiction to Japan in the open ports. Starting in 1882, the Joseon government concluded a series of similar treaties and established diplomatic relations with Western states, such as the United

States of America, Great Britain, Germany, Russia, Italy, France, Austria, Belgium, and Denmark.

After opening its doors, Joseon introduced Western civilization and tackled political and social reforms. However, it failed to modernize the nation, mostly because it could not overcome the mayhem of internal politics and the meddling by foreign powers. By forcing lopsided agreements that were unfavorable to Joseon, the Western powers acquired a legal basis for imperialist aggression. However, the U.S. and most of the Western European states did not show territorial ambitions toward Joseon. Their interests in the country were confined to promoting trade and missionary activities. Only Great Britain had a specific strategic interest in Joseon: that of containing Russia's southward expansion. To that end, Great Britain occupied Geomun-do Island, deeming it a strategic point in the Korea Strait. The island was named Port Hamilton and fortified in 1885. Perceiving a change on the horizon in the Far East, Great Britain withdrew its forces from Geomun-do Island in 1887. The Qing Dynasty of China, Japan, and Russia remained in the race for supremacy in Korea. Korea thus served as a battleground for their imperialistic rivalry.

2. Japan's Expansionary Policy and Aggression against Korea

During the Edo period, Japan maintained an isolationist policy, allowing only restricted and controlled trade and contact with foreign countries. Japan began to open its doors by concluding the Treaty of Peace and

Amity with the United States (the Kanagawa Treaty) in 1854 and the Treaty of Amity and Commerce with the United States (the Harris Treaty) in 1858. Following the Meiji Restoration in 1868, Japan abolished the feudal bakufu system and established a western-style constitutional monarchy. During the Meiji era, Japan endeavored to modernize and establish a "rich nation with strong military power" by embracing western civilization.

With its growing power, Japan sought to expand its territory in all directions. The Korean Peninsula was a prime target for its territorial ambitions. The most aggressive expansionists were those who pushed a so-called "Conquer Korea Argument," urging the Japanese government to launch a military expedition to Korea immediately at the beginning of the 1870s.

In an ensuing power struggle, the more moderate politicians prevailed over the "Conquer Korea Argument" faction in 1873. Japan's mainstream political leaders opted to focus on shoring up national strength and envisioned a gradual expansion toward Korea. By pressing the Joseon government through its gunboat diplomacy in 1875, the Japanese government concluded the Treaty of Peace and Friendship with the Joseon government in 1876. As a result, Joseon opened three ports to Japan. Japan followed up by reinforcing economic expansion toward Joseon and interfering in Joseon's internal politics.

Japan's actions unavoidably caused conflict with the Qing Dynasty, which had maintained a superior position in Joseon. When the "Donghak Revolution," an uprising by adherents to a new anti-Western national creed, "*Donghak*" (Eastern Learning), threatened the Joseon government

in 1894, China and Japan deployed their armed forces on the Korean Peninsula. The troops of the two states clashed on Korean soil, and the two sides launched an all-out war, better known as the “Sino-Japanese War.”

The Japanese forces overwhelmed the Chinese forces in terrestrial and naval battles, and the two states concluded a peace treaty at Shimonoseki in April 1895. Under the terms of the Shimonoseki Treaty, the Qing Dynasty lost its superior position in Joseon, ceded Taiwan and the Liaodong Peninsula to Japan, and paid heavy war reparations. Russia was alarmed by China's cession of the Liaodong Peninsula to Japan because the peninsula would serve as a foothold in Japanese expansion toward Manchuria, where Russia had already been consolidating its bases. Russia, backed by Germany and France, exerted diplomatic pressure on Japan, urging it to return the Liaodong Peninsula to China. Japan yielded to that pressure and returned the peninsula to China. The move, dubbed the “Triple Intervention,” exerted a strong and long-lasting impact on the situation in East Asia and the foreign policy of Joseon.

By removing a rival from Joseon, Japan seemed to have paved the way for its dominance over Korea. Still, Russia proved to be a more powerful rival. The Joseon government adopted a pro-Russian policy as a counterweight to Japan's aggression, which became more brazen after the Sino-Japanese War. To overturn the situation, a group of Japanese resorted to drastic measures. On October 8, 1895, a group of assassins, composed of Japanese soldiers and *ronins* (wandering samurai) and supervised by the Japanese Minister in Korea, infiltrated the royal palace of Joseon and murdered the queen, who would later be bestowed with the

posthumous title of “Empress Myeongseong.”

As a backlash to Japan’s violent actions, the Joseon government began to lean more heavily toward Russia. St. Petersburg took the opportunity to tighten its grip on Joseon, acquiring a range of economic privileges. To safeguard its independence against imperialist aggression, King Gojong proclaimed the Empire of Korea on October 12, 1897, reforming the state system and becoming himself its first emperor. As the rivalry mounted between Japan and Russia for control over Korea and Manchuria, the two states made a series of diplomatic compromises. But such agreements reached piecemeal could not reconcile their expansionist ambitions, and a war between them was inevitable.

On February 8, 1904, a Japanese fleet launched a surprise attack on the Russian fleet and fortress in Port Arthur. With Japan’s declaration of war against Russia on February 10, 1904, the Russo-Japanese War formally broke out. Some weeks prior, the Empire of Korea foresaw the looming war and declared its neutrality on January 21, 1904. Disregarding Korea’s declaration of neutrality, Japanese armed forces landed in Korea on their way to the battlefields in Manchuria. Exerting the military pressure, the Japanese government coerced the Korean government to sign a protocol on February 23, 1904, under which Japan obtained “the right to, at any time, expropriate the areas necessary to implement its military strategy.”

Invoking this protocol, Japan stationed its armed forces at strategic locations in Korea, including the capital, and used the entire Korean territory as its rear base in its war against Russia. On August 22, 1904, Japan compelled the Korean government again to sign an untitled agreement (later called the “Agreement on the Employment of Advisers”

in Korea and the “First Japan-Korea Convention” in Japan), which forced the Korean government to employ diplomatic and financial advisers from among foreigners recommended by the Japanese government. Under the terms of this agreement, the Japanese government began to sway Korea’s foreign and financial policies.

As the Russian forces were retreating both on land and at sea, the Russian government dispatched its Baltic Fleet to the Far East in the latter part of 1904. Therefore, the Japanese government anticipated and prepared a decisive naval battle in the East Sea, the Korea Strait, or the Tsushima Strait. It was then that the Japanese government took furtive steps to incorporate Dokdo into Japanese territory, focusing on its strategic location in the middle of the East Sea.

Chapter 2:

The Process of the Illegal Incorporation of Dokdo into Japan

- 1. A Businessman's Petition for the Territorial Incorporation of Dokdo**
- 2. The Japanese Government's Steps to Incorporate Dokdo into Japan**

1. A Businessman's Petition for the Territorial Incorporation of Dokdo

Nakai Yozaburo, a Japanese businessman, initiated the process of incorporating Dokdo into Japan. Originally, he planned to obtain an exclusive right to catch sea lions on Dokdo, but he changed his mind and submitted a petition for the territorial incorporation of the island at the instigation of Japanese officials. He recorded the process of his petition in the report “Summary History of the Management of Takeshima,” which he submitted to the Shimane authorities in 1910.

He began to hunt sea lions on Lyanko Island (Dokdo) in 1903 and aimed to monopolize sea lion hunting on the island. Believing that the island belonged to Korea, he contacted Maki Naomasa, the Director General of Fisheries of the Ministry of Agriculture and Commerce, seeking assistance in obtaining a license. The Director General of Fisheries advised him to contact the Director General of the Hydrographic Office.

When Nakai Yozaburo met Kimotsuki Kaneyuki, the Director General of the Hydrographic Office under the Japanese Navy, the latter said that there was no evidence about the appurtenance of Lyanko Island and that it was closer to Japan. The director general instigated Nakai Yozaburo to submit a petition for the territorial incorporation of the island, saying that it was natural to incorporate it into Japan because Japanese were engaged in the management of the island. Thus encouraged, Nakai Yozaburo submitted the “Petition for the Territorial Incorporation of Lyanko Island and Its Lease” to the Minister of Home Affairs, the Minister of Foreign Affairs, and the Minister of Agriculture and Commerce on September

29, 1904. In that petition, he requested that the Japanese government incorporate Lyanko Island as part of Japanese territory and lease it to him for ten years.

2. The Japanese Government's Steps to Incorporate Dokdo into Japan

After submitting the petition, Nakai Yozaburo contacted officials at the Ministry of Home Affairs and the Ministry of Foreign Affairs. Inoue, a secretary in the Regional Administration Bureau of the Ministry of Home Affairs, discouraged Nakai Yozaburo, saying, “If Japan incorporates this barren reef into territory, which may be Korean territory, during the war against Russia, foreign states may suspect that Japan has ambitions to annex Korea. The consequences would be difficult to handle, while the advantages would be negligible. Whatever justification you may present, your petition will be declined.” However, Yamaza Enjiro, the Director General of Political Affairs of the Ministry of Foreign Affairs, encouraged and urged Nakai Yozaburo to pursue the petition, saying, “The current situation requires urgent incorporation of that island. If we construct watchtowers and install a wireless radio station or submarine cables there, they will be extremely useful in observing enemy warships. We don’t need to worry about diplomatic consequences.” Thus, an entrepreneur’s business plan was transformed into a political agenda of the government.

On January 10, 1905, Yoshikawa Akimasa, the Minister of Home

Affairs, presented a secret proposal for the incorporation of Dokdo into Japan to Katsura Taro, the Prime Minister.

Second-degree confidentiality

No. 337

The subject of the appurtenance of an uninhabited island

The uninhabited island, located at 37 degrees, 9 minutes, and 30 seconds north latitude and 131 degrees, 55 minutes east longitude, 85 nautical miles from Oki Island, bears no trace of occupation by any other country. Two years ago, in the 36th year, a certain Nakai Yozaburo, a Japanese subject, built fishing huts, sent workers, prepared hunting gear, and began hunting sea lions there. This time, he petitions for the territorial incorporation of the island and for its lease to him. Considering the need to determine, on this occasion, the appurtenance and name of that island, I hereby propose we name it Takeshima and place it under the jurisdiction of the Director of the Oki Island Branch Office of Shimane Prefecture from now on. For this, I have the honor to request that Your Excellency convene a cabinet meeting.

January 10, the 38th year of Meiji (1905),

Baron Yoshikawa Akimasa, Minister of Home Affairs

To Your Excellency Count Katsura Taro, Prime Minister

On January 28, 1905, the Japanese Cabinet decided as follows:

January 28 of the 38th year of Meiji (sealed) [1905]

The Prime Minister of the Japanese Cabinet agreed, the Minister of Legislation sealed, the Minister of Foreign Affairs signed, the Minister of Finance signed, the Minister of Navy signed, the Minister of Education signed, the Minister of Telecommunications signed, the Minister of Home Affairs signed, the Minister of Army signed, the Minister of Justice signed, and the Minister of Agriculture and Commerce signed.

As attached hereto, the Minister of Home Affairs has proposed a deliberation on the subject of the appurtenance of an uninhabited island, as follows:

The uninhabited island, located at 37 degrees, 9 minutes, and 30 seconds north latitude and 131 degrees, 55 minutes east longitude, 85 nautical miles from Oki Island, bears no trace of occupation by any other country. Two years ago, in the 36th year, a certain Nakai Yozaburo, a Japanese subject, built fishing huts, sent workers, prepared hunting gear, and began to hunt sea lions there. This time, he petitions for the territorial incorporation of the island and for its lease to him. Considering the need to determine, on this occasion, the appurtenance and name of that island, I hereby propose that we name it Takeshima and place it under the jurisdiction of the Director of the Oki Island Branch Office of Shimane Prefecture from now on.

In examining this matter, since it is evident, as relevant documents show, that a certain Nakai Yozaburo has moved to the island and has been engaged in fishing since the 36th year of Meiji, we, recognizing these acts as occupation under international law,

consider that there is no impediment to making the island part of Japan and placing it under the jurisdiction of the Director of the Oki Island Branch Office of Shimane Prefecture. Therefore, it is appropriate for the Cabinet to decide as the Minister of Home Affairs has proposed.

On February 15, to implement this cabinet decision, the Minister of Home Affairs gave the following instructions to the governor of Shimane Prefecture:

The instruction of the Minister of Home Affairs

Instruction No. 87

The island, located at 37 degrees, 9 minutes, and 30 seconds north latitude and 131 degrees, 55 minutes east longitude, 85 nautical miles from Oki Island, is named Takeshima and shall be placed under the jurisdiction of the Director of the Oki Island Branch Office of Shimane Prefecture from now on. You should issue public notice of this fact within your jurisdictional area. I hereby instruct you as above.

February 15, the 38th year of Meiji (1905),

Yoshikawa Akimasa, Minister of Home Affairs

To Mr. Matsunaga Takeyoshi, Governor of Shimane Prefecture

On February 22, 1905, the governor of Shimane Prefecture issued a public notice as follows:

‘Shimane Prefecture Notice No. 40’

The island, located at 37 degrees, 9 minutes, and 30 seconds north latitude and 131 degrees, 55 minutes east longitude, 85 nautical miles from Oki Island, is named Takeshima and shall be placed under the jurisdiction of the Director of the Oki Island Branch Office of this prefecture from now on.

February 22, the 38th year of Meiji (1905),

Matsunaga Takeyoshi, Governor of Shimane Prefecture

Such was the process by which the Japanese Cabinet secretly incorporated Dokdo into Japan. The governor of Shimane Prefecture publicized that an uninhabited island was named Takeshima and was placed under the jurisdiction of the Director of the Oki Island Branch Office of Shimane Prefecture. It was a notice addressed to the residents of his prefecture.

Thereafter, in 1905, Nakai Yozaburo established the Takeshima Fishery Limited Partnership, jointly with his rival in sea lion hunting, in line with the recommendation from the Director of the Oki Island Branch Office of Shimane Prefecture. This company monopolized the hunting of sea lions on Dokdo for about two decades, until the species became virtually extinct.

Chapter 3:

Korea's Response to the Incorporation of Dokdo into Japan

- 1. Japan's Accelerated Process of Aggression Against Korea**
- 2. The Response of the Empire of Korea to the Incorporation of
Dokdo into Japan**

1. Japan's Accelerated Process of Aggression Against Korea

While waging its war against Russia, Japan reinforced its control over Korea and took diplomatic measures to thwart any attempts by the U.S. and Great Britain to impede its aggression against Korea.

Katsura Taro, the Japanese Prime Minister, and William Howard Taft, the U.S. Secretary of War, held a meeting in Tokyo on July 27, 1905. They discussed their respective policies regarding the Philippines and Korea. The secret record of their conversation was later known as the “Taft-Katsura Agreement” or the “Taft-Katsura Memorandum.” Katsura stated that Korea was the direct cause of the Japanese war with Russia and that Japan did not harbor any aggressive designs on the Philippines. In return, Taft stated that “the establishment by Japanese troops of a suzerainty over Korea to the extent of requiring that Korea enter into no foreign treaties without the consent of Japan was the logical result of the present war and would directly contribute to permanent peace in the East.”

Japan and Great Britain concluded, on August 12, 1905, a second Anglo-Japanese Alliance Agreement, in which the two parties agreed that “Japan possessing paramount political, military, and economic interests in Korea, Great Britain recognizes the right of Japan to take such measures of guidance, control, and protection in Korea as she may deem proper and necessary to safeguard and advance those interests, provided that such measures are not contrary to the principle of equal opportunities for commerce and industry of all nations.”

The Taft-Katsura Agreement and the second Anglo-Japanese Alliance Agreement were interpreted as American and British endorsements of the

Japanese plan to make Korea its protectorate.

As the Russian forces proved inferior to the Japanese forces in the Far East, St. Petersburg dispatched the Baltic Fleet to the Far East. However, the Japanese fleet destroyed the Baltic Fleet in the Battle of Tsushima on May 27, 1905, and annihilated the remaining Russian warships in the East Sea. Although Japan was victorious in battles, it had difficulty continuing to wage the war with its financial resources running low. A revolution was aggravating internal strife in Russia. So, the two belligerent states held a peace conference at Portsmouth, New Hampshire, in the U.S.

Under the mediation of U.S. President Theodore Roosevelt, Japan and Russia signed the Treaty of Portsmouth on September 5, 1905. Under that treaty, Russia ceded South Sakhalin to Japan. Russia also acknowledged that “Japan possesses in Korea paramount political, military and economic interests” and engaged “neither to obstruct nor interfere with measures for guidance, protection and control which the Imperial Government of Japan may find necessary to take in Korea.”

Through warfare and diplomacy, Japan had removed all obstacles in its path to take over Korea. To conclude a treaty to place Korea under Japanese power, the Japanese government appointed Ito Hirobumi, a former prime minister, as special ambassador to Korea in November 1905. While Japanese troops surrounded the imperial palace, Ito Hirobumi pressed the emperor and the ministers of the Empire of Korea to sign the draft agreement he presented.

In the end, the Korean Minister of Foreign Affairs and the Japanese Minister in Korea signed an agreement on November 17, 1905. This agreement stripped the Empire of Korea of its power for foreign relations,

empowering a Japanese Resident-General to control Korea's foreign relations. This agreement was untitled. Later, Koreans dubbed it the "Coerced Agreement of the Year of *Eulsa* (1905)" and Japanese the "Second Japan-Korea Convention." Although Emperor Gojong did not ratify it, the Japanese government established the Japanese Residency-General in Korea in February 1906 and appointed Ito Hirobumi as the first Resident-General.

2. The Response of the Empire of Korea to the Incorporation of Dokdo into Japan

In March 1906, the Shimane Prefectural Government sent a survey team composed of prefectural officials and civilians to Dokdo. After surveying the island, the survey team arrived at the office of Uldo County on March 28, 1906. They told Sim Heung-taek, the Uldo County Magistrate, that they came to survey Dokdo since it had now become part of Japanese territory. The following day, on March 29, Sim Heung-taek sent a report to Yi Myeong-nae, the Acting Governor of Gangwon Province and Magistrate of Chuncheon County. Upon receiving that report, Yi Myeong-nae sent a special report to the Acting Prime Minister of the State Council, citing Sim Heung-taek's report as follows:

Special Report

Sim Heung-taek, the Uldo County Magistrate, submitted the following report to me:

“Dokdo, which belongs to this county, is located 100 *ri* away in the sea. On the 4th day of this month, at the *Jin* hour (7 to 9 o'clock), a steamship arrived and docked at Dodong Port in the county. A group of Japanese officials came to the county office and said, ‘Since Dokdo has now become Japanese territory, we are here to survey it.’

This group was composed of Higashi Bunsuke, Director of the Oki Island Branch Office of Shimane Prefecture; Jinzai Yoshitaro, Assistant Director of Shimane Prefecture; Yoshida Heikichi, Director of Tax Inspector; Kageyama Kanhachiro, Director of Branch Police Station; a policeman; a member of the Prefectural Council; a medical doctor; a technician; and some ten attendants. They asked many questions about the number of houses, the population, the area of the land, and its produce, as well as the number of officials and the budget of the county office. As such, they tried to examine all affairs in the county and left after taking notes. Therefore, I report it and request your instructions.”

I hereby transmit this report to Your Highness and request your instructions.

The 29th day of April of the 10th year of Gwangmu (1906)

Yi Myeong-nae, Acting Governor of Gangwon Province and
Magistrate of Chuncheon County

To Your Highness, Acting Prime Minister of the State Council

Upon receiving this report, Park Je-sun, the Acting Prime Minister, gave the following directive to the Acting Governor of Gangwon Province

on May 10, 1906:

Directive No. 3

I have read your report with due attention. The claim that Dokdo has become Japanese territory is completely unfounded. Therefore, you shall further examine the situation on the island as well as the activities of the Japanese and submit an updated report.

In May 1906, the Korean press published articles about the event, citing the above reports and directive. The Korean government, having lost its right to foreign relations, was unable to take any diplomatic action when it learned that Japan had incorporated Dokdo. When the whole territory was on the verge of annexation, the Korean government did not have any means to save this tiny island.

Chapter 4: Japan's Forcible Occupation of the Entire Korea and the Liberation of Korea

After the Coerced Agreement of the Year of *Eulsa* was signed in 1905, Emperor Gojong attempted to annul it. All his efforts were futile. Foreign states closed their legations in Seoul. The emperor tried to get help from the U.S., but to no avail. He sent a delegation to the Second Hague Conference in 1907, but the delegation was not allowed to participate in the conference due to Japan's intervention.

The Japanese Resident-General in Korea coerced Emperor Gojong to abdicate, claiming that the latter violated the "Second Japan-Korea Convention" by sending a delegation to The Hague. The emperor ceded to the pressure and abdicated on July 20, 1907, in favor of his son, who thereby became Emperor Sunjong.

On July 24, 1907, Japan coerced the Korean government to sign an agreement in which the Korean government promised not to enact any laws, ordinances, or regulations nor take any important administrative measures without the prior consent of the Resident-General. Under this agreement, the Resident-General took complete power over the internal administration of the Empire of Korea. This untitled agreement was called the "Agreement of the Year of *Jeongmi* (1907)" or the "Seven Articles of the Year of *Jeongmi*" in Korea. On July 31, 1907, the commander of the Japanese forces in Korea forced the Korean government to disband its standing army. When the Empire of Korea lost all means to resist Japan, the Korean Prime Minister and the Japanese Resident-General signed the Agreement of Annexation on August 22, 1910. Through this agreement, Japan's occupation of Korea was complete.

The Korean people fought to regain the nation's independence. They formed many groups under the banner of the "Righteous Army" or

the “Independence Army” in Manchuria and the Maritime Province of Russia and engaged in armed resistance. Thirty-three spiritual leaders of the Korean people proclaimed the “Declaration of Independence” in Seoul on March 1, 1919, in hopes of achieving national independence through peaceful means. It sparked peaceful demonstrations throughout the country, calling for national independence. On the other hand, political leaders established the Provisional Government of the Republic of Korea in exile in Shanghai in 1919. With the advance of Japanese forces into China, the Provisional Government relocated several times, following the Chinese government, before finally settling in Chongqing in 1940. There, the Provisional Government created the “National Liberation Army,” which cooperated with the U.S. Office of Strategic Services, the precursor to the CIA, to prepare a landing operation in Korea. Meanwhile, Koreans in the U.S. and Europe took part in the independence movement through diplomatic means.

With the surrender of Japan to the Allied Powers, Korea was liberated on August 15, 1945. However, the U.S. Army forces occupied southern Korea, south of the 38th parallel, and governed South Korea by establishing the U.S. Army Military Government in Korea. Under the terms of SCAPIN-677 issued by the Supreme Commander for the Allied Powers on January 29, 1946, Dokdo was separated from Japan and placed under the jurisdiction of the U.S. Army Forces in Korea.

The Government of the Republic of Korea was established on August 15, 1948, under the auspices of the United Nations. On December 12, 1948, the UN General Assembly adopted Resolution 195(III), by which it recognized the Government of the Republic of Korea as the unique

lawful government in Korea. Upon the establishment of the ROK government, the U.S. Army Forces in Korea transferred all the powers regarding Korea to the ROK government. Finally, the Republic of Korea resumed the exercise of its sovereignty over Dokdo.

In the meantime, the Soviet armed forces occupied northern Korea, north of the 38th parallel. Under the control of the Soviet armed forces, the Democratic People's Republic of Korea was proclaimed in North Korea on September 9, 1948.

Part IV

The ROK's Resumption of the Exercise of Sovereignty over Dokdo

During the Second World War, the leaders of the Allied Powers held conferences at Cairo, Yalta, and Potsdam and adopted a series of agreements defining the principles of war operations against Japan and the postwar world order.

Chapter 1:

The Allied Powers' Wartime Agreements and Postwar Control over Japan

- 1. The Allied Powers' Wartime Agreements**
- 2. The Allied Powers' Postwar Control over Japan**

1. The Allied Powers' Wartime Agreements

The Cairo Declaration

President Franklin D. Roosevelt of the United States, President Chiang Kai-shek of the Republic of China, and Prime Minister Winston Churchill of the United Kingdom held a conference in Cairo on November 22–26, 1943, and adopted the Cairo Declaration. It was broadcast on the radio on December 1, 1943.

Urging Japan to surrender unconditionally, the three leaders adopted the principles regarding the disposition of Japanese territory and all territories under Japanese occupation as follows:

Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914.

All the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and The Pescadores, shall be restored to the Republic of China.

Japan will also be expelled from all other territories which she has taken by violence and greed.

The three leaders paid special attention to the Korean people and added the following:

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.

The Yalta Agreement

President Franklin D. Roosevelt of the United States, Prime Minister Winston Churchill of the United Kingdom, and Premier Joseph Stalin of the Soviet Union held a conference at Yalta in Crimea on February 4–11, 1945. The Big Three conferred on the postwar European order, the creation of the United Nations, and the Far Eastern affairs.

As the Soviet Union, which signed the Soviet-Japanese Neutrality Pact on April 13, 1941, did not yet declare war on Japan, the Big Three adopted a confidential agreement on the Far Eastern issues. The Soviet Union pledged to join the Allies in the war against Japan within two or three months after Germany's surrender. In return, the Soviet Union demanded the following:

- The restoration of interests in Manchuria previously held by Tsarist Russia
- The restoration of Southern Sakhalin, located south of fifty degrees north in latitude, and its adjacent islands, previously ceded to Japan by Tsarist Russia under the terms of the Treaty of Portsmouth at the conclusion of the Russo-Japanese War
- The handover of the Kuril Islands

The U.S. and the UK accepted these demands. However, their failure to specify the extent of the Kuril Islands would trigger yet another controversy between Japan and Russia.

The Potsdam Declaration

After Germany's surrender in the Second World War, President Harry S. Truman of the United States, Prime Minister Winston Churchill of the United Kingdom, and Premier Joseph Stalin of the Soviet Union held a conference in Potsdam, Germany, from July 17 to August 2, 1945. On July 26, the U.S. President and the UK Prime Minister adopted the Potsdam Declaration, in which the Allied Powers defined the terms for Japanese surrender. President Chiang Kai-shek of the Republic of China, who did not participate in the conference, joined the declaration by telegram. As the Soviet Union was not officially at war with Japan, Stalin did not sign the declaration at Potsdam but joined it later, on August 8, 1945, the day when the Soviet Union finally declared war on Japan.

The Potsdam Declaration contained a clause on the principle of defining Japan's postwar territory, as follows:

8. The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.

Under this clause, the Cairo Declaration would have the same binding effect as the Potsdam Declaration. This inextricably linked the two declarations defining Japan's postwar territory.

The Instrument of Surrender

On August 15, 1945, the Japanese government broadcast the imperial

rescript accepting the provisions of the Potsdam Declaration. On September 2, 1945, the representative of the Japanese government, the representative of the Japanese Imperial General Headquarters, the Supreme Commander for the Allied Powers, and the representatives of the nine Allied Powers signed the Instrument of Surrender. This instrument contained the Japanese commitments, among others, which were specified as follows:

“We hereby undertake...to carry out the provisions of the Potsdam Declaration in good faith, and to issue whatever orders and take whatever action may be required by the Supreme Commander for the Allied Powers or by any other designated representative of the Allied Powers for the purpose of giving effect to that declaration.”

By signing the Instrument of Surrender, Japan committed to carry out the Potsdam Declaration. Carrying out the Potsdam Declaration meant carrying out the Cairo Declaration, too. In addition, Japan agreed to instruct all Japanese institutions and take any other actions deemed necessary by the Supreme Commander for the Allied Powers or any other authorized representative of the Allied Powers. Thus, Japan was placed under the control of the Allied Powers.

2. The Allied Powers' Postwar Control over Japan

Although the Allied armed forces occupied Japan, the Allied Powers did not institute a military government to govern the country. Instead, the

Allied Powers governed Japan indirectly by empowering the Supreme Commander for the Allied Powers to control the Japanese government pending the conclusion of a peace treaty. Under the terms of the Instrument of Surrender, the Japanese government pledged to implement the orders and directives of the Supreme Commander. The U.S. government adopted the “United States Initial Post-Surrender Policy for Japan,” under which the Supreme Commander was authorized to exercise his authority through Japanese governmental machinery and agencies.

The Far Eastern Commission

The foreign ministers of the Soviet Union, the U.S., and the UK held a conference in Moscow on December 16–26, 1945, to discuss the principles of governing occupied Japan and adopted the Soviet-Anglo-American Communiqué of December 27, 1945.

The three ministers agreed to establish the Far Eastern Commission to “formulate the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished” and “to review, on the request of any member, any directive issued by the Supreme Commander for the Allied Powers or any action taken by the Supreme Commander involving policy decisions within the jurisdiction of the Commission.” The Far Eastern Commission would comprise the representatives of the Union of Soviet Socialist Republics (USSR), the UK, the U.S., China, France, the Netherlands, Canada, Australia, New Zealand, India, and the Philippine Commonwealth, with its headquarters in Washington.

On June 19, 1947, the Far Eastern Commission adopted the “Basic

Post-Surrender Policy for Japan.” The ultimate objectives of their policy were as follows:

“a. To insure that Japan will not again become a menace to the peace and security of the world; b. To bring about the earliest possible establishment of a democratic and peaceful government which will carry out its international responsibilities, respect the rights of other states, and support the objectives of the United Nations. Such government in Japan should be established in accordance with the freely expressed will of the Japanese people.”

However, it was not long before the Cold War intensified, and the commission could not function normally.

The Supreme Commander for the Allied Powers

Upon Japan’s declaration of surrender, Douglas MacArthur, General of the Army of the United States, was appointed Supreme Commander for the Allied Powers. Under the Instrument of Surrender, the Japanese government pledged to implement orders and directives issued by the Supreme Commander. Under the “Terms of Reference of the Far Eastern Commission and the Allied Council for Japan,” adopted on December 27, 1945, at the Moscow Conference of the Ministers of Foreign Affairs of the Soviet Union, the U.S., and the UK, the role of the Supreme Commander was defined as follows:

“The Supreme Commander shall issue all orders for the imple-

mentation of the Terms of Surrender, the occupation and control of Japan, and directives supplementary thereto. In all cases action will be carried out under and through the Supreme Commander who is the sole executive authority for the Allied Powers in Japan.”

Empowered as such, he played a key role in implementing the Allied Powers’ occupation policy for Japan. He received instructions from the United States Department of State and submitted reports. The State Department notified the Far Eastern Commission of bullet points in the supreme commander’s reports. Through this channel, the governments of the member states of the Far Eastern Commission received information about the supreme commander’s activities. The Supreme Commander gave his directives and instructions to the Japanese government in the form of directives and memoranda. SCAPINs (the SCAP Index Numbers) were the most widely used form of these directives and instructions.

SCAPIN-677

After Japan’s surrender, the United States government deemed it necessary to divide Japan’s original territory and other territories that had been under its occupation or control during the Second World War into several categories, provisionally, pending the conclusion of a peace treaty.

On November 1, 1945, the U.S. government issued a directive to the Supreme Commander for the Allied Powers, entitled “Basic Initial Post-Surrender Directive to Supreme Commander for the Allied Powers for the Occupation and Control of Japan.” In that directive, the U.S. government stated,

“You will take appropriate steps in Japan to effect the complete governmental and administrative separation from Japan of (1) all Pacific Islands which she has seized or occupied under mandate or otherwise since the beginning of the World War in 1914, (2) Manchuria, Formosa and the Pescadores, (3) Korea, (4) Karafuto (Southern Sakhalin), and (5) such other territories as may be specified in future directives.”

To implement this directive, the Supreme Commander had to divide the Japanese territory and various territories that had been under Japanese control into several categories. However, there were substantial territories that were practically beyond his control because the Soviet forces occupied Manchuria, North Korea, Southern Sakhalin, and the Kuril Islands, while the Chinese forces occupied Formosa and the Pescadores.

This then led the Supreme Commander for the Allied Powers to issue the memorandum for the Japanese government, entitled “SCAPIN-677,” “Governmental and Administrative Separation of Certain Outlying Areas from Japan,” on January 29, 1946. Paragraph 3 distinguished between the areas included in Japan and the areas excluded from Japan as follows:

(1) The areas to be included in Japan:

For the purpose of this directive, Japan is defined to include the four main islands of Japan (Hokkaido, Honshu, Kyushu and Shikoku) and the approximately 1,000 smaller adjacent islands, including the Tsushima Islands and the Ryukyu (Nansei) Islands north of 30° North Latitude (excluding

Kuchinoshima Island).

(2) The areas to be excluded from Japan:

(a) Utsuryo (Ullung) Island, Liancourt Rocks (Take Island) and Quelpart (Saishu or Cheju) Island,

(b) the Ryukyu (Nansei) Islands south of 30° North Latitude (including Kuchinoshima Island), the Izu, Nanpo, Bonin (Ogasawara) and Volcano (Kazan or Iwo) Island Groups, and all the other outlying Pacific Islands [including the Daito (Ohigashi or Oagari) Island Group, and Parece Vela (Okino-tori), Marcus (Minami-tori) and Ganges (Nakano-tori) Islands], and

(c) the Kurile (Chishima) Islands, the Habomai (Hapomaze) Island Group (including Suisho, Yuri, Akiyuri, Shibotsu and Taraku Islands) and Shikotan Island.

Paragraph 6 stipulated as follows:

6. 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.

The General Headquarters of the Supreme Commander for the Allied Powers drew up a map showing the area included in Japan and the area included in South Korea. This map was entitled “SCAP ADMINISTRATIVE AREA: JAPAN AND SOUTH KOREA.” Although this map was not attached to SCAPIN-677, it was made by the



General Headquarters of the Supreme Commander for the Allied Powers, and its content is evidently based on the provisions of SCAPIN-677. This map highlights the division between Japan and South Korea. To unmistakably show the fact that Dokdo is included in South Korea, the line separating Japan and South Korea is curved around Dokdo in a concave toward South Korea. On this map, among the territories excluded from Japan under SCAPIN-677, only South Korea was specified. The other areas excluded from Japan remained unspecified.

SCAPIN 1033

The Supreme Commander for the Allied Powers took steps to limit the areas open to Japanese fishing and whaling. On June 22, 1946, he issued SCAPIN 1033, entitled “Area Authorized for Japanese Fishing and Whaling.” The line delimiting the area authorized for Japanese fishing and whaling was called the “MacArthur Line.”

Paragraph 3(b) specified that the sea within twelve nautical miles around Dokdo was strictly prohibited to Japanese vessels, as follows:

(b) Japanese vessels or personnel thereof will not approach closer than twelve (12) miles to Takeshima (37°15' North Latitude, 131°53' East Longitude) nor have any contact with said island.

Paragraph 5 stipulated as follows:

5. The present authorization is not an expression of allied policy relative to ultimate determination of national jurisdiction, international boundaries or fishing rights in the area concerned or in any other area.

This paragraph was in line with Paragraph 6 of SCAPIN-677.

The “MacArthur Line” was adjusted several times to gradually enlarge the maritime areas open for Japanese fishing and whaling, but the area around Dokdo was never allowed for Japanese vessels.

Chapter 2:

Korea's Resumption of the Exercise of Its Sovereignty over Dokdo

- 1. The Establishment of the Republic of Korea**
- 2. The Administration of Dokdo after Korea's Liberation**

1. The Establishment of the Republic of Korea

The U.S. Army Military Government in Korea

Following the Soviet Union's declaration of war against Japan on August 8, 1945, the U.S. and Soviet governments agreed that the armed forces of the two states would occupy Korea, dividing it into two occupation zones along the 38th parallel to disarm the Japanese forces there.

The XXIV Corps of the U.S. Army landed in South Korea on September 9, 1945, received the surrender of Japanese forces in Korea, and established the U.S. Army Military Government in Korea (USAMGIK). The jurisdictional area of the USAMGIK was the same as shown on the SCAP map, based on SCAPIN-677. The Commander of the U.S. Army Forces in Korea formed the South Korea Interim Government for civilian administration and appointed the Civil Administrator from among Koreans to head the interim government.

The establishment of the Government of the Republic of Korea

In the Moscow Meeting of Foreign Ministers held on December 16-26, 1945, the top diplomatic chiefs of the U.S., the Soviet Union, and the UK agreed that a provisional government would be established in Korea, that Korea would be placed under a four-power trusteeship for up to five years, and that a U.S.-USSR joint commission would be established to handle affairs related to Korea.

The trusteeship plan encountered violent opposition from the Korean people, and it was abandoned.

The U.S.-USSR Joint Commission convened in 1946 and 1947, but

it became defunct due to the widely diverging positions of the U.S. and the Soviet Union. Believing that the efforts to settle the Korean problem through the joint commission were futile, the U.S. tabled the issue at the United Nations General Assembly in September 1947. On November 14, 1947, the General Assembly adopted Resolution 112(II), entitled “The problem of the independence of Korea,” deciding to establish the UN Temporary Commission on Korea to facilitate and expedite the independence of Korea. Under the observation of the UN Temporary Commission, the general election to form the National Assembly of Korea was held on May 10, 1948, only in South Korea because the North, under the purview of Soviet forces, refused to participate in the election. The National Assembly, formed by the deputies elected in the general election, adopted the Constitution of the Republic of Korea on July 17, 1948, and elected the President of the Republic of Korea. The process of establishing the ROK government was completed on August 15, 1948. In North Korea, the Democratic People’s Republic of Korea was proclaimed on September 9, 1948. What was designed as a temporary division of Korea into two zones of military occupation gave birth to two separate regimes.

On December 12, 1948, the UN General Assembly adopted Resolution 195(III), in which it recognized the Government of the Republic of Korea, established through the election under the observation of the UN Temporary Commission, as the only lawful government in Korea.

2. The Administration of Dokdo after Korea's Liberation

The expedition of the Ulleungdo Academic Research Mission

The South Korea Interim Government, jointly with the Joseon Alpine Club, dispatched an academic research mission to Ulleungdo and Dokdo in 1947. The team consisted of officials of the South Korea Interim Government, scholars, and alpinists—63 in total. The mission arrived at Ulleungdo on board the coast guard ship on August 16, 1947, and returned to Seoul on August 28. On August 20, the mission visited and surveyed Dokdo. They discovered that the residents of Ulleungdo called Dokdo “Dokseom.” After their return to Seoul, the mission's members opened an exhibition in Seoul on the results of their research. Shin Seok-ho, a member of the mission, published a thesis entitled “On sovereignty over Dokdo.” The press widely reported on the research mission's activities.

In September 1952, with the assistance of the ROK government, the Korea Alpine Association (renamed from the former Joseon Alpine Club) organized the Ulleungdo and Dokdo Scientific Expedition. They arrived at Ulleungdo but could not enter Dokdo because of bombing drills by the U.S. Air Force on the island.

The Proclamation of Sovereignty over Adjacent Seas

SCAPIN 1033 of June 22, 1946, limited the areas authorized for Japanese fishing within the so-called MacArthur Line. The directive protected the seas around Korea from Japanese vessels.

On September 8, 1951, the Allied Powers and Japan signed the Treaty

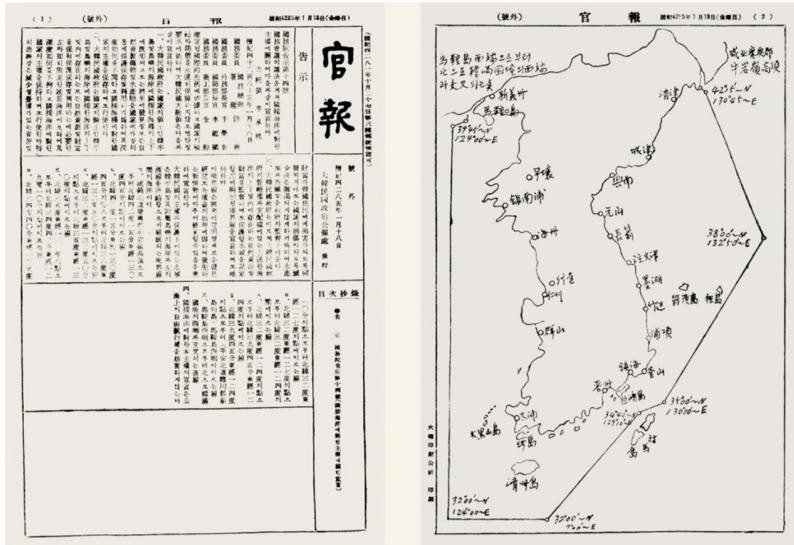
of Peace. With its entry into force, SCAPIN 1033 would lose its effect.

As the date of the treaty's entry into force drew near, the Korean government prepared ways to protect its fishing resources in its coastal seas. On January 18, 1952, the ROK government issued State Council Notice No. 14, entitled "Proclamation of Sovereignty over Adjacent Seas." Under this proclamation, the ROK government defined a line around the Korean Peninsula and the adjacent islands. The ROK government declared its sovereign rights over the resources within that line. The ROK government designed that proclamation, taking into account emerging global trends such as the 1945 Proclamation on the Continental Shelf by U.S. President Harry Truman and several Latin American states' claims to the continental shelves or sovereignty over large maritime zones. The ROK government defined the line delineating the waters under Korean sovereignty, roughly following the median lines between Korea and its neighboring states. The legal status of the maritime zone defined under the proclamation was similar to that of today's exclusive economic zone. Koreans call that line "Peace Line," but the Japanese called it "Syngman Rhee Line" or "Rhee Line" after the name of the ROK president, Syngman Rhee, who proclaimed it.

The proclamation did not mention Dokdo, but the island was included within the maritime zone under Korean sovereignty, as specified by the proclamation.

On January 28, 1952, the Japanese Ministry of Foreign Affairs sent a note verbale to the Korean Mission in Japan, declaring that the proclamation was incompatible with the principle of the freedom of the high seas and that Japan would not accede. The Japanese government

Proclamation of Sovereignty over Adjacent Seas, published in the Official Gazette of January 18, 1952



also declared that it would not recognize the ROK's claim to territorial rights over Dokdo. On September 25, 1954, the Japanese Ministry of Foreign Affairs proposed that the dispute over Dokdo be submitted to the International Court of Justice by mutual agreement of the Japanese and Korean governments. The Korean Mission in Japan rejected the Japanese proposal in its note verbale dated October 28, 1954.

The Dokdo Volunteer Defense Team and the Dokdo Security Police

After the Republic of Korea issued the Proclamation of Sovereignty over Adjacent Seas on January 18, 1952, controversies flared over sovereignty over Dokdo. In 1953 and 1954, a group of Japanese landed on Dokdo several times, and Japan's coast guard vessels often approached Dokdo.

They withdrew by themselves or were repulsed by Korean policemen and Ulleungdo residents.

To defend Dokdo from Japanese encroachment, a group of Ulleungdo residents, led by Hong Sun-chil, launched the Dokdo Volunteer Defense Team. Thirty-three members of the team participated in the defense operations in cooperation with the police from May 1954, when they landed on Dokdo, until December 1954, when the team was disbanded after handing over their duties to the police. During that period, the volunteer team prevented Japanese coast guard ships from approaching Dokdo.

The establishment of the Dokdo Lighthouse

In August 1954, the ROK government established a lighthouse on Dokdo and began to operate it on August 10, 1954.

The Korean Ministry of Foreign Affairs notified, through its verbale dated August 18, 1954, the foreign embassies and legations in Korea of the establishment of the lighthouse on Dokdo. On September 15, 1954, the Korean Mission in Japan notified the Japanese Ministry of Foreign Affairs thereof.

The establishment of the Dokdo Security Police Station

Since 1955, the Dokdo Security Police, under the Gyeongbuk Provincial Police, has been permanently stationed on the island.

Chapter 3:

The Normalization of Korea-Japan Relations and the Dokdo Issue Thereafter

Korea and Japan began, in 1950, negotiations for the normalization of Korea-Japan relations to settle issues stemming from the Japanese occupation of Korea and to establish new diplomatic relations. In the early stages of the talks, Japan tried to include the Dokdo issue on the agenda, but Korea refused.

In conjunction with and beyond these talks, the two governments exchanged a series of notes to advance their positions with respect to sovereignty over Dokdo from 1953 to 1965.

As the talks neared a conclusion, the two governments held a series of political consultations at the ministerial level. During these political consultations, the Japanese government raised the Dokdo issue, proposing to submit it to the International Court of Justice. The Korean side rejected that proposal. Following a series of heated discussions, the two governments reached a final compromise by adopting the “Exchange of Notes Concerning the Settlement of Disputes between the Government of the Republic of Korea and the Government of Japan.” It stipulates “the Governments of the two States, unless they agree otherwise, shall primarily settle disputes between the two States through diplomatic channels, and in case of impossibility of settling in that way, they shall try to settle the disputes through conciliation in accordance with procedures agreed upon by the two States.” Before signing it, the Japanese government proposed to specify the Dokdo issue as one of the issues that would be settled through the dispute settlement system defined in the exchange of notes. The Korean government again refused. So, the text of the exchange of notes concerning dispute settlement did not mention the issue of Dokdo.

On June 22, 1965, the two governments signed a series of agreements

for the normalization of Korea-Japan relations.

- The Treaty on Basic Relations between the Republic of Korea and Japan
- The Agreement on the Settlement of Problem concerning Property and Claims and the Economic Cooperation between the Republic of Korea and Japan
- The Agreement on Fisheries between the Republic of Korea and Japan
- The Agreement between the Republic of Korea and Japan concerning the Legal Status and Treatment of the Korean Residents in Japan
- The Agreement concerning Cultural Assets and Cultural Cooperation between the Republic of Korea and Japan
- The Exchanges of Notes concerning the Settlement of Disputes between the Government of the Republic of Korea and the Government of Japan

The name Dokdo appears nowhere in these agreements. On December 18, 1965, these agreements came into force, normalizing relations between the two states.

After the normalization of bilateral ties, the Japanese Embassy in Korea has sent each year a note verbale to the Korean Ministry of Foreign Affairs, claiming that Takeshima is Japanese territory. The Korean Ministry of Foreign Affairs has responded by sending a note verbale, declaring that Dokdo is Korean territory. To maintain their respective

positions, the two governments have exchanged these notes almost on an annual basis.

Korea and Japan ratified the UN Convention on the Law of the Sea and proclaimed each an exclusive economic zone (EEZ) in 1996. Dokdo lies in the area where the two states' entitlements to the EEZ overlap. The two states concluded an agreement on fisheries, establishing the provisional fishing order pending delimitation of the EEZ. The agreement entered into force on January 22, 1999. The agreement established a common fishery zone around and outside Dokdo's territorial sea. In this common fishery zone, each party can only exercise flag state jurisdiction without being able to exercise any kind of coastal state jurisdiction over the vessels of the other party. By creating such a common fishery zone, the two states have mitigated fishery disputes around Dokdo for more than two decades.

On March 16, 2005, the Shimane Prefectural Assembly adopted an ordinance designating February 22 as "Takeshima Day" in commemoration of the issuance of Public Notice No. 40 of February 22, 1905, by which the Shimane Prefectural Government publicized that Takeshima was placed under the jurisdiction of the Director of the Oki Island Branch Office of Shimane Prefecture. The Gyeongsangbuk-do Provincial Government of Korea reacted by adopting an ordinance on June 9, 2005, designating October as "Dokdo Month" in commemoration of the issuance of Imperial Edict No. 41 in October 1900. Each October, Gyeongsangbuk-do Province organizes celebratory events relating to Dokdo.

In the early 2000s, Japan began to publish textbooks for junior high and

high schools, stating that Takeshima is Japanese territory. The number of such textbooks has grown year by year, causing concern in Korea. Japanese publishers print their textbooks under authorization from the “Textbook Authorization and Research Council, which examines the conformity of proposed textbooks with the “Curriculum Guidelines” issued by the Ministry of Education.

Part V

Dokdo and International Law

As the Korean people and government do not consider Dokdo a subject of dispute, there is no reason to discuss legal questions on the matter. However, it is possible and desirable to study how the island became Korean territory.

Chapter 1: Historic Title

1. International Law Concerning Historic Titles
2. Korea's Historic Title to Dokdo

Korea asserts that Dokdo is an integral part of Korean territory, historically, geographically, and under international law. Japan argues that Takeshima is its inherent territory, as it established its sovereignty over the island in the 17th century. Although the two states employ different terms, their positions can both be understood as claims to a kind of historic title to the island.

1. International Law Concerning Historic Titles

Legal literature and international adjudications have used the term “historic title” without providing a clear definition. In the award of October 3, 1996, in the case of *Territorial Sovereignty and Scope of the Dispute* (Eritrea v. Ethiopia), the arbitral tribunal provided an explanation of the notion of historic title in respect of historic bays and territories, stating, “The notion of an historic title is well-known in international law, not least in respect of ‘historic bays,’ which are governed by rules exceptional to the normal rules about bays. Historic bays again rely upon a kind of ‘ancient title’: a title that has so long been established by common repute that this common knowledge is itself a sufficient title. But an historic title has also another and different meaning in international law as a title that has been created, or consolidated, by a process of prescription, or acquiescence, or by possession so long continued as to have become accepted by the law as a title. These titles too are historic in the sense that continuity and the lapse of a period of time is of the essence.” It is not certain whether this statement is a formal definition of a historic title. At

least, it appears to be a conceptually clear explanation, although it does not provide concrete rules or criteria for determining a historic title. Because few rules or criteria have been established under international law with respect to historic titles, international courts and tribunals have dealt with the question of historic titles case by case.

A historic title is not one of the traditionally recognized modes of acquisition of territory, *i.e.*, occupation, accretion, cession, conquest, or prescription. Among these, accretion is a category of natural phenomena expanding a territory. The other modes of territorial acquisition are categories of acts that a state takes to acquire territory with the intention to do so. A historic title is not a category of acts but a category of legal titles created by a certain category of acts.

In a case where neither party to the dispute provides the international court with evidence of decisive legal actions that can be deemed sufficient to determine the title to the disputed land, the court may determine the title by examining the overall historical facts that have evolved on the disputed land over a long period of time and the geographical circumstances. A title determined in such a way can be understood as a historic title.

Some other terms that have a similar meaning have been used in international legal literature and international adjudications. “Ancient title” can be understood as a synonym for ‘historic title.’ “Original title” means a title established for the first time on a given piece of land. In this sense, an original title is a non-derivative title that differs from derivative titles such as cession, conquest, or prescription. As such, the terms “historic title” and “original title” are conceptually distinct, but they are often

interchangeably used since a historic title is an original title in fact, and vice versa in most cases.

The term “historical consolidation” has a concept similar but not identical to that of historic title. The International Court of Justice (ICJ) recognized the effect of historical consolidation in a maritime dispute but not in any territorial dispute. In its judgment of December 18, 1951, in the *Fisheries Case* (United Kingdom v. Norway), the ICJ recognized the effect of historical consolidation of the Norwegian system of delimitation based on the straight baselines on the ground that the system had enjoyed the general toleration of the international community. The ICJ stated, “...the Norwegian authorities applied their system of delimitation consistently and uninterruptedly from 1869 until the time when the dispute arose...neither the promulgation of her delimitation Decrees in 1869 and in 1889, nor their application, gave rise to any opposition on the part of foreign States. Since, moreover, these Decrees constitute, as has been shown above, the application of a well-defined and uniform system, it is indeed this system itself which would reap the benefit of general toleration, the basis of an historical consolidation which would make it enforceable as against all States. The general toleration of foreign States with regard to the Norwegian practice is an unchallenged fact. For a period of more than sixty years the United Kingdom Government itself in no way contested it.” However, in the *Case concerning the Land and Maritime Boundary between Cameroon and Nigeria* (Cameroon v. Nigeria: Equatorial Guinea intervening), the ICJ noted, in its judgment of October 10, 2002, that “the notion of historical consolidation has never been used as a basis of title in other territorial disputes, whether in its own

or in other case law,” and “the theory of historical consolidation is highly controversial and cannot replace the established modes of acquisition of title under international law, which take into account many other important variables of fact and law.”

Although there are few rules of international law that can be specifically applied to determining historic titles, some general principles that apply to most territorial disputes can pertain to determining a historic title. The most fundamental principle that underlies all judgments on territorial disputes is that territorial sovereignty can only be acquired through acts that a state has taken in the capacity of a sovereign state (*à titre de souverain*). A state can establish sovereignty over a given land by continuously and peacefully displaying state functions there.

However, the degree of state function required to establish sovereignty varies according to the nature of the land in question. In areas inhabited by many people for a long time, a high degree of exercise of state functions is required. In dealing with special areas that are uninhabited and inhospitable, international courts have taken the position that physical occupation is not a necessary condition for establishing sovereignty. In such cases, international courts have determined sovereignty by examining the conduct of the states concerned in the overall geographical and historical context of the land in question.

Another principle that international courts and tribunals have applied in determining historic titles is that territorial sovereignty should be determined by evaluating the relative strength of the opposing claims.

When evaluating the legal implications of historical facts that have evolved over a long period of time, international courts or tribunals often

determine a critical date—the day on which the dispute crystallized. In such cases, international courts or tribunals do not take into consideration the facts that occurred after the critical date, as if the situation had been frozen on that date. Exceptionally, the acts that occurred after the critical date can be taken into consideration if they are regarded as a normal continuation of prior acts. In the judgment of December 17, 2002, in the *Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan* (Indonesia v. Malaysia), the ICJ observed, “it cannot take into consideration acts having taken place after the date on which the dispute between the Parties crystallized unless such acts are a normal continuation of prior acts and are not undertaken for the purpose of improving the legal position of the Party which relies on them.” However, no general rule has been established as to whether it is necessary to determine a critical date or what criteria are to be applied in selecting a critical date. So, international courts and tribunals have ruled on such questions case by case.

There have been many cases in which the parties to a dispute claimed their historic title, but there have been few cases in which international courts or tribunals recognized a party’s historic title in explicit terms.

In the *Case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge* (Malaysia v. Singapore), the ICJ concluded, in its judgment of May 23, 2008, that the Sultanate of Johor, which was the predecessor regime of Malaysia, had had original titles to Pedra Branca and Middle Rocks. Although there was little evidence that the Sultanate of Johor had exercised direct control over these islands, the ICJ recognized Malaysia’s original titles to them in explicit

terms, considering that they were uninhabited and uninhabitable tiny islands and that the territorial domain of the Sultanate had covered in principle all the islands and islets within the Straits of Singapore. However, the court found that Malaysia's sovereignty over Pedra Branca, thus established, had passed to Singapore through the effects of subsequent facts. In the case of Middle Rocks, the court ruled that it remained under Malaysian sovereignty.

In the *Minquiers and Ecrehos Case* (France v. UK), the ICJ implicitly recognized, in its judgment of November 17, 1953, the UK's historic title over the Ecrehos group. The court found that "the Ecrehos group in the beginning of the thirteenth century was considered and treated as an integral part of the fief of the Channel Islands which were held by the English King, and that the group continued to be under the dominion of that King, who in the beginning of the fourteenth century exercised jurisdiction in respect thereof." The court understood that England had owned the Ecrehos group in the 13th and 14th centuries, but it did not explicitly state whether England had the historic title thereto. That understanding partly contributed to the court's final conclusion on the question of sovereignty over the Ecrehos group. In making its final conclusion that sovereignty over the Ecrehos group belonged to the United Kingdom, the ICJ relied more on the evidence that British authorities had exercised state functions there during the greater part of the nineteenth century and in the twentieth century.

2. Korea's Historic Title to Dokdo

A. The Continuous and Peaceful Exercise of Sovereignty over Dokdo by Korea's Successive Governments

Among the many states that the Korean people have established in history, the following ones have successively exercised sovereignty over Ulleungdo and Dokdo: the Kingdom of Silla, the Goryeo Dynasty, the Joseon Dynasty, the Empire of Korea, and the Republic of Korea. The exercise of sovereignty over Dokdo was interrupted only during the period of the Japanese occupation of Korea. After the end of the Second World War, Korea resumed the exercise of sovereignty over the island.

1) The Kingdom of Silla subjugates the State of Usan.

The Kingdom of Silla, which was one of the old Korean states, subjugated the State of Usan, located in the East Sea, in 512 CE.

The History of the Three Kingdoms

The *History of the Three Kingdoms*, compiled by Kim Bu-sik and published by the Goryeo Dynasty's government in 1145, recorded that the Kingdom of Silla subjugated the State of Usan in 512. The "Three Kingdoms" here refer to the three old Korean states: the Kingdom of Silla, the Kingdom of Goguryeo, and the Kingdom of Baekje. The Kingdom of Silla unified Korea in 668. The Kingdom of Goryeo succeeded the Kingdom of Silla in 935 and reunified Korea in 936.

Under the heading "King Jijeung" of Silla in the *History of the Three Kingdoms*, there is a narrative of the subjugation of the State of Usan as

follows:

In June, the summer of the 13th year of the king (512), the State of Usan (*Usan-guk*) was subjugated to the kingdom. It was agreed that the State of Usan would offer its local specialties as an annual tribute to the kingdom. The State of Usan is on an island in the sea, due east of Myeongju (present-day Gangneung). It is also called Ulleungdo.

Under the heading “Isabu,” it was recorded that Isabu, the governor of Haseula Province, went to the State of Usan, commanding several warships, and received the surrender of the people of that state by intimidating them without waging a real battle.

As the *History of the Three Kingdoms* states that the State of Usan was also called Ulleungdo without mentioning any other island, we can infer that the compilers understood or misunderstood Ulleungdo as the whole territory of that state. Of course, it is reasonable to assume that the residents of Ulleungdo naturally perceived Dokdo lying at a visible distance. From the story of the subjugation of the State of Usan, we can conclude: In 512, the Kingdom of Silla conquered the State of Usan militarily and subjugated it politically. After that, the two states established a relationship in which the latter paid annual tribute to the former as an expression of allegiance. However, since there were various forms of states and different types of inter-state relations in ancient Korea, it is difficult to define the relationship between the Kingdom of Silla and the State of Usan in terms of modern-day international relations or international law.

Even if the State of Usan had not been integrated into the territory of Silla, what is certain is that the relationship established between them in 512 laid the political basis for the gradual integration of the insular state into the Kingdom of Silla or the succeeding state, the Goryeo Dynasty.

2) The Goryeo Dynasty begins to exercise sovereignty over Dokdo.

The Goryeo Dynasty, which succeeded the Kingdom of Silla, recognized Dokdo and named it “Usando (Island of Usan).” The Goryeo government incorporated Ulleungdo and Dokdo into its local administrative system.

The History of the Goryeo Dynasty

The government of the Joseon Dynasty, which succeeded the Goryeo Dynasty in 1392, published the *History of the Goryeo Dynasty* in 1451. This book describes the history and geography of the Goryeo Dynasty on the basis of the historical documents produced during the Goryeo period.

Under the heading “Uljin Prefecture,” the following paragraph appears in the Geography Section of the *History of the Goryeo Dynasty*:

The East Frontier Region

...

Uljin Prefecture

...

There is Ulleungdo. It lies in the middle of the sea, due east of the prefecture. It was called the State of Usan during the Silla period. It is also called Mureung or Ureung.

...

Some people say that Usan and Mureung are two distinct islands. Since the two islands are not far apart, each of them is visible from the other on a clear day.

This record shows the following:

First, Ulleungdo was placed under the jurisdiction of Uljin prefecture as a part of the territory of the Goryeo Dynasty. The fact that the description of Ulleungdo is included in the history and geography of Uljin Prefecture signifies that the island belonged to that prefecture. In the period of the late Goryeo Dynasty, the territory was divided into five provinces and two frontier regions, which constituted the largest units of local administration. Uljin Prefecture was one of the basic units of local administration in the East Frontier Region, which covered a portion of the east coast of the Korean Peninsula facing the East Sea. Although it is difficult to specify the time when Ulleungdo was put under the jurisdiction of Uljin Prefecture, a series of records in the *History of the Goryeo Dynasty* show the process of the incorporation of the State of Usan into the territory of Goryeo. Some of those records can be summarized as follows: In 930, when the Kingdom of Silla and the Goryeo Dynasty still coexisted, two Ulleungdo envoys came to the capital of Goryeo to pay tribute to its founder, King Taejo. The king bestowed on each of them a title of local officer. In 1018, when residents of Ulleungdo suffered from the invasion by Jurchens, the Goryeo government dispatched officials to the island to help the islanders. In 1157, the government dispatched an inspector to the island to examine the possibility of developing it, but he found only the ruins there. In 1246, the government dispatched two commissioners to

Ulleungdo. These records show that the State of Usan, as a political entity, disappeared, and Ulleungdo, as an island, was administered as a part of the territory of Goryeo in the 12th century at the latest.

Second, the Goryeo government recognized another island lying at a visible distance from Ulleungdo, named it the “Island of Usan,” and placed it under the jurisdiction of Uljin Prefecture. The passage **“Since the two islands are not far apart, each of them is visible from the other on a clear day”** was a description of the geographical relations between the two islands based on empirical evidence. In fact, today, one can see Dokdo from certain places on Ulleungdo on clear days. It is reasonable to assume that the first settlers of Ulleungdo could observe Dokdo, but it was during the Goryeo period that the government named it “Island of Usan.” It is linguistically evident that the “Island of Usan” was named after the “State of Usan.” The fact that the “Island of Usan” was described under the heading “Uljin Prefecture” indicates that the Goryeo government treated the island as a part of that prefecture. The term **“some people say...”** suggests that such geographical knowledge of the two islands was not widely shared by the Goryeo people at that time. Notwithstanding this caveat, the paragraph shows that the government named the newly recognized island “Usan” and placed it under the jurisdiction of Uljin Prefecture.

Although the *History of the Goryeo Dynasty* did not specify the time when the government recognized Dokdo and placed it under the jurisdiction of Uljin Prefecture, it was sometime during the Goryeo Dynasty.

3) The Joseon Dynasty continues to exercise sovereignty over Dokdo.

The Joseon Dynasty, which succeeded Goryeo in 1392, continued to place Ulleungdo and Dokdo under the jurisdiction of Uljin Prefecture and reinforced its sovereignty over them. The Joseon government published much more documents on the two islands than its predecessor did.

The Geography Section of the Annals of King Sejong

The *Geography Section of the Annals of King Sejong*, published by the Joseon government in 1454, contains the following paragraph:

Gangwon Province

...

Uljin Prefecture

...

The two islands of Usan and Mureung lie in the middle of the sea, due east of the prefecture. Since the two islands are not far apart, each of them is visible from the other on a clear day. They were called the State of Usan during the Silla period.

This paragraph illustrates the following:

First, the Joseon Dynasty inherited the geographical knowledge of Ulleungdo and Dokdo from the Goryeo Dynasty and enriched it. The *History of the Goryeo Dynasty* blurs a little the meaning of the description of Ulleungdo and Dokdo by putting the words “Some people say” at the beginning of the sentence. But the *Geography Section of the Annals of King Sejong* describes the two islands in more definitive

terms by stating the names of the two islands, “Usan and Mureung,” as the subject of the paragraph. This shows that the geographical knowledge of the two islands was enriched during the Joseon Dynasty.

Second, the Joseon Dynasty, like the Goryeo Dynasty, placed Ulleungdo and Dokdo under the jurisdiction of Uljin Prefecture. The Joseon government, by reforming the local administrative system, divided the territory into eight provinces, which constituted the largest units of the local administration. Uljin Prefecture was one of the basic units of local administration belonging to Gangwon Province. Incorporating Dokdo into the local administration system without exercising physical control was one of the most practicable means of exercising sovereignty, as any government commonly does over uninhabited and uninhabitable islets.

Third, the Joseon government learned that Ulleungdo and Dokdo had constituted the territory of the State of Usan during the Silla period. It is difficult to verify whether the Joseon government became aware of the fact through documentary evidence. Since Dokdo was a part of the living space of the residents of Ulleungdo, it is reasonable to assume that the Joseon people believed that the two islands must have belonged to the same state, the State of Usan.

The Joseon Dynasty inherited the whole territory of the Goryeo Dynasty, which had inherited the whole territory of the Silla Kingdom. Therefore, stating that Ulleungdo and Dokdo were territories of the State of Usan during the Silla period signifies that they were territories of Joseon in the Joseon period.

The Repatriation Policy

In the early years of the Joseon Dynasty, the government introduced the policy of repatriating the residents of Ulleungdo to the mainland and prohibiting settlement on the island. In 1417, King Taejong examined whether to develop Ulleungdo and Dokdo or to repatriate the people from these islands. After conferring with his ministers, the king ruled for the repatriation policy and dispatched his commissioner to “Usan, Mureung, and Other Places” to evacuate the islanders to the mainland. His successor, King Sejong, also dispatched a commissioner and an inspector to “Usan, Mureung, and Other Places” in 1425 and 1438. Consequently, the islands had no permanent residents until the beginning of the 1880s.

These measures of evacuating the residents and prohibiting settlement on the islands were a means of exercising sovereignty, taking account of the special circumstances of those islands. Both in the past and present, a government may evacuate the residents of a given area and prohibit settlement there only when the area in question is its territory. Although the Joseon government decided to leave the two islands uninhabited for a long time, it did not intend to abandon them. Its subsequent conduct attests to this. When Japan showed territorial ambition toward Ulleungdo in the 1690s, the Joseon government protected the island by manifesting a strong will to keep it. After that, the Joseon government sent inspectors to Ulleungdo to survey it quite regularly for about two hundred years, from 1699 to 1894. As a result, no Japanese set foot on the island until 1881. When the Joseon inspector first discovered a group of Japanese on Ulleungdo in 1881, the Joseon government immediately took diplomatic action to prevent the Japanese from coming to the island. As such, the

repatriation policy was not a policy of abandoning the island but a policy of controlling the island.

The Revised and Augmented Edition of the Geography of Korea

The *Revised and Augmented Edition of the Geography of Korea* (*Sinjeung dongguk yeoji seungnam*), published in 1531 by the Joseon government, described the historical geography of the territory of Joseon, dividing it into administrative units. It described Usando and Ulleungdo as belonging to Uljin Prefecture under Gangwon Province. The description “According to a theory, Usan and Ulleung originally refer to one island, of which the circumference is one hundred *ri*” is a little different from the description of the two islands in the *Geography Section of the Annals of King Sejong*. However, this sentence in the *Revised and Augmented Edition of the Geography of Korea* can be construed as a statement that it was one of the theories at that time. Despite such a view, the official stance of the government was that Usan and Ulleung were two distinct islands. This is apparent from the fact that the names of the two islands, “Usando” and “Ulleungdo,” were employed as the subject of a paragraph under the heading of Uljin Prefecture.

Among the concept maps included in the *Revised and Augmented Edition of the Geography of Korea*, there is the “General Map of the Eight Provinces,” showing the whole territory of the kingdom, as presented above in Part II, Chapter 4. On this map, Usando and Ulleungdo are depicted in the East Sea with distinct names. Due to insufficient geographic knowledge and limited cartographic techniques at that time, the relative location and size of Ulleungdo and Dokdo were

depicted inaccurately. However, since this is a concept map depicting the general configuration of the whole national territory, the perception of the extent of the territory represented on the map is more significant than the accuracy of the representation of each tiny island. The map clearly shows the government's perception that Usando and Ulleungdo were territories lying in the East Sea.

The Territorial Dispute over Ulleungdo

In 1693, a dispute broke out between Joseon and Japan regarding sovereignty over Ulleungdo. Joseon's historical documents referred to this dispute as the "Territorial Dispute over Ulleungdo (literally the Ulleungdo Frontier Dispute)," while Japan's documents referred to it as the "Takeshima Affair (*Takeshima Ikken*)."

After diplomatic negotiations between the two governments, the Japanese government recognized Joseon's sovereignty over the island and issued the "Ban on Passage to Takeshima" in January 1696. The two countries completed diplomatic formalities to close the case in March 1699.

In May 1693, a group of Japanese fishermen kidnapped two Joseon subjects, Ahn Yong-bok and Park Eo-dun, on Ulleungdo and abducted them to Japan. That incident triggered a territorial dispute between Joseon and Japan over the island. In September 1693, by order of the shogunate, the governor of Tsushima Domain, Taira Yoshitsugu (also called So Yoshitsugu), sent a letter to the Vice Minister of Rites of Joseon, in which he requested that the Joseon government prohibit Joseon people from coming to Takeshima, claiming that it was Japanese territory.

In December 1693, Kwon Hae, the Vice Minister of Rites of Joseon,

sent a reply letter to the governor of Tsushima. To avoid confrontation with Japan, Kwon Hae wrote the letter in conciliatory and confusing terms, referring to the same island as Joseon's Ulleungdo and Japan's Takeshima, as if they were two distinct islands. The Tsushima governor, embarrassed by the letter, requested the removal of the term "Ulleungdo." The Joseon government refused that request. After a lengthy negotiation on the term "Ulleungdo," Tsushima Domain returned the letter to Joseon in August 1694.

In the meantime, in 1694, there was a general reshuffle in the Joseon government. The new Prime Minister, Nam Gu-man, was a hard-liner in dealing with the territorial question. Criticizing the former government's conciliatory position, he proposed to send a new letter showing a firm stance on the territorial dispute. As the king approved his proposal, the prime minister himself drafted a letter. In September 1694, the new Vice Minister of Rites, Yi Yeo, sent a new reply letter formulated as follows:

There is an island called Ulleungdo that belongs to Uljin Prefecture in the Gangwon Province of our country...

Recently, some fishermen from our country's coastal regions went to this island. Unexpectedly, they encountered people from your country who intruded on the island at will. Your people kidnapped ours and took them to Edo...

However, the land where our people were fishing is Ulleungdo, which is also called Takeshima (Bamboo Island) because it produces a lot of bamboo. In fact, this is one single island with two names. The fact that the same island is called by two names is not

only written in our country's books but also known to all the people of your province.

Nevertheless, in the letter you have sent us this time, you have requested that our government ban our country's fishing boats from going to Takeshima, arguing that this island belongs to your country. But you have not mentioned the wrongdoing your country's people committed by violating our country's border and by kidnapping our people. Isn't this contrary to the principle of good faith? I sincerely hope you will convey our government's views to the shogunate so that your government will prohibit people in your coastal regions from causing further trouble by frequenting Ulleungdo. Nothing could be better than this for promoting faithful and friendly relations between our two countries.

This letter manifests the Joseon government's firm stance to protect Ulleungdo. Tsushima Domain made every effort to persuade the Joseon government to change a few words in this letter. But the Joseon government remained adamant.

Flustered by the Joseon government's unbending stance, the regent of Tsushima reported the situation to the shogunate. Obligated to handle the question directly, the shogunate consulted Tottori Domain about Ulleungdo in December 1695. The latter presented the report, stating that Ulleungdo did not belong to Japan. Relying on that report and hoping to maintain friendly relations with Joseon, the shogunate decided to recognize Joseon's sovereignty over the island in January 1696 and accordingly banned the Japanese from going to the island. The shogunate

ordered Tsushima Domain to notify the Joseon government of its decision. When two Joseon interpreter-envoys visited Tsushima, the regent of Tsushima notified them verbally of the shogunate's decision. Considering the weight of the message, the Joseon interpreter-envoys requested a written notification. So, six officials of Tsushima made an informal paper and jointly signed it in October 1696. That paper, transmitted to the Joseon government in January 1697, stated as follows:

The late governor had twice sent his envoy to your state to deal with the Takeshima Affair. Unfortunately, the governor passed away before the envoy accomplished his mission, and the envoy was recalled. A little later, *Gyobu taifu* (the regent of Tsushima) sailed to Edo. When he met the *Rōju*, the latter inquired about Takeshima's location and features, and the former provided detailed answers based on the facts. In consequence, the shogunate, becoming aware that the island was far from this state but close to your state, worried that, if people of the two states mingled there, they would certainly do private business in disorder, causing problems such as smuggling. For this reason, the shogunate immediately issued an order banning our people forever from going there for fishing...

According to diplomatic practice between the two states, such an important message should have been notified to the Joseon government through a formal letter addressed to the Vice Minister of Rites of Joseon and carried by an official envoy. Despite the peculiar form of the paper,

its content was what the Joseon government wanted. Accordingly, the dispute was practically settled in 1697. However, the formal process of concluding the dispute through the exchange of diplomatic correspondence was completed in March 1699.

As for Dokdo, neither the Japanese government nor the Joseon government mentioned the island during their negotiations. Because the subject of the dispute was specified as Ulleungdo, the two governments had no need to mention Dokdo. However, in the course of dealing with the dispute, the Japanese government became aware that Dokdo, too, was Joseon's territory.

Ahn Yong-bok, a private subject of Joseon, was involved in that territorial dispute. In 1693, he was kidnapped on Ulleungdo and taken to Japan by a group of Japanese fishermen. He was sent back to Joseon the same year. In May 1696, he mobilized ten companions and went to Japan on his own initiative. After presenting some arguments on territorial issues before the officials of Tottori Domain, he and his companions came back to Joseon at the beginning of August 1696. Regarding his activities in Japan in 1693 and 1696, there are many discrepancies between the records in Joseon's documents and those in Japan's documents. Among the common elements between documents from the two states, the most significant one is that he claimed before Japanese officials that Ulleungdo and Dokdo were Joseon's territories. The Joseon government punished him for having traveled to Japan in violation of the law and having caused diplomatic trouble. However, the Joseon government, appreciating his patriotic behavior in Japan, commuted the death penalty into banishment. The fact that Ahn Yong-bok claimed before Japanese officials that

Ulleungdo and Dokdo were Joseon's territories demonstrates that such an understanding was deeply rooted even in the minds of ordinary people in Joseon.

The Ulleungdo Inspection Policy

During the territorial dispute with Japan, the Joseon government changed its Ulleungdo policy for active control by sending inspectors there on a regular basis.

Soon after the territorial dispute over Ulleungdo broke out, the Joseon government was alarmed and dispatched an inspector to examine the island's situation in 1694. Based on the inspector's report, the government decided to send an inspector to the island on a regular basis. In January 1697, the Joseon government was notified by the Japanese government that the latter had recognized Ulleungdo as Joseon's territory and banned the Japanese from going there. However, the Joseon government's suspicion did not completely dissipate. It confirmed the policy of sending an inspector to the island every two or three years. In accordance with this policy, the government sent inspectors to the island every three years, quite regularly, from 1699 to 1894. The missions of the inspectors were to survey the island and watch whether any Japanese infiltrated it.

The Reference Compilation of Documents on Korea

The Reference Compilation of Documents on Korea (Dongguk munheon bigo), published by the Joseon government in 1770, confirmed again in more clear terms that Ulleungdo and Dokdo were Joseon territories.

The section on Korea's geography, entitled "A Study on National

Geography,” contains the history and geography of Ulleungdo and Dokdo. Until then, there remained the theory that the two terms “Ulleung Island” and “Usan Island” might refer to the same island. The author of “A Study on National Geography,” Shin Gyeong-jun, examined this question and concluded that they were two distinct islands. The passage that the two islands had been territories of the State of Usan was not new but stemmed from the *Geography Section of the Annals of King Sejong*. Among Joseon’s official documents, the *Reference Compilation of Documents on Korea* was the first to present the Japanese name of Dokdo, stating, **“Usan is the island that the Japanese call Matsushima.”** This passage was consistent with a passage in a Japanese document stating, **“Takeshima and Matsushima seem to be the two islands depicted as Ulleung and Usan on Joseon’s maps.”** This passage appears in the report that Tsushima Domain submitted to the shogunate in 1836.

The Manual of State Affairs for the Monarch

The *Manual of State Affairs for the Monarch* (*Mangi yoram*), published in 1808 by the Joseon government as a reference book for the monarch, recorded that Ulleungdo and Dokdo were Joseon territories.

The Manual of State Affairs for the Monarch imported the paragraph describing Ulleungdo and Dokdo from the *Reference Compilation of Documents on Korea*. The paragraph on Ulleungdo and Dokdo is included in the “Volume on Military Policy, Maritime Defense” in the *Manual of State Affairs for the Monarch*. This shows that those descriptions of Ulleungdo and Dokdo were treated in the context of maritime defense policy.

The Ulleungdo Development Policy

In 1882, during the reign of King Gojong, the Joseon government adopted a policy for the development of Ulleungdo.

As a result of the application of the “Repatriation Policy” since the 15th century, there were no permanent residents on Ulleungdo for a long time. Around 1880, Joseon people began to settle on Ulleungdo, and some Japanese also began to arrive for lumbering. In 1881, an inspector found a group of Japanese on Ulleungdo, and the Joseon government immediately sent a letter to the Japanese government to protest the Japanese intrusion. In 1882, the Joseon government sent a special inspector, Yi Gyu-won, to Ulleungdo to survey the situation on the island and examine the possibility of developing it. He, too, found some Japanese there, and the Joseon government sent a new letter to the Japanese government, asking it to prohibit the Japanese from coming to the island. On the other hand, based on the inspector’s report, the Joseon government adopted a policy of encouraging the settlement of Joseon people on the island.

Starting in 1883, the government provided assistance to those who settled on the island. As the number of residents increased, the government appointed an island chief from among the islanders and entrusted him with the island’s administration. Some Ulleungdo residents commuted to Dokdo to fish. As a result, Dokdo once again became a part of Ulleungdo residents’ living space.

4) The Empire of Korea reinforces the exercise of sovereignty over Dokdo.

King Gojong, the 26th king of the Joseon Dynasty, reformed the political system of the kingdom and proclaimed the Empire of Korea in 1897 in an effort to preserve Korea's independence under the threat of aggression from the imperialist powers. He became the first emperor of the Empire of Korea. When he was king, he adopted the Ulleungdo Development Policy. After becoming emperor, he continued to pay close attention to Ulleungdo and Dokdo, struggling to protect them from Japanese aggression.

Imperial Edict No. 41 of the Empire of Korea

The government of the Empire of Korea promulgated Imperial Edict No. 41 in 1900 to reinforce its exercise of sovereignty over Ulleungdo and Dokdo as a response to internal and external factors.

As the number of Ulleungdo residents grew thanks to the Ulleungdo Development Policy that took effect in 1882, the need to improve its administration increased in the 1890s.

There was also an external factor that called for reinforcing jurisdiction over the island. In 1881 and 1882, the Joseon government took diplomatic action against the Japanese government by sending letters from the Minister of Rites to the Minister of Foreign Affairs in protest against Japanese intrusion on the island. In March 1883, the Japanese government imposed a ban on Japanese voyages to Ulleungdo. In October 1883, the Japanese government evacuated all the Japanese from Ulleungdo. Nonetheless, Japanese infiltration into the island continued to increase.

During the 1880s, the Japanese government was cooperative in prohibiting the Japanese from infiltrating Ulleungdo. After its victory in the Sino-Japanese War in 1894–1895, the Japanese government’s imperialistic aggression against Korea became bolder. It turned a deaf ear to the Korean government’s request to evacuate the Japanese from Ulleungdo. It even began to justify the Japanese settlers’ rights on the island with strange arguments.

These internal and external factors compelled the Korean government to reinforce its sovereignty over Ulleungdo and Dokdo. On October 25, 1900, it promulgated Imperial Edict No. 41, instituting Uldo County. The edict defined Uldo County’s jurisdictional area as the entire island of Ulleungdo, Jukdo, and Seokdo. In the edict, Dokdo was referred to as “Seokdo.” “Jukdo” was a tiny islet contiguous to the northeast of Ulleungdo. The edict upgraded the status of Ulleungdo and Dokdo to form a county. The edict created the post of Uldo County Magistrate, who was responsible for the county’s administration with a certain degree of legal and administrative power.

In accordance with Edict No. 41, the Ministry of Home Affairs issued the “Ordinance on Uldo County” in 1902. That ordinance vested in the county magistrate the power to collect taxes on the fishing activities of Koreans coming from the mainland in the sea around the county and levy customs duties on merchandise imported to and exported from the county. That ordinance did not define the geographical scope of its application, but the jurisdictional area of Uldo County defined in Edict No. 41 was naturally its geographical coverage.

The Revised and Augmented Reference Compilation of Documents on Korea

The Korean government published the *Revised and Augmented Reference Compilation of Documents on Korea* (*Jeungbo munheon bigo*) in 1908. Under the heading “Maritime Defense,” there is a paragraph on Ulleungdo and Dokdo:

Usando and Ulleungdo

...

They lie 350 *ri* east of Uljin.

...

One of the two islands is just Usan.

Addendum: They have now become Uldo County.

Although the Korean government published this document after learning in 1906 that the Japanese government had incorporated Dokdo into Japanese territory, this document treated Usan Island as a part of Uldo County. This means that the Korean government did not admit the validity of the Japanese measure of incorporating Dokdo into Japanese territory.

B. The Japanese Government's Recognition of Dokdo as Korean Territory from the 17th Century to 1905

The Edo shogunate of Japan recognized Dokdo as Korean territory from the 17th century until the end of the shogunate regime. The Meiji government, too, recognized Dokdo as Korean territory during its early

years. However, in 1905, at the critical moment during its aggression against Korea, the Japanese government surreptitiously took steps to incorporate Dokdo into Japanese territory. A myriad of Japan's historical documents and maps provide evidence that Japan recognized Dokdo as Korean territory, as shown hereafter.

1) The Edo Shogunate recognizes Dokdo as Korean territory.

The Records of Observations on Oki Province (Inshu shicho goki)

The *Records of Observations on Oki Province*, published in 1667, was the first Japanese official document to write about Dokdo. This book describes Ulleungdo and Dokdo as Korean territories.

In the 17th century, the Oki Islands were called “Oki Province (Inshu)” as an administrative unit. After it became one of the shogun's estates, the shogun entrusted the governor of Matsue (present-day Izumo Prefecture) to govern it in 1638. In 1667, the governor charged Saito Toyonobu (also called Saito Hosen) with the mission to administer Oki Province on his behalf. When Saito Hosen arrived in Oki Province, he surveyed the entire province and heard about it from the locals. With what he observed and heard in Oki Province, he authored the *Records of Observations on Oki Province* in 1667.

In Volume I on the general geography and history of Oki Province, the author included a geographical description of “Matsushima (Dokdo) and Takeshima (Ulleungdo).” After that, he added his view as follows:

Seeing Goryeo (from these islands) is like seeing Inshu (Oki Province) from Unshu (Izumo Province). Therefore, this province

constitutes the northwestern limit of Japanese territory.

The first sentence is an observation of the geographical relationship between Korea and the two islands. Regarding the meaning of the term “this province” in the second sentence, Korean and Japanese scholars were at odds for a long time but have finally reached the consensus that it referred to Oki Province. The author concluded that Oki Province constituted the northwestern limit of Japanese territory. This meant that Matsushima and Takeshima were beyond the northwestern limit of Japanese territory.

This passage shows clearly that the author wrote it bearing in mind the question of whether the two islands belonged to Japan or Korea. Therefore, the conclusion that they were located beyond the northwestern limit of Japanese territory meant that they were Korean territories. This understanding had a long-lasting impact on many subsequent writings and maps published in Japan. Nagakubo Sekisui, for example, published the *Revised Complete Map of Japanese Lands and Roads* in 1779 and 1791, in which he cited the first sentence of this passage. As his maps were so popular in Japan, many publishers in Tokyo and Osaka published several maps under the same title, *Revised Complete Map of Japanese Lands and Roads*, until the middle of the 19th century. Those subsequent versions of the *Revised Complete Map of Japanese Lands and Roads* imitated or copied the original editions more or less faithfully, but all of them correctly cited the same sentence: **“Seeing Goryeo (from these islands) is like seeing Inshu (Oki Province) from Unshu (Izumo Province).”** Hayashi Shihei also cited the same sentence on the

Map of the Three Adjoining Countries,” which he published in 1785. These phenomena indicate that the understanding that Takeshima and Matsushima were Joseon territories spread throughout Japan from the 17th to the 19th centuries.

The Takeshima Affair (the Territorial Dispute over Ulleungdo)

During the territorial dispute between Joseon and Japan over Ulleungdo that broke out in 1693, the Japanese government recognized Ulleungdo as Joseon territory in 1696. In the course of dealing with the dispute, the shogunate became aware that there existed, on the sea route to Takeshima, an island called Matsushima that belonged to Joseon as Takeshima did.

In 1618 (or 1625), Ohya Jinkichi and Murakawa Ichibe, residents of Yonago in Tottori Domain, obtained a permit for passage to Takeshima (Ulleungdo) from the shogunate and sent their fishermen to the island once a year. In 1693, the fishermen sent by the Ohya family encountered fishermen from Joseon on the island, kidnapped two of them, Ahn Yongbok and Park Eo-dun, and abducted them to Yonago. Receiving the report about the incident from Tottori Domain, the shogunate ordered the governor of Tsushima Domain to send the Joseon fishermen back to their home country and ask the Joseon government to prohibit Joseon people from coming to the island. The Joseon government responded by claiming Ulleungdo as its territory and asking the Japanese government to prohibit the Japanese from coming to the island. These events led Joseon and Japan into a territorial dispute over Ulleungdo, which Joseon’s historical documents referred to as the Territorial Dispute over Ulleungdo (*Ulleungdo jaenggye*) and Japanese historical documents as the

Takeshima Affair (*Takeshima ikken*).

In 1693, as ordered by the shogunate, the governor of Tsushima sent an envoy carrying his letter, in which he requested that the Joseon government forbid Joseon people from coming to Takeshima. In 1694, the Joseon government responded by asking the Japanese government to prohibit the Japanese from coming to Ulleungdo and asserting that Takeshima was nothing but Ulleungdo, which was Joseon territory. As negotiations remained deadlocked, Tsushima Domain reported the situation to the shogunate in 1695 and asked how to deal with the dispute. The shogunate had to address the issue directly. On December 24, 1695, Abe Bungonokami, one of the elders in the shogunate who was in charge of the issue, sent a seven-point questionnaire to the Edo residence of the governor of Tottori Domain. The first question was,

“Since when has Takeshima, which belongs to Inshu (Inaba Province) and Hakushu (Hoki Province), been under the jurisdiction of the two provinces? Had it been placed under the jurisdiction of the two provinces before the fiefs were bestowed on the ancestors of the governor or thereafter?”

The following five questions were about the island’s geographical situation and the Japanese fishermen’s activities there. The last question was,

“Is there another island that belongs to either of the two provinces? If so, do people from the two provinces go there to fish?”

The following day, December 25, 1695, the Edo residence of the governor of Tottori submitted a report to the shogunate, answering all the questions point by point. To the first question, Tottori Domain provided the answer,

“Takeshima belongs neither to Inaba Province nor to Hoki Province. We have heard that Ohya Kyuemon (Ohya Jinkichi) and Murakawa Ichibe, residents of Yonago Town in Hoki Province, sailed to that island by order [of the shogunate] when Matsudaira Shintaro was the governor of the two provinces.”

After answering the following five questions about the island’s geographical features and Japanese activities there, Tottori Domain addressed the final question:

“They went there this year too, but they came back without anchoring on the island because there were many foreigners. On their way back, they caught some abalone in Matsushima.

...

Neither Takeshima/Matsushima nor any other island belongs to the two provinces.”

On January 25, 1696, the Edo residence of the governor of Tottori submitted a supplementary report focused on Matsushima. After detailing Matsushima’s geographical situation and the sea route to the island, it wrote,

“We have never heard that people from any other province have been there to fish. From the beginning, people from Izumo Province or Oki Province have sailed there together with Yonago people on the same boat.”

The above exchange shows the following:

First, the shogunate learned that Takeshima did not belong to Tottori Domain. The first question suggests that the shogunate had the wrong knowledge that Takeshima belonged to Tottori Domain. But Tottori Domain answered categorically that the island did not belong to its domain. In the serious situation where the shogunate was directly handling the territorial dispute over the island, Tottori Domain submitted such answers immediately and unequivocally.

Second, the shogunate became aware that there was another island called Matsushima, which also belonged to Joseon's territory. Its last question, **“Is there another island that belongs to either of the two provinces?”** indicates that it was unaware or vaguely aware of the existence of Matsushima. Through the reports from Tottori Domain, the shogunate realized that there was on the sailing route to Takeshima, another island called Matsushima, which did not belong to Tottori Domain. The supplementary report of January 25, 1696, further substantiated this fact.

Third, saying that Takeshima did not belong to Tottori was tantamount to saying that it belonged to Joseon. Tottori Domain and the shogunate shared the same belief that, if Takeshima did not belong to Tottori, it did not belong to Japan. They did not bear in mind the possibility that the island might belong to another domain (other than Tottori) in Japan. In

the context of the territorial dispute between the two states over the island, the question was whether it belonged to Joseon or Japan. There was no third state intervening. If the island did not belong to Japan, it belonged to Joseon. The same holds true for Matsushima.

The questions and answers between the shogunate and Tottori Domain had a crucial impact on the settlement of the territorial dispute. The shogunate, which had vague knowledge of the island in the beginning, decided to recognize Takeshima as Joseon's territory based on the answers it received from Tottori Domain.

The shogunate's Ban on Passage to Takeshima of 1696

The shogunate, having received the reports from Tottori Domain about Takeshima and having discussed the matter with the regent of Tsushima, decided to recognize Takeshima as Joseon's territory in January 1696. Accordingly, on January 28, the shogunate issued the following order to the governor of Tottori:

In a previous year, when Matsudaira Shintaro was governing the provinces of Inaba and Hoki, Murakawa Ichibe and Ohya Jinkichi, residents of Yonago in Hoki Province, began to sail to Takeshima for fishing, and they have continued to do so until now. However, there is now an order from above that bans the passage to Takeshima. You shall bear it in mind.

The phrasing of this Ban on Passage to Takeshima appears to have intended to prohibit two particular individuals, Ohya and Murakawa,

from sailing to the island, repealing the permit that had been granted to them. However, its actual effect was to ban all Japanese from sailing to Takeshima. The only Japanese who were allowed to sail to Takeshima were Ohya and Murakawa, who obtained the permit for passage to the island in 1618 or 1625. However, in 1696, the shogunate repealed that permit and banned them from sailing there. Following the 1696 Ban on Passage to Takeshima, no Japanese were allowed to go there. The Japanese government notified the Joseon government that it had forever banned the Japanese from going to Takeshima. The shogunate enforced the ban strictly until the 19th century. In 1836, several Japanese were sentenced to death for violating the 1696 ban.

The order was formulated in the form of a ban on passage to Takeshima. But it was based on the shogunate's recognition of Ulleungdo as Joseon's territory. From the beginning, the two states treated the matter as a territorial dispute over the island rather than a simple fishery issue. The Japanese government asked the Joseon government to prohibit Joseon people from coming to Takeshima, arguing that it was Japanese territory. The Joseon government responded by asking the Japanese government to prohibit the Japanese from coming to Ulleungdo, asserting that Ulleungdo, called Takeshima in Japan, was Joseon territory. In addition, the fact that the Ban on Passage to Takeshima was based on the recognition of Takeshima as Joseon's territory was more explicitly written in the memoranda exchanged between Abe Bungonokami, a *Roju* of the shogunate, and So Yoshizane, the regent of Tsushima. In his memorandum addressed to the regent of Tsushima on January 9, 1696, *Roju* Abe Bungonokami wrote as follows:

When I asked Matsudaira, the governor of Hoki, about Takeshima, he told me that the island belonged neither to Inaba Province nor to Hoki Province...Two merchants of Yonago have sailed there to fish, having obtained the permit to do so when Matsudaira Shintaro governed Hoki Province as his fief. Japan has not acquired this island of Joseon, and no Japanese have ever inhabited it. When I asked the distance to the island, he told me that Takeshima is about 40 *ri* from Joseon and 160 *ri* from Hoki Province. If the island is much closer to Joseon, isn't it Ulleungdo of Joseon? If Japan had acquired the island before or Japanese people had inhabited it, it would be difficult for us to return it to Joseon now. But there is no such evidence. Then, isn't it better for us not to get involved in matters concerning that island?...Since we have never acquired it, it is unreasonable to say that we will return it.

In response, the regent of Tsushima sent a memorandum to the *Roju* Abe Bungonokami on January 11, 1696, which reads:

Regarding Takeshima Affair, we cannot say that the island belongs to Inaba Province or Hoki Province. Simply put, we have heard that people from Hoki Province have sailed to the island to fish. As the island is closer to Joseon but much farther from Hoki, it might be an island within Joseon's territory. Furthermore, there is no clear evidence that Japan has acquired it. We cannot say that the Japanese have inhabited the island. For these reasons, if you believe that it is better for us not to get involved in matters concern-

ing that island, I think such a view is quite natural.

As such, the shogunate and Tsushima Domain shared the view that Japan could not claim sovereignty over Takeshima only on the grounds that some Japanese had occasionally sailed to the island for fishing.

The shogunate learns that Dokdo, too, belongs to Joseon.

As for Matsushima, it was mentioned neither in the text of the permit for passage issued in 1618 (or 1625) nor in the text of the ban issued in 1696. As Takeshima was the only specified subject of the dispute, it was natural that only Takeshima was specified in the text of the ban. It was also natural that the text of the ban only mentioned Takeshima because the permit for passage to Takeshima, issued in 1618 (or 1625), solely specified Takeshima. However, subsequent Japanese documents reveal the following facts:

First, the Japanese were banned from going not only to Takeshima but also to Matsushima.

Second, during the 1870s and 1880s, the Meiji government understood and confirmed that the shogunate had determined the two islands to be Joseon's territories in the 1690s.

The diplomatic correspondence exchanged to conclude the dispute

As soon as the shogunate decided to recognize Takeshima as Joseon territory, it ordered Tsushima Domain to notify the Joseon government. Just before the shogunate's final decision, *Roju* Abe Bungonokami and the regent of Tsushima discussed how to notify the Joseon government

of the decision. They worried that the Japanese government would lose its face if Tsushima Domain sent a formal letter recognizing Takeshima as Joseon's territory after having sent a formal letter strongly claiming the island as Japan's territory. Perhaps as a means of saving face, they agreed that the regent of Tsushima would verbally notify the Joseon government through the interpreter-envoys from Joseon, who were expected to visit Tsushima soon. When two interpreter-envoys arrived in Tsushima in October 1696, the regent verbally explained the shogunate's decision. As the interpreter-envoys requested a written notification, six Tsushima officials made an informal paper and jointly signed it. The paper states as follows:

The shogunate, becoming aware that the island was far from this state but close to your state, worried that, if people of the two states mingled there, they would certainly do private business in disorder, causing problems such as smuggling. For this reason, the shogunate immediately issued an order banning our people forever from going there to fish...

In January 1697, the interpreter-envoys returned to Joseon and transmitted the paper to the government. In April 1697, Park Se-jun, the Assistant Minister of Rites of Joseon, wrote a letter to the regent of Tsushima in which he welcomed the shogunate's decision and reiterated that Ulleungdo was Joseon's territory. Tsushima Domain requested that the Joseon government change a few words in its letter. The envoy from Tsushima negotiated with the Joseon government about changing a few

words in the letter. Finally, in March 1698, the new Assistant Minister of Rites of Joseon, Yi Seon-bu, sent a new letter as follows:

The fact that Ulleungdo belongs to Joseon is clear, as shown on the map “Yeodo” and written in many documents. It is therefore unnecessary to argue the point. The frontier between the territories of the two states is self-evident, given that the island is far from Japan but close to Joseon. Your province, too, is already aware that Ulleungdo and Takeshima are the two names referring to the same island. Although the island has different names, the fact that it belongs to Joseon remains unchanged. Now that your province has notified us in writing that your government has issued an order banning your people forever from going to the island to fish, the friendship between our two states will be eternally guaranteed. This is really a good thing. My government also decided to regularly send officials to that island to inspect it to prevent people from the two states from sailing and mingling there.

In January 1699, the regent of Tsushima wrote a letter notifying the Joseon government that he had transmitted the latter’s letter to the shogunate. The regent’s letter was transmitted to the Joseon government in March 1699. The diplomatic formalities for ending the territorial dispute were thus completed.

The paper through which Tsushima Domain notified the Joseon government of the shogunate’s decision simply stated that the shogunate had forever banned Japanese passage to the island but did not explicitly

mention the sovereignty issue. As seen above, in 1696, the shogunate made two simultaneous decisions: to recognize Takeshima as Joseon's territory and to ban the Japanese from sailing there. The logical sequence between the two decisions was evident. The first formed the basis of the second.

Thereafter, until the 1880s, the Japanese government re-examined sovereignty over Ulleungdo on several occasions. On each occasion, the Japanese government verified and confirmed that Ulleungdo was Joseon's territory based on the shogunate's decision in the 1690s.

Memorandum on the arrival of a boat from Joseon in the 9th year of *Genroku*, the year of *Byeongja* (1696)

In May 1696, eleven Joseon people, led by Ahn Yong-bok, arrived at the Oki Islands of Japan. The officials of Oki Province wrote up a report entitled "Memorandum on the arrival of a boat from Joseon in the 9th year of *Genroku*, the year of *Byeongja* (1696)." That report described the eleven Joseon people, the boat, and the circumstances surrounding their arrival. A page listed the names of Joseon's eight provinces. Below the name "Gangwon Province," there is a sentence: "**Takeshima and Matsushima are in this province.**" That sentence was based on the statement by Ahn Yong-bok and the map of Joseon he possessed. Since Oki Province was one of the shogun's estates (*tenryo*) at that time, the Oki officials sent that memorandum to the shogun's representative (*daikan*), stationed in Iwami Domain. A copy of that memorandum was found in the Oki Islands in 2005.

The Ban on Passage to Takeshima was issued in January 1696, but it was transmitted to the capital of Tottori Domain in August 1696 and

notified to the Joseon government in January 1697. Therefore, when Ahn Yong-bok went to Japan in May 1696, he and the Oki officials were unaware of the ban. According to some Korean documents, Ahn claimed that Ulleungdo and Dokdo were Joseon's territories during his stay in Japan. Japanese documents did not explicitly record that point but did indicate that he tried to raise a territorial issue. According to the *Records of the Takeshima Affair (Takeshima kiji)*, Ahn Yong-bok attempted to submit a petition to the shogunate through Tottori Domain. The regent of Tsushima, worrying that the Joseon people might submit a petition on the Takeshima issue, requested the shogunate to send them home without allowing them to do so. Following that request, the shogunate ordered the governor of Tottori to make the Joseon people leave Japan. The content of the "Memorandum on the arrival of a boat from Joseon in the 9th year of *Genroku*, the year of *Byeongja*" is consistent with the content of other documents, whether Korean or Japanese, about Ahn's activities in Japan.

The enforcement of the 1696 Ban on Passage to Takeshima

The record of a conversation between the shogunate's high-ranking officials and the head of the Ohya family in 1740 shows that the 1696 Ban on Passage to Takeshima also forbade the Japanese from sailing to Dokdo.

The two families, Ohya and Murakawa, who had sent their fishermen to Ulleungdo and Dokdo since the early 17th century, lost their fishing business on the two islands because of the 1696 Ban on Passage to Takeshima. Consequently, they suffered from financial woes. In 1740, the fourth head of the Ohya family, Ohya Katsuhisa, met four officials of

the shogunate (*Jisha bugyo*) to petition for a new business right. During their conversation, the officials of the shogunate asked Ohya whether the latter had been receiving any stipend from the lord of Yonago Castle since the ban on passage to the two islands of Takeshima and Matsushima went into effect. Ohya answered, “After the ban on passage to the two islands of Takeshima and Matsushima was issued, the lord of Yonago Castle granted us the right to collect commissions on fish and poultry transactions in the market under the castle.”

The shogunate was the organ that issued and enforced the Ban on Passage to Takeshima, and Ohya was one of the two families directly hit by the ban. Therefore, the shogunate officials and the Ohya family knew better than anyone else how the ban was applied. They said that passage to the two islands of Takeshima and Matsushima was banned. This record of their conversation demonstrates that the 1696 Ban on Passage to Takeshima prohibited Japanese passages not only to Ulleungdo but also to Dokdo.

The Ban on Sailing to Takeshima and Distant Seas of 1837

In 1836, a Japanese was sentenced to death for having traveled to Takeshima in violation of the 1696 Ban on Passage to Takeshima. To prevent a recurrence, the shogunate issued another ban in 1837. In handling that incident, the shogunate once again confirmed that Ulleungdo and Dokdo were Joseon’s territories.

Imazuya Hachimon, a merchant from Hamada Domain, sailed to Takeshima in 1833. In 1836, the Office of the Osaka Magistrate arrested him for having sailed to Takeshima in violation of the 1696 Ban on

Passage to Takeshima. After an investigation, the Osaka authorities transferred him to the Shogunate Supreme Court (*Hyojoshō*). The court sentenced him to death. His accomplices were also sentenced to death or house arrest. That incident has been referred to as the “Takeshima Affair in the *Tempo* (or *Tenpo*) Era (*Tempo Takeshima ikken*)” in Japanese historical documents. The Osaka authorities wrote up a report on the investigation entitled “Record of the Incident of Passage to Takeshima.” That report included a concept map entitled “Map of the Direction of Takeshima.” On that map, Takeshima, Matsushima, and Joseon’s mainland were colored pink, while Japan’s mainland and the Oki Islands were colored yellow. After the judgment, the shogunate made a record of the incident entitled “Record of the Particulars of Passage to Joseon’s Takeshima.” The record included an untitled map that highlighted Takeshima, Matsushima, and Joseon’s mainland in red, while the Japanese territory remained uncolored.

The two maps attached to the records of the criminal investigation and proceedings constituted integral parts of those official documents. In the investigation and proceedings, one of the key points was to verify whether Takeshima and Matsushima belonged to Joseon or Japan. This was the question of life or death for Imazuya Hachimemon and the Hamada officials involved in that incident. The Osaka authorities and the shogunate both reached the conclusion that the two islands belonged to Joseon, as depicted on the two concept maps.

On the other hand, during the proceedings, the shogunate sent a questionnaire to the Edo residence of Tsushima Domain, asking whether Takeshima and Matsushima were both Joseon’s territories. The Edo

residence of Tsushima Domain answered,

“We understand that the Japanese have been prohibited from going to Matsushima for fishing, just as they have been prohibited from going to Takeshima. However, we cannot say for certain that it was so determined.”

The Edo residence of Tsushima also reported,

“Takeshima and Matsushima seem to be the two islands depicted as Ulleung and Usan on Joseon’s maps.”

As the Edo residence of Tsushima answered, relying on the documents made in the 1690s, it cautiously erred, shying away from definitive language. However, the message is clear: Takeshima and Matsushima were Ulleungdo and Usando, which were both Joseon’s territories. This shows that the Osaka authorities, the shogunate, and Tsushima Domain shared the understanding that Takeshima and Matsushima were both Joseon’s territories. Based on this conviction, the shogunate sentenced Hachiemon and an official of Hamada to death, placed several Hamada officials, including the governor, under house arrest. Two Hamada officials committed suicide.

After punishing the culprits, the shogunate issued an order banning the Japanese from sailing to Takeshima and distant seas. It was a general ban prohibiting the Japanese from sailing to remote seas to avoid encountering foreign ships. The shogunate put emphasis on Takeshima as a particularly

forbidden island.

Hachiemon....sailed recently to Takeshima. Following an investigation into this incident, Hachiemon and his accomplices were severely punished.

...

However, since the shogunate ceded the island to the State of Joseon during the *Genroku* era, the Japanese have been banned from going there.

Historical facts are somewhat distorted in the expression **“since the shogunate ceded the island to the State of Joseon during the *Genroku* era.”** To be clear, in 1696, during the *Genroku* era, the shogunate did not cede Takeshima to Joseon, but it recognized the island as Joseon’s territory. The elder of the shogunate in charge of the territorial dispute over Takeshima said, **“Since we have never acquired it, it is unreasonable to say that we will return it.”** This minor distortion notwithstanding, the 1837 ban made it clear that it was based on the shogunate’s decision of the 1690s. The 1696 ban prohibited the Japanese from sailing not only to Ulleungdo but also to Dokdo. In fact, there was no record of Japanese sailing to Dokdo after 1837 until the end of the 1870s. In the 1870s, several Japanese submitted petitions for the development of Matsushima or Takeshima to the Japanese government. They were all rejected.

Reiterating the ban on passage to Takeshima of 1696, the proclamation of 1837 also warned Japanese ships engaged in coastal transportation not

to sail to distant seas so as to avoid encountering foreign ships at sea. It is subjective to say whether Dokdo was in a distant sea. It is certain that Dokdo was far beyond the sea routes for the ships engaged in coastal transportation.

2) The Meiji government continues to recognize Dokdo as Korean territory.

Before furtively incorporating Dokdo into Japanese territory in 1905, the Meiji government confirmed several times that both Ulleungdo and Dokdo were Korean territories, relying on the decision that the shogunate had made in the 1690s.

The Confidential Inquiry into the Particulars of the Relations with the State of Joseon

Soon after the Meiji Restoration in 1868, the Meiji government studied Ulleungdo and Dokdo and confirmed that they were Korean territories.

By order of the Dajokan, the supreme body of the Japanese government in the early Meiji era, the Japanese Ministry of Foreign Affairs dispatched a survey team composed of three officials to Joseon in 1869. The team's mission was to examine the overall relationship between the two states, with the aim of establishing a new relationship with Joseon. The Ministry gave a separate instruction to study the **“Particulars of how Takeshima and Matsushima became Joseon's territories.”**

Before arriving in Joseon, the survey team visited Tsushima, consulted documents in the Tsushima archives relating to Joseon-Japan relations, and prepared the **“Report of a study on the relations between**

Tsushima and Joseon.” In that report, they contained a description of the Takeshima Affair. They then arrived at *Waegwan* (the Japanese Settlement) in Busan and undertook their survey of Joseon in 1870. In 1870, they submitted the report, entitled **“Confidential Inquiry into the Particulars of the Relations with the State of Joseon,”** to the Japanese Ministry of Foreign Affairs and the Dajokan. In that report, they included a section entitled **“Particulars of how Takeshima and Matsushima became Joseon’s territories”** that corresponded to the ministry’s separate instruction. This section was not rich in content, but it was based on the pre-established knowledge that the two islands were Joseon’s territories. The ministry instructed the survey team to study “how” but not “whether” the two islands had become Joseon’s territories.

The crux of the matter is that, even though the 1696 Ban on Passage to Takeshima specified Takeshima only, the Japanese government in 1869 and 1870 understood that both Takeshima and Matsushima were Joseon’s territories as a result of the shogunate’s decision in the 1690s. Such a view was consistent with the 1740 conversation between the officials of the shogunate and the head of the Ohya family about the consequences of the ban on passage to the two islands of Takeshima and Matsushima. The Dajokan and the Ministry of Foreign Affairs shared the same understanding.

The Dajokan Order of 1877

In 1877, the Dajokan examined the question of sovereignty over Ulleungdo and Dokdo and confirmed that they were Joseon territories.

The Meiji government launched a nationwide cadastral project in

1876. In undertaking the project, the Ministry of Home Affairs received in 1876 an “Inquiry about Takeshima and another island in the Sea of Japan for compilation of the land register” from the Shimane Prefectural Government, in which the latter asked whether to include Takeshima and Matsushima in the land register of Shimane Prefecture.

The Ministry of Home Affairs consulted relevant historical documents and concluded that the former government had determined Takeshima and Matsushima as Joseon’s territories as a result of the exchange of correspondence with the Joseon government in the 1690s. However, as determining territory was an important matter, the ministry submitted the **“Inquiry about Takeshima and another island in the Sea of Japan for compilation of the land register”** to the Dajokan for a final decision. On March 29, 1877, the Dajokan issued the following order to the Ministry of Home Affairs:

“Regarding Takeshima and another island in question, bear in mind that they have nothing to do with Japan.”

The Dajokan Order, as well as the inquiries by the Shimane Prefectural Government and the Ministry of Home Affairs, used the term **“another island,”** which may give rise to a question or different interpretations. However, the supporting materials show, textually and visually, that the term **“another island”** refers to Matsushima (Dokdo). The Shimane Prefectural Government’s report includes a sentence saying, **“There is another island that is called Matsushima.”** In addition, the concept map entitled **“Simplified Map of Isotakeshima,”** which was included

in the report, demonstrates that the term “another island” refers to Matsushima. Since the Shimane Prefectural Government, the Ministry of Home Affairs, and the Dajokan shared the report and the concept map, they shared the same understanding that **“another island”** meant Matsushima. It is unreasonable to assume that the three organs used the term **“another island”** without knowing what it meant.

The Dajokan Order specified “Takeshima and another island had nothing to do with Japan” instead of saying that “Takeshima and another island belong to Joseon.” The sentence, “Takeshima and another island had nothing to do with Japan,” may imply that the two islands were Joseon’s territories in the light of the agenda of the Dajokan. In the agenda prepared for the deliberation of the Dajokan, it was written,

“Subject: Takeshima and another island in the Sea of Japan for compilation of the land register, as per the attached inquiry from the Ministry of Home Affairs

The Ministry of Home Affairs asserts that, on the basis of its research, the former government determined that Takeshima and another island in the Sea of Japan had nothing to do with Japan as a result of the exchange of correspondence with the Joseon government after some Joseon people came there in the 5th year of *Genroku*.”

This passage was based on the decision that the shogunate made in the 1690s. Then the wording “Takeshima and another island had nothing to do with Japan” must be understood in the context of the decision

taken by the shogunate. In the 1690s, the shogunate recognized them as part of Joseon. In 1876 and 1877, the question was raised in the context of a cadastral project to determine whether to include Takeshima and Matsushima in the land register of Shimane Prefecture. Therefore, it was enough for the Dajokan to order the ministry not to include the two islands in the land register of Shimane Prefecture. Its order for the cadastral project was based on the historical fact that the shogunate had determined them as Joseon's territories in the 1690s.

The Ban on Japanese Voyages to Ulleungdo of 1883

The Japanese government issued a ban on Japanese voyages to Ulleungdo once more in 1883 and implemented it in good faith in the 1880s.

In May 1881, an inspector dispatched by the Joseon government found seven Japanese people preparing to ship timber they had felled on Ulleungdo. In the same month, the Minister of Rites of Joseon sent a letter to the Minister of Foreign Affairs of Japan, in which he asked the Japanese government to prohibit the Japanese from coming to Ulleungdo. The Japanese government promised to prohibit the Japanese from sailing to the island. But the special inspector, Yi Gyu-won, dispatched by King Gojong of Joseon, found some Japanese on Ulleungdo again in 1882. In June 1882, Joseon's Minister of Rites wrote another letter to Japan's Minister of Foreign Affairs to protest Japan's continued intrusion into the island. The Japanese Minister of Foreign Affairs proposed to the Japanese Prime Minister (Minister of the Dajokan) to issue a ban on Japanese voyages to Ulleungdo. Following that proposal, the Japanese Prime Minister issued a ban on Japanese voyages to Ulleungdo on March 1,

1883. The ban was made in the form of the Prime Minister's directives to the Minister of Home Affairs and the Minister of Justice.

When protesting against Japan's intrusion into Ulleungdo, the Joseon government invoked the agreement between the two governments settling the territorial dispute over Ulleungdo in the 1690s as the basis of its claim. The Japanese Minister of Foreign Affairs, too, presented the same agreement as the basis of his proposal to the prime minister for a ban on Japanese voyages to Ulleungdo. The draft text of a ban proposed by the Japanese Foreign Minister included the following passage: **"Ulleungdo (the Japanese call it Takeshima or Matsushima) was determined to be Joseon's territory by agreement between the Japanese government and the Joseon government during the Genroku era."** In the same vein, the Ban on Japanese Voyages to Ulleungdo presented its basis in the following terms: **"The two governments previously concluded an agreement on the matter."**

Relying on the shogunate's decision made in the 1690s, the early Meiji government confirmed Joseon's sovereignty over Ulleungdo and Dokdo at least three times: the confidential inquiry in 1870, the Dajokan Order in 1877, and the Ban on Japanese Voyages to Ulleungdo in 1883.

C. Korea and Japan Treated Dokdo as an Island Dependent on Ulleungdo.

In many international adjudications, parties to the disputes put forth arguments that the island in question was a dependency of another, but it was rare for international courts to uphold such a claim, even in the case of a small island close to a bigger one. Establishing objective and general

rules or criteria for determining a dependency relationship between two islands would be difficult because each island is unique in many aspects.

In *The Island of Palmas Case* (United States of America v. The Netherlands), the arbitrator stated, in his award of April 4, 1928, “The title of contiguity, understood as a basis of territorial sovereignty, has no foundation in international law.” On the other hand, he asserted, “As regards groups of islands, it is possible that a group may under certain circumstances be regarded as in law a unit, and that the fate of the principal part may involve the rest.”

In the case of the *Land, Island and Maritime Frontier Dispute* (El Salvador v. Honduras; Nicaragua intervening), the Chamber of the ICJ recognized, in its judgment of September 11, 1992, that the island of Meanguerita was a dependency of the island of Meanguera. The chamber took into account that Meanguerita was a small, uninhabited island contiguous to Meanguera, but it did not apply any objective criteria because both parties to the dispute treated the former as a dependency of the latter.

In the *Territorial Sovereignty and Scope of the Dispute* between Eritrea and Ethiopia, in 1996, the arbitral tribunal decided on the sovereignty of the islands and maritime features dispersed in the Red Sea by sorting them into several groups. Thus, the arbitral tribunal decided on sovereignty over a group of maritime features, treating them as a unit. The arbitral tribunal did not use the term dependency or dependent island, but by grouping several maritime features, it treated all the small maritime features in a group as dependent on the principal island or interdependent.

In the case of Ulleungdo and Dokdo, it might be difficult to determine whether Dokdo is dependent on Ulleungdo on the basis of geographical or geological relations between them. Instead, we can recognize Dokdo as a dependency of Ulleungdo because both Korea and Japan treated Dokdo as a part of Ulleungdo throughout their respective histories.

In the 15th century, the Joseon government recognized that the Island of Usan had been a part of the State of Usan. Until the 1950s, Dokdo was an uninhabited and uninhabitable island where only the residents of Ulleungdo could stay on brief occasions for fishing or seaweed gathering. Therefore, it was natural for Koreans to consider Dokdo a part of Ulleungdo. It was also reasonable to believe that Dokdo was part of the State of Usan's territory, just as Ulleungdo was. Thus, the documents published during the Joseon period described the two islands as a single unit or a twin, referring to them as "the two islands of Usan and Mureung" or "Usan Island and Ulleung Island."

Many historical documents of Japanese origin detail even more clearly how the Japanese treated Dokdo as a dependency of Ulleungdo. In the early 17th century, the shogunate issued a permit for passage to Takeshima to the two families of Ohya and Murakawa but did not issue a separate permit for passage to Matsushima. However, the fishermen from the two families visited Matsushima, carrying a copy of the permit for passage to Takeshima. After learning about such activities on Matsushima in 1695 and 1696, the shogunate did not question their legality.

The Ban on Passage to Takeshima issued by the shogunate in 1696 specified Takeshima only as the forbidden destination. However, the record of a conversation between four officials of the shogunate and

the head of the Ohya family in 1740 clearly shows that the passage to Matsushima was also banned. The Japanese considered that if passage to Takeshima was banned, passage to Matsushima was also banned. The ban was enforced in such a way.

When the Japanese Ministry of Foreign Affairs sent a survey team to Joseon in 1869, it instructed the team to study how Takeshima and Matsushima had become Joseon's territory. Accordingly, the survey team included a separate section titled **“Particulars of how Takeshima and Matsushima became Joseon's territories”** in its report, **“Confidential Inquiry into the Particulars of the Relations with the State of Joseon.”** The report, which was submitted to the Ministry of Foreign Affairs and the Dajokan, was based on a study of the documents concerning the territorial dispute over Ulleungdo. In 1696, the shogunate recognized Takeshima as Joseon territory but did not mention Matsushima. In 1869 and 1870, the Japanese Ministry of Foreign Affairs understood that the shogunate had recognized Joseon's sovereignty over Takeshima and Matsushima in 1696. Both the shogunate and the Meiji government believed that if Takeshima belonged to Joseon, then so did Matsushima.

The 1877 Dajokan Order treated Dokdo as a dependency of Ulleungdo, in its order to the Ministry of Home Affairs, ordering, **“Regarding Takeshima and another island in question, bear in mind that they have nothing to do with Japan.”** The Shimane Prefectural Government was the first to use the term “Takeshima and another island.” The Ministry of Home Affairs and the Dajokan used the same term. It is difficult to clarify why they used the term “Takeshima

and another island” rather than “Takeshima and Matsushima.” What is important is that the Dajokan confirmed sovereignty over the two islands, binding them into a single unit. The 1877 Dajokan Order implies that the Dajokan considered sovereignty over “another island” to be dependent on sovereignty over Takeshima. The Ministry of Home Affairs, which presented its opinion to the Dajokan, shared the same view about the two islands. The diplomatic correspondence in the 1690s, which the Ministry of Home Affairs examined, dealt with Takeshima without mentioning Matsushima. However, based on the diplomatic correspondence, the Ministry of Home Affairs concluded that the shogunate had determined Takeshima and another island to be Joseon territories.

In 1902, the Japanese Consulate in Busan submitted a report entitled “The Situation of Ulleungdo.” That report contained the following paragraph: “About 50 nautical miles due east of Ulleungdo, there are three small islets, which are called Lyanko Island. The Japanese call them Matsushima. Since these islets are abundant in abalone, some people from Ulleungdo go there to fish. Because of the lack of drinking water on the islets, people cannot stay there for long. They return to Ulleungdo after four or five days.” This description shows that Dokdo was a part of the day-to-day lives of the residents of Ulleungdo.

In 1903, Kuzuu Shusuke published the Guidebook for Fisheries in the Korean Sea, with a foreword by Maki Naomasa, the Director General of Fisheries. In the Table of Contents, Ulleungdo and Dokdo were placed in Gangwon Province, “Chapter 3: Geography of the Coastal Seas, Gangwon Province, Ulleungdo (Yanko Island).” By putting Yanko Island in the parenthesis attached to Ulleungdo, the author indicated that Yanko

Island was a part of Ulleungdo. At that time, Yanko Island was one of the Japanese names for Dokdo.

In July 1905, the Japanese Consulate in Busan reported to the Ministry of Foreign Affairs the statistics of the merchandise imported to and exported from Ulleungdo during the whole year 1904 and the first half of 1905. In that report, sea lions caught on Dokdo were included among exports from Ulleungdo. This also indicates that the Japanese Consulate treated Dokdo as a part of Ulleungdo.

In Japan prior to 1905, there was no document, writing, or map, whether official or private, that treated sovereignty over Takeshima and sovereignty over Matsushima separately.

The relationship between Ulleungdo and Dokdo described in the documents of Korean and Japanese origins is a sort of dependency relationship, as described in the arbitral award in *The Island of Palmas Case*: “the fate of the principal part may involve the rest.”

D. No State Other than Korea Has Exercised

Sovereignty over Dokdo.

For a state to establish its historic title to a certain land territory, one of the key requirements is that there be no competing claims from other states.

As shown above, from the 17th century until the early 1900s, Japan recognized Dokdo as Korean territory. No other state recognized Dokdo's existence until the mid-19th century. France, Russia, and Great Britain sighted Dokdo in 1849, 1854, and 1855, respectively. They coined a name for it in their respective languages and depicted it on their nautical charts or sailing directions. However, none of them attempted to establish

sovereignty over the island. As such, while Korea exercised its sovereignty over Dokdo, no other state advanced competing claims.

E. A Conclusion on the Historic Title to Dokdo

Although the principles and rules of international law concerning historic titles have not been well elaborated, a general understanding of the principles and rules underlying international jurisprudence may shed light on the question of evaluating the legal meaning of a set of historical facts.

Korea has maintained state authority over Dokdo peacefully and continuously since prior to the 14th century, at the latest. All of the relevant Korean documents treat Dokdo as Korean territory, but no one suggests Japanese sovereignty over the island.

Japan had never exercised any kind of jurisdiction over Dokdo before it surreptitiously incorporated the island into its territory in 1905 as a step toward occupying Korea. On the contrary, before 1905, Japan had continuously recognized Dokdo as Korean territory. All the relevant documents and maps that Japan's central government or local authorities produced for more than two centuries, from the mid-17th century to the 1880s, show that Japan treated Dokdo as Korean territory, but there is none that indicates Japanese sovereignty over the island. The Japanese documents that support Korea's position regarding the historic title to Dokdo while denying Japan's might be given more weight in light of the rationale underlying the rules of evidence treating the statement against interest.

Chapter 2:

Japan's Illegal Incorporation of Dokdo into Japan in 1905

- 1. The Concept and International Practice of
Occupation of *Terra Nullius***
- 2. Japan's Unlawful Measures Incorporate Dokdo into its Territory**
- 3. The Absurdity of Japan's Claim That the Cabinet Decision of 1905
Was a Measure to Reaffirm Japan's Existing Sovereignty**
- 4. Japan's Self-contradictory Theories**

On January 28, 1905, the Japanese Cabinet decided to incorporate Dokdo into Japanese territory and place it under the jurisdiction of the Director of the Oki Island Branch Office of Shimane Prefecture.

Regarding that decision, Japan has presented two interpretations. One is that the cabinet decision of 1905 was a measure to occupy *terra nullius*, and the other is that it was a measure to reaffirm the sovereignty that Japan had established in the 17th century. These arguments may raise the following questions: Was the cabinet decision a lawful measure for occupying *terra nullius*? Was it a measure of reaffirming existing sovereignty? And are the two interpretations congruent with each other?

1. The Concept and International Practice of Occupation of *Terra Nullius*

A. The Concept of Occupation and Conditions for Occupation under International Law

Terra nullius means a piece of territory belonging to no one. Thus, it is a piece of land open to occupation through due process. In its advisory opinion of October 16, 1975, on *Western Sahara*, the ICJ stated as follows:

The expression “*terra nullius*” was a legal term of art employed in connection with “occupation” as one of the accepted legal methods of acquiring sovereignty over territory. “Occupation” being legally an original means of peaceably acquiring sovereignty

over territory otherwise than by cession or succession, it was a cardinal condition of a valid “occupation” that the territory should be *terra nullius* - a territory belonging to no one, at the time of the act alleged to constitute the “occupation.”

No comprehensive set of criteria has been established under international law to determine whether a given land is *terra nullius*. Some criteria relating to *terra nullius* have been identified piecemeal in international adjudications.

In the case of the *Legal Status of Eastern Greenland* (Denmark v. Norway), the Permanent Court of International Justice stated in its judgment of April 5, 1933, that if a state has established its sovereignty over the colonized portion of the land in question, its sovereignty over the uncolonized portion could be recognized in special areas having an inaccessible character, such as Eastern Greenland.

In the case of *Western Sahara*, the Secretary General of the United Nations requested the ICJ to state whether Western Sahara, at the time of colonization by Spain, was a territory belonging to no one. The ICJ gave the advisory opinion that Western Sahara was not *terra nullius* at that time on the grounds that “Western Sahara was inhabited by peoples which, if nomadic, were socially and politically organized in tribes and under chiefs competent to represent them” and “in colonizing Western Sahara, Spain did not proceed on the basis that it was establishing its sovereignty over *terrae nullius*.”

In the *Difference relative to the Sovereignty over Clipperton Island* (France v. Mexico), the arbitrator judged, in his award of January 28,

1931, that France established its sovereignty over the island on the grounds that it was *terra nullius* when France occupied it and that France duly notified the intention to occupy it. The arbitrator recognized the validity of France's occupation of the island for two reasons, as follows: "Consequently, there is ground to admit that, when in November 1858, France proclaimed her sovereignty over Clipperton, that island was in the legal situation of *territorium nullius*" and "there is, first of all, ground to hold as incontestable the regularity of the act by which France in 1858 made known in a clear and precise manner her intention to consider the island as her territory." Beside this case, it is difficult to find other cases where an international court or tribunal recognized the validity of the occupation of *terra nullius* in the 20th and 21st centuries.

B. The Obligation to Notify the States Concerned

For a state to occupy *terra nullius* effectively, it must notify its intention internationally. The rules of international law governing the methods of international notification of occupation of *terra nullius* have not been well established. This does not mean that a state may occupy *terra nullius* in a clandestine way. In the *Difference relative to the Sovereignty over Clipperton Island*, the arbitrator recognized "the regularity of the act by which France in 1858 made known in a clear and precise manner her intention to consider the island as her territory," and it was one of the grounds on which the arbitrator judged that the French sovereignty had been established over the island.

2. Japan's Unlawful Measures to Incorporate Dokdo into Its Territory

Japan's measure of incorporating Dokdo into Japanese territory in 1905 was invalid because Dokdo was not *terra nullius* at that time, and the measure was taken in a clandestine way.

A. Dokdo Was Not *Terra Nullius* in 1905.

The first and indispensable condition for an occupation is that the territory in question is *terra nullius*. In 1905, when the Japanese Cabinet decided to incorporate Dokdo into Japanese territory, the island was not *terra nullius* but Korean territory. Japan itself had recognized it as Korean territory for more than two centuries.

1) Dokdo was Korean territory before 1905.

The Goryeo Dynasty and the Joseon Dynasty of Korea exercised state authority over Dokdo, placing it under the jurisdiction of Uljin Prefecture. In 1900, the government of the Empire of Korea promulgated Imperial Edict No. 41 and thereby instituted Ulleungdo County to reinforce the exercise of its sovereignty over Ulleungdo and Dokdo.

2) The Japanese government recognized Dokdo as Korean territory from the 17th century until January 1905.

The Japanese government recognized Dokdo as Korean territory on multiple occasions, from the 17th century through the early 1900s.

In 1667, a Japanese local official published the *Records of Obser-*

vations on Oki Province, in which he recognized Dokdo as Korean territory. Many subsequent Japanese writings and maps shared the same understanding. During the territorial dispute over Ulleungdo, the shogunate learned that Dokdo was Korean territory through the reports from Tottori Domain, dated December 25, 1695, and January 25, 1696. The shogunate issued a ban on Japanese passages to Ulleungdo on January 28, 1696. The record of a conversation between four officials of the shogunate and the head of the Ohya family in 1740 shows that the shogunate's ban prohibited the Japanese from sailing not only to Ulleungdo but also to Dokdo. The Map of the Direction of Takeshima drawn by the Osaka authorities and an untitled concept map made by the shogunate after dealing with the *Tempo* Takeshima Affair of 1836 show unmistakably that Ulleungdo and Dokdo were Korean territories. On the same occasion, the Edo residence of Tsushima Domain submitted a report stating that the shogunate had banned Japanese passages to Dokdo as well as Ulleungdo. In 1870, a survey team of the Japanese Ministry of Foreign Affairs submitted the report, "Particulars of how Takeshima and Matsushima became Joseon's territories." In 1877, the Dajokan confirmed that Ulleungdo and Dokdo were Joseon's territories on the basis of the agreement between the Joseon government and the shogunate in the 1690s.

Then, in 1905, the Japanese government took abrupt steps to incorporate Dokdo into Japanese territory, as if the island had been *terra nullius*. Such a measure could not erase the historical records that the Japanese government had recognized Dokdo as Korean territory for more than two centuries.

3) The Japanese officials who took the initiative for the incorporation of Dokdo into Japanese territory in 1905 were aware that Dokdo was Korean territory.

The officials who led the Japanese government to incorporate Dokdo into Japanese territory were Kimotsuki Kaneyuki, the Director General of the Hydrographic Office under the Japanese Navy; Maki Naomasa, the Director General of Fisheries of the Ministry of Agriculture and Commerce; and Yamaza Enjiro, the Director General of Political Affairs of the Ministry of Foreign Affairs. They induced and even urged Nakai Yozaburo to submit a petition to the government for the territorial incorporation of Dokdo. Relying on that petition, the Japanese Cabinet decided to incorporate Dokdo into Japanese territory on January 28, 1905.

There is circumstantial evidence that the abovementioned three officials were all aware that Dokdo was Korean territory. The Hydrographic Office published the *Japan Pilot* in 1897 and the *Joseon Pilot* in 1894 and 1899. In the *Japan Pilot*, Dokdo was not mentioned, while in the *Joseon Pilots*, Dokdo, under the name Lyankoruto Rocks, was described as an island belonging to the Gangwon Province of Korea. It was Kimotsuki Kaneyuki who directed the compilation of those pilots. Maki Naomasa wrote the foreword to the *Guidebook for Fisheries in the Korean Sea*, published in 1903, in which Dokdo, under the name of Yanko Island, was described as an island belonging to the Gangwon Province of Korea. Yamaza Enjiro wrote one of the forewords to the *New Guidebook for Business in Korea*, published in 1904, in which Yanko Island was described as belonging to the Gangwon Province of Korea.

4) The European states that sighted Dokdo did not regard it as *terra nullius*.

The French whaler *Liancourt* spotted Dokdo in 1849, and the French Navy named it “*Rochers du Liancourt* (Liancourt Rocks).” In 1854, the *Olivutsa*, which was a support vessel for the Russian warship *Pallada*, spotted Dokdo, and in 1857 the Russian Navy named the East Island of Dokdo “Menelai” and the West Island “Olivutsa.” In 1855, the British warship *Hornet* spotted Dokdo and named it the “Hornet Islands.” None of these states attempted to lay claim to the island while naming it in their respective languages. There is no documentary evidence to show why they did not try to acquire it in the age of imperialism, when those states pursued territorial expansion in all corners of the world. A convincing presumption might be to say that they did not regard it as *terra nullius*.

B. The Japanese Government Did Not Notify Any of the States Concerned of Its Intention to Occupy Dokdo.

In 1905, the Japanese Cabinet made furtive moves to integrate Dokdo into Japan. The Shimane Prefectural Government notified its residents that an uninhabited island named Takeshima was placed under the jurisdiction of the Director of the Oki Island Branch Office of Shimane Prefecture. It was a notification addressed to the Shimane residents, not to foreigners.

Although there were no concrete rules of international law governing the methods of notifying the occupation of *terra nullius*, there was international practice according to which a state should notify its intention to occupy *terra nullius* to the states that might have potential interests. When France discovered and occupied Clipperton Island in 1858,

the French Consulate in Honolulu carried an article notifying the fact in *The Polynesian*, which was a weekly newspaper published in Honolulu. Although the newspaper was not an official gazette, it was an effective device of communication through which France could notify the coastal states of the Pacific that might have potential interests in the island. In that sense, the notification through that newspaper can be considered reasonable. In the *Difference relative to the Sovereignty over Clipperton Island*, the arbitrator recognized it as a valid act of notification and judged that the French sovereignty had been established.

Japan was aware of the international practice concerning notification of the occupation of *terra nullius* in the latter half of the 19th century. When Japan incorporated the Ogasawara Islands (Bonin Islands) into Japanese territory in 1875, the Japanese government publicized the fact through the public notice of the Tokyo Metropolitan Government. It was one of the internal measures. As an external measure, the Japanese Minister of Foreign Affairs notified the government of the twelve states that had legations in Japan through his letter addressed to the foreign ministers in Japan.

However, when Japan incorporated Dokdo, it took only internal measures without taking any external ones. The Minister of Home Affairs requested, through a confidential letter, that the Prime Minister convene a cabinet meeting to deliberate the agenda on the occupation of an uninhabited island. The document recording the Cabinet decision was not made public in accordance with Japanese practice at that time. Following the Cabinet's decision, the Minister of Home Affairs sent "Instruction No. 84" to the governor of Shimane Prefecture, in which the

former instructed the latter to publicize the facts in the region under the latter's jurisdiction. In accordance with the instruction, the governor of Shimane Prefecture issued "Public Notice No. 40" of February 1905. That was an act of local administration for the residents of the prefecture, not an act of external notification. If the Japanese government had had the intention to notify foreign states, the Minister of Foreign Affairs would have done as he did in 1875, when the Japanese government incorporated the Ogasawara Islands into Japanese territory.

In March 1906, a survey team from Shimane Prefecture, composed of local officials and scholars, surveyed Dokdo. After that, they came to Ulleungdo and told the Uldo Magistrate that Dokdo had now become Japanese territory. It was not an international notification. The survey team's mission was to survey Dokdo. Taking advantage of their visit to Dokdo, the survey team members also visited Ulleungdo and informed the Uldo County Magistrate of the incorporation of Dokdo into Japan, incidentally.

3. The Absurdity of Japan's Claim That the Cabinet Decision of 1905 Was a Measure to Reaffirm Japan's Existing Sovereignty

Japan asserts on the one hand that the Cabinet decision of January 28, 1905, sought to occupy *terra nullius*, and on the other that it aimed to reaffirm Japanese sovereignty over Takeshima, which was established in the 17th century. Such an argument is inconsistent with both the text of

the cabinet decision and historical facts.

A. The Theory That the Japanese Cabinet Reaffirmed the Existing Sovereignty Is Contrary to the Text of the Cabinet Decision.

In the Cabinet decision of 1905, it is written,

In examining this matter, since it is evident, as relevant documents show, that a certain Nakai Yozaburo has moved to the island and has been engaged in fishing since the 36th year of Meiji, we, recognizing these acts as occupation under international law, consider that there is no impediment to making the island part of Japan and placing it under the jurisdiction of the Director of the Oki Island Branch Office of Shimane Prefecture. Therefore, it is appropriate for the Cabinet to decide as the Minister of Home Affairs has proposed.

Indisputably, this passage seeks to justify the occupation of *terra nullius*. The Cabinet decision contains no words that reaffirm existing sovereignty. On the contrary, the cabinet stated, “...there is no impediment to making the island part of Japan.” Nakai Yozaburo submitted the petition for territorial incorporation, specifying the name “Yanko Island.” However, the Cabinet decision designated the island only by its geographical coordinates, as if it had been a newly discovered and nameless island. What is even more bizarre is that the cabinet attached there the name “Takeshima,” which the Japanese had used to refer to Ulleungdo for over two centuries.

B. The Theory That the Japanese Cabinet Reaffirmed the Existing Sovereignty Is Contrary to Historical Facts.

Before 1905, the Japanese had never exercised sovereignty over Dokdo. On the contrary, the Japanese government recognized Korean sovereignty over the island all the way from the 17th century until the early 1900s. Reaffirming something that has never existed is absurd. It is unreasonable to regard fishing activities by two Japanese subjects on Ulleungdo and Dokdo as the foundation of establishing Japanese sovereignty over the islands. For these Japanese subjects, the shogunate had once issued a permit for passage to Takeshima, but it repealed the permit and banned the Japanese from sailing to the islands in 1696. Whatever the nature of the shogunate's permit for passage to Takeshima, the shogunate itself nullified it. However, the ban on passage to Takeshima remained effective from January 1696 to January 1905.

In 1904, as a businessman, Nakai Yozoburo's initial objective was to monopolize the right to catch sea lions on Dokdo. But Kimotsuki Kaneyuki, the Director General of the Hydrographic Office spurred him to submit a petition for the territorial incorporation of Dokdo. Nakai Yozaburo petitioned for territorial incorporation. Yamaza Enjiro, the Director General of Political Affairs of the Ministry of Foreign Affairs, encouraged and pushed Nakai Yozaburo to pursue his petition. In this way, a private businessman's business objective was transformed into a government agenda for territorial acquisition. None of the Japanese officials involved in the process of incorporating Dokdo had the intention to reaffirm the existing sovereignty over the island.

4. Japan's Self-contradictory Theories

In the 1950s and 1960s, Japan advanced the theory of historic title along with the theory of the occupation of *terra nullius*. In recent years, Japan has developed another theory: the Cabinet decision of 1905 was a measure of reaffirming Japanese sovereignty over Takeshima that had been established in the 17th century. Can the theory of reaffirmation of existing sovereignty reconcile the theory of historic title with the theory of occupation of *terra nullius*? The reaffirmation of existing sovereignty presupposes the existence of a historic title, which is squarely contradictory to the occupation of *terra nullius*.

Chapter 3:

The Interpretation of the Treaty of Peace with Japan

- 1. The Rules of International Law Governing the
Interpretation of Treaties**
- 2. The Question of Interpreting Article 2(a) of the
Treaty of Peace with Japan**

The Treaty of Peace with Japan was signed on September 8, 1951, at the San Francisco Peace Conference and brought into force on April 28, 1952. Article 2(a) concerning Korean territory stipulates as follows:

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.

Although this provision does not mention the term "Dokdo" at all, the absence of the term does not necessarily rule out the possibility that a certain meaning about the island might be implied therein.

1. The Rules of International Law Governing the Interpretation of Treaties

A set of customary rules of international law governing the interpretation of treaties was codified in Article 31 and Article 32 of the Vienna Convention on the Law of Treaties (hereinafter referred to as the "Vienna Convention"), adopted in 1969 and brought into force in 1980. After the entry into force of the Vienna Convention, the rules for the interpretation of treaties have become more sophisticated through the jurisprudence of international courts and tribunals.

Article 31. General rule of interpretation

1. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.
2. The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes:
 - (a) any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty;
 - (b) any instrument which was made by one or more parties in connection with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.
3. There shall be taken into account, together with the context:
 - (a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;
 - (b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation;
 - (c) any relevant rules of international law applicable in the relations between the parties.
4. A special meaning shall be given to a term if it is established that the parties so intended.

Article 32. Supplementary means of interpretation

Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the application of Article 31, or to determine the meaning when the interpretation according to Article 31:

- (a) leaves the meaning ambiguous or obscure; or
- (b) leads to a result which is manifestly absurd or unreasonable.

There is another essential rule that must be taken into account in interpreting a treaty, although it is not included in the rules for the interpretation. A treaty has binding force only on the parties in principle, as Article 34 of the Vienna Convention stipulates: “A treaty does not create either obligations or rights for a third State without its consent.” There can be exceptions to this rule. Articles 35 and 36 define the conditions under which a treaty may create obligations and rights for a third state, respectively.

2. The Question of Interpreting Article 2(a) of the Treaty of Peace with Japan

If Article 2(a) of the Treaty of Peace with Japan can be interpreted in the light of the rules for interpretation of treaties set out in Articles 31 and 32 as well as the rules for obligations and rights for third states set out in Articles 34 to 36 of the Vienna Convention, its meaning can be

illuminated as follows:

A. The Parties to the Treaty

Forty-eight Allied Powers and Japan signed the Treaty of Peace with Japan. Because one of the signatories did not ratify it, the treaty has forty-eight parties. Although it has binding force only on the parties in principle, it contains some provisions concerning issues between the parties and non-parties.

According to Article 36 of the Vienna Convention, a right arises for a third state from a provision of a treaty if the parties to the treaty intend to accord that right to a third state and the third state assents thereto. Its assent is presumed so long as the contrary is not indicated.

Since the Republic of Korea is not a party, this treaty has no binding force on Korea. There is no clause creating obligations for Korea. On the contrary, Article 21 stipulates that Korea shall be entitled to the benefits of Articles 2, 4, 9, and 12. Therefore, Article 2(a) should be interpreted in this context. Korea has not refused these benefits.

B. The Object and Purpose of the Treaty

The Vienna Convention introduced teleological interpretation as an element of the general rule of interpretation by stipulating, in Article 31, that a treaty should be interpreted “in the light of its object and purpose.” The object and purpose of the Treaty of Peace with Japan were to settle the problems that had arisen out of the war between the Allied Powers and Japan and to establish a postwar international order. They are written in the preamble, “Whereas the Allied Powers and Japan are resolved that

henceforth their relations shall be those of nations which, as sovereign equals, cooperate in friendly association to promote their common welfare and to maintain international peace and security, and are therefore desirous of concluding a Treaty of Peace which will settle questions still outstanding as a result of the existence of a state of war between them.”

Traditionally, the most important clauses in peace treaties were those settling territorial issues and determining reparations for the damages caused by war. In the case of the Treaty of Peace with Japan, since the Allied Powers were ready to waive all reparations claims against Japan, the most critical and difficult issue was how to determine the territory of postwar Japan. Determining Korea’s territory was not included in the object and purpose of this treaty because Korea was not a party.

C. The Context of Article 2(a)

According to Article 31 of the Vienna Convention, the terms of the treaty should be interpreted “in their context.” The most important factors constituting the context of Article 2(a) of the Treaty of Peace with Japan are the following:

1) The preamble and the body of the treaty

The context of the terms of the treaty includes “the text, including its preamble and annexes.” The preamble of the peace treaty contains no significant means for interpreting Article 2(a). There is no annex to this treaty. In the body of the treaty, Article 21 specifies that Korea is entitled to the benefits of Articles 2, 4, 9, and 12. As Article 2(a) imposes Japan’s obligations toward Korea, the latter enjoys reflective benefits.

2) The instruments made by one or more parties in connection with the conclusion of the treaty and accepted by the other parties

According to Article 31, Paragraph 2(b) of the Vienna Convention, “any instrument which was made by one or more parties in connection with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty” may constitute the context of the treaty. The following instruments, made by the Allied Powers and accepted by Japan, can be regarded as belonging to this category:

The Cairo Declaration

President D. Franklin Roosevelt of the United States, Prime Minister Winston Churchill of the United Kingdom, and President Chiang Kai-shek of the Republic of China held a conference in Cairo from November 22 to 26, 1943, to discuss the strategy of waging the war against Japan and the principles of shaping a postwar order in East Asia. The Cairo Declaration, proclaiming the agreement by the leaders of the three Allied Powers, was broadcast through radio on December 1, 1943. Regarding Korea, it contains the following provisions:

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.

The leaders of the three Allied Powers paid special attention to Korea and promised its independence since they regarded it as one of the

territories that Japan had taken by violence and greed.

The Potsdam Declaration

President Harry Truman of the United States and Prime Minister Winston Churchill of the United Kingdom adopted the Potsdam Declaration on July 26, 1945, outlining the conditions of Japanese surrender and the principles for treating Japan after its surrender. President Chiang Kai-shek of the Republic of China joined it by telegram without participating in the conference. Premier Joseph Stalin of the Soviet Union joined the declaration on August 8, 1945, the day the Soviet Union declared war against Japan. Paragraph 8 of the Potsdam Declaration defined the territory of postwar Japan as follows:

8. The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.

This provision linked the Cairo Declaration to the Potsdam Declaration, ensuring their implementation with the same binding force.

The Potsdam Declaration is the most important instrument constituting the context of the territorial clauses of the Treaty of Peace with Japan because the treaty was based on this declaration. After the war, throughout the negotiation of the treaty, the U.S. government repeatedly declared that the treaty would be based on the terms of the Potsdam Declaration. In particular, John Foster Dulles, who played a key role in

drafting and negotiating the treaty, declared in his statement at the San Francisco Peace Conference, “The Potsdam Surrender Terms constitute the only definition of peace terms to which, and by which, Japan and the Allied Powers as a whole are bound.”

Paragraph 8 of the Potsdam Declaration determined the baseline of the postwar territory of Japan as the four main islands: Honshu, Hokkaido, Kyushu, and Shikoku. This provision suspended Japanese sovereignty over all other islands that were under Japan’s sovereignty or control before or during the war. The logical structure underlying paragraph 8 is as follows: The Allied Powers would determine the final state of the postwar territory of Japan by adding minor islands to the four main islands, not by subtracting minor islands from the prewar Japanese territory. In this way, paragraph 8 blocked the possibility of an automatic return of the Japanese territory to the *status quo ante bellum*. The minor islands that the Allied Powers have not determined to be Japanese territory are not Japanese territories. Dokdo is one of those islands.

The Instrument of Surrender

On September 2, 1945, the representatives of Japan and the nine Allied Powers signed the Instrument of Surrender. By signing this instrument, Japan consented to be bound by the Potsdam Declaration. Japan undertook to carry out the provisions of the Potsdam Declaration in good faith and to comply with the directives of the Supreme Commander for the Allied Powers. Thereby, the Cairo Declaration, the Potsdam Declaration, and the Instrument of Surrender constituted an integrated set of agreements defining the basic principles of treating postwar Japan.

The SCAPINs

The Instrument of Surrender empowered the Supreme Commander for the Allied Powers to issue orders and directives to the Japanese government and obligated the latter to comply with his orders. The Supreme Commander for the Allied Powers issued most of his directives in the form of SCAPINs, which represented his directive index numbers.

On January 29, 1946, the Supreme Commander for the Allied Powers issued SCAPIN-677, “Governmental and Administrative Separation of Certain Outlying Areas from Japan,” defining the islands that were included in Japan and the islands that were excluded from Japan. The areas defined as Japan were to be governed by the Japanese government under the control of the Supreme Commander. The areas excluded from Japan were to be governed by different states, such as the U.S., China, and the Soviet Union. SCAPIN-677 was a temporary measure to carry out the Allied Powers’ occupation policy for Japan pending the conclusion of a peace treaty. Paragraph 6 of SCAPIN-677 states, “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.” Dokdo was among the islands excluded from Japan.

On June 22, 1946, the Supreme Commander for the Allied Powers issued SCAPIN 1033, entitled “Area Authorized for Japanese Fishing and Whaling.” As this directive was issued to protect Japan’s neighboring states from Japanese fishing, Japanese fishing and whaling were prohibited even in large portions of the high seas. SCAPIN 1033 contains a special clause for Dokdo. Paragraph 3(b) states, **“Japanese vessels or personnel thereof will not approach closer than twelve (12) miles to Takeshima (37°15’**

North Latitude, 131°53' East Longitude) nor have any contact with said island.”

The independence of Korea

The Allied Powers adopted a series of wartime agreements and postwar measures, of which the most important ones were as seen above. Some of them were definitive measures, such as the reforms of the Japanese political and economic systems. Some others were temporary measures taken to manage the situation until the conclusion of a peace treaty. In theory, the Treaty of Peace with Japan should have settled all the problems that had arisen from the war. In reality, the treaty was not so perfect.

A category of Allied Powers' wartime agreements and postwar measures created an ambiguous situation in certain territories. China and the Soviet Union, which were among the main belligerent states against Japan, did not sign the treaty. However, they had already occupied the territories that they considered to have been promised to them under the wartime agreements: China occupied Taiwan, the Pescadores, and Manchuria; the Soviet Union occupied South Sakhalin and the Kuril Islands. The status of some of these territories remained ambiguous. After the conclusion of the peace treaty, Japan concluded a series of bilateral agreements to settle those problems, but those issues have not yet been neatly settled.

Another category of the Allied Powers' wartime agreements and post-surrender measures were implemented before the conclusion of the peace treaty, and their effects could not be undone or changed by the peace treaty. Korea's independence was one of these effects. While the preparations and negotiations for the treaty were protracted, Korea's

independence was achieved by the combined effects of many factors, such as the Allied Powers' wartime agreements and postwar measures, the actions of the Korean people, and the intervention of the United Nations, as follows:

After Japan's surrender, the U.S. and Soviet armies occupied Korea in September 1945. Thus, Korea was separated from Japan. Shortly after, the Allied Powers began to take measures for the independence of Korea. At the Moscow Conference held in December 1945, the ministers of foreign affairs of the Soviet Union, the U.S., and the UK agreed to form the U.S.-Soviet Joint Commission "with a view to the re-establishment of Korea as an independent state." The joint commission was formed in 1946 but disbanded in 1947 without any outcome, only creating mutual mistrust. The U.S. government then brought the Korean question before the General Assembly of the United Nations.

On November 14, 1947, the General Assembly adopted Resolution 112(III), "The Problem of the Independence of Korea," in which it recognized the urgent and rightful claims to independence of the people of Korea and decided to establish the United Nations Temporary Commission on Korea to facilitate and expedite the national independence of Korea. Under the observation of the UN Temporary Commission, a general election was held in South Korea on May 10, 1950, to form a national assembly, but the Koreans in North Korea under the control of the Soviet forces did not participate in the election. The National Assembly adopted the constitution of the Republic of Korea on July 17, 1948, and elected the president of the republic. The Republic of Korea was formally established in South Korea on August 15, 1948. As the Cairo

Declaration declared, “**Korea shall become free and independent,**” Korea became free on August 15, 1945, and independent on August 15, 1948.

In North Korea, the government of the Democratic People’s Republic of Korea was proclaimed on September 9, 1948. On December 12, 1948, the UN General Assembly recognized the ROK government as the only lawful government in Korea.

This brief history of postwar Korea is enough to demonstrate that Korean independence was not an effect of the peace treaty. Before the treaty was signed, Korea had become independent.

As for the territory of Korea, the parties to the peace treaty had neither the power nor the intention to define it under the terms of the treaty because Korea was an independent state, which was not a party to the treaty. Before the peace treaty was signed, Korea’s territory had been formed by the interplay of numerous factors in international relations, such as the Allied Powers’ wartime agreements, their postwar measures, the Cold War situation, the actions taken by the Korean people, etc. On the day when the peace treaty was signed, Dokdo was under the sovereignty of the Republic of Korea. The clearest evidence was the fact that SCAPIN-677, which separated Dokdo from Japan to include it in South Korea, remained in force at that date. The peace treaty could not, and did not, redraw the map of Korea.

D. The Ordinary Meaning of the Terms

The Vienna Convention embraced the doctrine of the primacy of the text in interpreting treaties. The International Law Commission stated, in its

commentary to the draft article on the general rule of interpretation, that “the text must be presumed to be an authentic expression of the intention of the parties; and that, in consequence, the starting point of interpretation is the elucidation of the meaning of the text, not an investigation ab initio into the intentions of the parties.” According to Article 31 of the Vienna Convention, a treaty should be interpreted in good faith “in accordance with the ordinary meaning to be given to the terms of the treaty.”

The text of Article 2(a) of the Treaty of Peace with Japan imposed two obligations upon Japan with regard to Korea.

The first obligation imposed on Japan was formulated as **“Japan, recognizing the independence of Korea.”** The ordinary meaning of these terms is clear. This text required Japan to recognize the independence of Korea. It did not require Japan to grant independence to Korea. Korea’s independence was an accomplished fact.

The second obligation imposed on Japan was **“to renounce all right, title and claims to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.”** These terms are open to divergent interpretations. To elucidate the ordinary meaning of the terms **“Korea, including the islands of Quelpart, Port Hamilton and Dagelet,”** it might be useful to divide the meaning of the three islands on the one hand and that of “Korea” on the other. In the treaty text, there is no indication of the criteria for selecting the three islands among more than three thousand Korean islands. Whatever the criteria for their selection, the three islands are not an exhaustive enumeration of the Korean islands, which amount to more than three thousand. Nor can the three islands represent all the Korean islands. What is certain is that they are parts

of Korea. In other words, they constitute a subset of Korea. The terms **“including the islands of Quelpart, Port Hamilton and Dagelet”** have no additional meaning in describing the extent of Korea. At best, they are three examples of the Korean islands. Therefore, the geographical extent described by the terms **“Korea, including the islands of Quelpart, Port Hamilton and Dagelet”** is equal to that referred to by the term **“Korea.”**

Then, the remaining point is to elucidate the ordinary meaning of the term **“Korea.”** Since the treaty did not define it, its ordinary meaning must be found in the real world. It was Korea as it existed when the treaty was signed. In that Korea, Dokdo was included. There are indications that even many knowledgeable Japanese understood Korea in this way. For instance, the *Mainichi Shimbun* (Daily Newspaper) of Japan depicted Dokdo as being excluded from Japan and included in Korea on the “Map of Japanese Territory,” attached to the book “Treaty of Peace with Japan,” which the newspaper company published on May 25, 1952, shortly after the entry into force of the treaty, to explain the peace treaty. If anyone perceived Korea in the light of the relevant documents that were available to him at the time of the treaty’s signature, such as the Cairo Declaration, the Potsdam Declaration, SCAPIN-677, SCAPIN 1033, and the drafts of the treaty communicated to the signatories, he would find Korea that included Dokdo.

E. Supplementary Means of Interpretation

Since the meaning of Article 2(a) is clear enough and is not absurd or unreasonable when it is interpreted in accordance with the general rule

of interpretation provided for in Article 31 of the Vienna Convention, it is not necessary to resort to the supplementary means of interpretation provided for in Article 32. Even so, it might be useful to examine some documents or events that might be regarded as supplementary means of interpretation in order to confirm the interpretation done in accordance with Article 31.

1) The drafts of the treaty

Preparatory work, or *travaux préparatoires*, is the most commonly used supplementary means of interpretation. Since the Vienna Convention did not define the term “preparatory work,” it is difficult to tell what constitutes preparatory work. Many authors and international courts have found preparatory work among the following categories of documents: official records of the negotiations between the parties; draft texts proposed during the negotiations; statements made by state representatives during the debates; diplomatic exchanges; and interpretations formulated by the president of a drafting committee and not contested. These categories of materials can be used only when they shed light on the common understanding of the parties as to the meaning of the treaty terms.

However, in the case of the Treaty of Peace with Japan, it is difficult to determine which documents can be regarded as preparatory work because the treaty text was prepared, negotiated, and adopted in a way different from traditional ones. The U.S. and UK governments prepared their respective internal drafts in secret. In preparing those drafts, they exchanged views with other governments through bilateral channels,

but they kept their drafts secret or communicated them to selected governments. At the final stage, the two governments prepared a series of joint U.S.-UK drafts. They circulated the final draft to the states concerned and presented it at the peace conference. The signatories signed the presented text without modifying a word. To see which drafts represented the common understanding of the parties, it might be useful to classify the drafts according to the ways the parties shared them.

The U.S. internal drafts that were kept secret

Before the peace conference was convened, the U.S. Department of State prepared a dozen internal drafts of the peace treaty from 1946 to 1949. The territorial clauses in those drafts were formulated in detailed and concrete terms so as to prevent any ambiguity in their interpretation. The Department of State also prepared a few concept maps representing the territorial clauses. Those drafts were never communicated to any other states. Among those internal drafts, those that were prepared before December 29, 1949, specified Dokdo as Korean territory. Only in the draft of December 29, 1949, Dokdo was included in Japanese territory. All those drafts prepared from 1946 to 1949 were discarded and replaced by completely different ones, based on Ambassador Dulles' innovative ideas.

The first U.S. draft communicated to the states concerned

In May 1950, John Foster Dulles was appointed ambassador in charge of drafting and negotiating the peace treaty with Japan. As he preferred a brief and simple treaty, the internal drafts that the U.S. Department of State had made before his appointment were all discarded. Under

his direction, the Department of State made a simplified draft entitled “Provisional Draft of a Japanese Peace Treaty (Suggestive Only)” in March 1951 and circulated it to the governments of the member states of the Far Eastern Commission, Indonesia, Korea, and Ceylon. That was the first U.S. draft communicated to the states concerned. In that draft, the territorial clause concerning Korea was formulated as follows: **“Japan renounces all rights, titles and claims to Korea.”**

The UK drafts

Meanwhile, the Foreign Office of the United Kingdom prepared its drafts three times in 1951. The third and final UK draft, entitled “Provisional Draft of Japanese Peace Treaty,” was made on April 7, 1951. In that draft, the territorial clauses were formulated in detailed and concrete terms, defining a line that encircled the territory of Japan in such a way as to prevent any ambiguity in their interpretation. The Foreign Office also prepared a concept map representing the territorial clauses. On that map attached to the text, a continuous and curved line encircled completely Japanese territory, as defined in the text. Both the draft and the attached map unmistakably excluded Dokdo from Japanese territory. The Foreign Office communicated that draft to the U.S. government and the British Commonwealth governments.

The joint U.S.–UK drafts

The U.S. and UK governments made a series of joint drafts in 1951. They were based on the U.S. drafts, reflecting some ideas from the UK drafts.

The first joint draft, made on May 3, 1951, was circulated to the

Allied Powers. In that draft, the territorial clause concerning Korea was formulated as follows: **“Japan renounces all rights, titles and claims to Korea (including Quelpart, Port Hamilton and Dagelet).”** This clause was changed in the draft of June 14, 1951, as follows: **“Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.”** This clause remained unaltered in the draft of July 3, 1951. The same draft was circulated on August 13, 1951, to all the states invited to the peace conference and was presented for signature at the San Francisco Peace Conference. The representatives of the forty-nine states signed the draft without modifying a word on September 8, 1951.

The drafts that one or two parties made internally and did not communicate to the other parties cannot be regarded as an authentic expression of the intention of the parties. Only the draft that was circulated to all the parties, presented at the peace conference, and signed by the signatories can be regarded as an authentic expression of the intention of the parties. The territorial clause concerning Korea that was formulated in such a draft was the following: **“Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.”**

2) The “Rusk Note”

Dean Rusk, Undersecretary for Far Eastern Affairs of the U.S. Department of State, sent a letter to the Korea Ambassador to the United States on August 10, 1951, in which he stated, “In 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 Director of the Oki Island Branch Office of Shimane Prefecture of Japan. The island does not appear ever before to have been claimed by Korea.”

Putting aside the question of the reliability of the information on which the letter was based, its content was not the intention of the parties because they did not share it. Parties other than the U.S. were unaware of its existence. From this point of view, John Foster Dulles, the U.S. Secretary of State, stated in his telegram to the U.S. Embassy in Japan on December 9, 1953, that the U.S. view regarding Takeshima was simply that of one of many signatories to the treaty. He also pointed out that the U.S. position expressed in the Rusk Note of August 10, 1951, had not been communicated to Japan. In the *Case Concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge*, the ICJ stated in its judgment of May 23, 2008, that the acts of one party that were unknown to the other party and the documents that were classified and not made public could not be given weight.

It is even doubtful whether the position expressed in the Rusk Note was the final intention of the U.S. government because the wording of the note is far different from the text of Article 2(a) of the peace treaty.

3) The subsequent practice of the parties to the treaty

The revision of SCAPIN-677 after the signature of the peace treaty

On December 5, 1951, following the signing of the peace treaty, the Supreme Commander for the Allied Powers issued SCAPIN 677/1,

amending SCAPIN-677 to eliminate a conflicting element between SCAPIN-677 and the Treaty of Peace with Japan.

SCAPIN-677 excluded “the Ryukyu (Nansei) Islands south of 30° North Latitude from Japan.” Article 3 of the peace treaty stipulated that “Nansei Shoto south of 29° north latitude (including the Ryukyu Islands and the Daito Islands)” would be placed under the United Nations trusteeship system with the United States as the administering authority. Therefore, SCAPIN-677 and Article 3 of the peace treaty were in conflict with respect to the Ryukyu (Nansei) Islands lying between 29° and 30° north latitude. With the treaty’s entry into force, SCAPIN-677 would lose its binding force. SCAPIN-677 would remain effective only until the treaty’s entry into force. Therefore, there was no real problem. However, even while waiting for the entry into force of the treaty, the Supreme Commander for the Allied Powers amended SCAPIN-677 to adjust it to the treaty text: “the Ryukyu (Nansei) Islands north of 29° north latitude are included within the area defined as Japan for the purpose of that directive.”

While the Supreme Commander amended SCAPIN-667 to reconcile it with the text of the peace treaty with respect to the Ryukyu Islands, he did not amend the terms of SCAPIN-677 regarding Dokdo. This means that he found no conflict between SCAPIN-677 and Article 2(a) of the peace treaty with respect to Dokdo.

It is arguable whether SCAPIN 677/1 can be regarded as a subsequent practice of the Allied Powers. But there are reasonable grounds to believe so. The Supreme Commander for the Allied Powers was recognized as the sole executive authority for the Allied Powers in Japan, and he acted on

behalf of the Allied Powers.

In conclusion, the text of the Treaty of Peace with Japan is silent on Dokdo. Interpreting the meaning of such silence is difficult, subjective, and even dangerous. Instead, it might be more worthwhile to assume the understanding of Dokdo, with which the parties signed the treaty, to the extent possible. The states that signed the treaty after scrutinizing the Allied Powers' wartime agreements and postwar measures were most likely aware that Dokdo was part of Korea at the time of signing the treaty. If some of them had signed the treaty without carefully examining all those documents, they would have been indifferent to Dokdo or even unaware of its existence. In either case, it is certain that the parties to the treaty had neither the power nor the intention to change Dokdo's status. Therefore, Dokdo's legal status on the eve of the treaty remains unaltered.

Chapter 4:

The Evidentiary Value of Historical Maps



- 1. International Jurisprudence Concerning Evaluation
of the Evidentiary Value of Maps**
- 2. The Territorial Perceptions Represented on the Historical Maps of
Korean and Japanese Origins**

In their long histories, Korea and Japan have drawn up many maps representing their territories. Those old maps lacked accuracy due to limited mapping skills and insufficient geographic knowledge. More specifically, the old maps often omitted or inaccurately depicted Ulleungdo and Dokdo, as they were relatively small islands located far from the mainland of each of the two states. Despite their insufficient accuracy, if they show a certain consistent trend, we can find some geographic understanding of the two states expressed therein.

1. International Jurisprudence Concerning Evaluation of the Evidentiary Value of Maps

International courts and tribunals have taken very cautious positions when using maps as evidence in international adjudications for territorial disputes. However, some principles for evaluating the evidentiary value of maps have developed through international jurisprudence.

In the *Case concerning the Frontier Dispute* (Burkina Faso v. Republic of Mali), the Chamber of the ICJ identified, in the judgment of December 22, 1986, a set of principles applied by the international courts and tribunals, of which the essential points can be cited as follows:

Whether in frontier delimitations or in international territorial conflicts, maps merely constitute information which varies in accuracy from case to case; of themselves, and by virtue solely of their existence, they cannot constitute a territorial title, that

is, a document endowed by international law with intrinsic legal force for the purpose of establishing territorial rights. Of course, in some cases maps may acquire such legal force, but where this is so the legal force does not arise solely from their intrinsic merits: it is because such maps fall into the category of physical expressions of the will of the State or States concerned. This is the case, for example, when maps are annexed to an official text of which they form an integral part. Except in this clearly defined case, maps are only extrinsic evidence of varying reliability or unreliability which may be used, along with other evidence of a circumstantial kind, to establish or reconstitute the real facts.

...

The actual weight to be attributed to maps as evidence depends on a range of considerations. Some of these relate to the technical reliability of maps.

...

Other considerations which determine the weight of maps as evidence relate to the neutrality of their sources towards the dispute in question and the parties to that dispute.

...

Maps can still have no greater value than that of corroborative evidence endorsing a conclusion at which a court has arrived by other means unconnected with the maps. In consequence, except when the maps are in the category of a physical expression of the will of the State, they cannot in themselves alone be treated as evidence of a frontier.

The basic ideas underlying these principles can be summarized as follows:

- (1) Maps may have only confirmatory or corroborative value.
- (2) Maps may have legal force to establish territorial rights only when they fall into the category of physical expressions of the will of the state concerned.
- (3) The weight of maps as evidence depends on their technical reliability.
- (4) The weight of maps as evidence depends on the neutrality of their sources towards the dispute in question and the parties to that dispute.

The ICJ has applied these principles to several subsequent cases.

In evaluating the weight of maps as evidence according to their sources, a more concrete method was presented in an arbitral award. In the *Case concerning a dispute between Argentina and Chile concerning the Beagle Channel*, the arbitral tribunal stated in its award of February 18, 1977, as follows:

A map emanating from Party X showing certain territory as belonging to Party Y is of far greater evidential value in support of Y's claim to that territory than a map emanating from Y itself, showing the same thing.

2. The Territorial Perceptions Represented on the Historical Maps of Korean and Japanese Origins

Since maps may have legal force to establish territorial rights only when they fall into the category of physical expressions of the will of the state concerned, in principle, only official or semi-official maps may be given a certain degree of weight.

It is difficult to establish criteria for selecting official or semi-official maps from among the historical maps produced in Korea and Japan. However, we can regard the maps belonging to the following categories as reflecting, to varying degrees, the state's geographical understanding, if not its will: These categories include maps produced by a government agency, maps published by a cartographer under commission from a government agency, maps published by a cartographer under license from the government authorities, and maps used by a government as a reference when deliberating a territorial issue.

Among the old maps produced in Korea or Japan, there is no one that was attached to a treaty settling a territorial issue between them. However, there are many maps that illustrate the geographical perceptions of their territory. Part II, Chapter 4, above, presents a few selected examples. Old maps produced in Korea or Japan show the following trends:

Among the official or semi-official old maps produced in Korea, some depicted Dokdo as Korean territory, and some did not draw Dokdo. No one depicted Dokdo as Japanese territory.

Among the official or semi-official old maps produced in Japan before 1905, some depicted Dokdo as Korean territory, and some did not draw

Dokdo. No one depicted Dokdo as Japanese territory.

These trends can be summarized as follows:

	Korea's official or semi-official maps	Japan's official or semi-official maps
Dokdo is depicted as Korean territory.	O	O
Dokdo is depicted as Japanese territory.	null	null
Dokdo is not drawn.	O	O

If the formula cited above from the arbitral award in the *Case concerning a dispute between Argentina and Chile concerning the Beagle Channel* is applied to the trends in Korean and Japanese old maps, it can be reformulated as follows:

A map emanating from Party X showing certain territory as belonging to Party Y is of far greater evidential value in support of Y's claim to that territory than a map emanating from Y itself, showing the same thing.

Let "Party X" = Japan, "Party Y" = Korea, and "certain territory (that territory)" = Dokdo.

A map emanating from Japan showing Dokdo as belonging to Korea is of far greater evidential value in support of Korea's claim to Dokdo than a map emanating from Korea itself, showing the same thing.

Epilogue

The history of Korean sovereignty over Dokdo dates to the Goryeo Dynasty, or the 14th century at the latest. Korea's exercise of sovereignty over the island was interrupted only during the period when the imperialist Japan forcibly occupied Korea. As soon as Korea regained independence, it resumed sovereignty over Dokdo. Since its establishment in 1948, the government of the Republic of Korea has exercised complete sovereignty over the island.

Japan first recognized the existence of Dokdo in the 17th century. From the beginning, Japan recognized it as Korean territory. Japan controlled Dokdo only while it occupied Korea. Japan's control over Dokdo ended with its defeat in the Second World War in 1945, along with the termination of its occupation of Korea.

Even after ending its aggression against Korea, Japan continues to show territorial ambition toward Dokdo without any valid historical or legal basis. During the age of imperialism, Korea fell prey to imperialist aggression. Today, such imperialism is over, and the Republic of Korea is no longer a feeble nation. Even so, the Korean people show immediate and sensitive reactions against Japan's claim to Dokdo because such a claim evokes the past ghost of Japanese imperialism.

Japan's unfounded claim to Dokdo is futile but remains a significant

hurdle in the path toward reinforced friendship and cooperation between the two states. What is more regrettable is that the Japanese government continues to provide Japan's young generations with erroneous facts about Dokdo. Providing the next generation with misinformation that points to an unattainable goal will only place an unbearable burden on their shoulders.

Dokdo Timeline

Year	Historical Events
512	The Kingdom of Silla subjugates the State of Usan.
930	The representatives of Ulleungdo pay tribute to the King Taejo of Goryeo.
1157	King Uijong sends an official to Ulleungdo to survey it.
Sometime before 1392	The government of Goryeo places Ulleungdo and Dokdo under the jurisdiction of Uljin Prefecture. Dokdo is named Usando (Island of Usan).
1417	King Taejong of Joseon sends a commissioner to Usan (Dokdo) and Mureung (Ulleungdo).
1417	King Taejong of Joseon decides the repatriation policy regarding Ulleungdo.
1618 or 1625	The shogunate of Japan issues a permit for passage to Ulleungdo in favor of two Japanese merchants.
1693	The territorial dispute between Joseon and Japan over Ulleungdo breaks out.
1696	The shogunate recognizes Ulleungdo and Dokdo as Korean territories. The shogunate bans Japanese passage to Ulleungdo and Dokdo.
1697	King Sukjong of Joseon adopts the Ulleungdo Inspection Policy.
1699	The territorial dispute between Joseon and Japan over Ulleungdo is settled.
1787	La Pérouse, a French explorer, sights Ulleungdo and names it Dagelet Island.
1791	The British HMS <i>Argonaut</i> sights Ulleungdo and names it Argonaut Island.
1837	The shogunate issues the Ban on Passage to Ulleungdo and Distant Seas.
1849, 1851	The French whaler <i>Liancourt</i> sights Dokdo. The French Navy names it <i>Rochers du Liancourt</i> .
1854	The Russian warship <i>Pallada</i> (<i>Pallas</i>) sights Dokdo. The Russian Navy names East Island Menelai and West Island Olivutsa.
1855	The British warship <i>Hornet</i> sights Dokdo and names it the Hornet Islands.
1861	The British Navy names Dokdo Liancourt Rocks.
1867	The Japanese begin to call Dokdo Lyankoruto Rocks or Lyanko Island.
1870	The Japanese government confirms that Ulleungdo and Dokdo have become Korean territories.
1876	The governments of Joseon and Japan conclude the Treaty of Peace and Friendship.
1877	The Dajokan of Japan recognizes Ulleungdo and Dokdo as Korean territories.
1881-1882	The Joseon government protests to the Japanese government against Japanese infiltration into Ulleungdo.
1883	The Japanese government bans Japanese voyages to Ulleungdo.

Year	Historical Events
1894-1895	The Sino-Japanese war – the Treaty of Shimonoseki
1895	Japanese assassins murder the queen of Joseon (posthumously Empress Myeongseong).
1897	King Gojong proclaims the Empire of Korea.
1900	The Empire of Korea promulgates Imperial Edict No. 41, instituting Uldo County. Usando is renamed Seokdo.
1905	The Japanese Cabinet decides to incorporate Dokdo into Shimane Prefecture and names it Takeshima.
1904-1905	The Russo-Japanese war – the Treaty of Portsmouth
1905	The Japanese government forces the Korean government to sign the Coerced Agreement of the Year of <i>Eulsa</i> , making Korea a Japanese protectorate.
1906	The Uldo County Magistrate learns from the Shimane Prefecture's survey team that Dokdo has now become Japanese territory, and he reports this information to the government. The Uldo County Magistrate is the first to use the name Dokdo in an official document. Korea's Acting Prime Minister denies Dokdo's incorporation into Japan.
1910	The Japanese government forces the Korean government to sign the coerced treaty annexing Korea to Japan.
1919	The establishment of the Provisional Government of the Republic of Korea in exile
1943	The Cairo Declaration promises Korea's independence.
1945	The Potsdam Declaration defines postwar Japanese territory.
1945	The liberation of Korea from Japan
1945	The Instrument of Japanese Surrender to the Allied Powers
1946	The Supreme Commander for the Allied Powers excludes Dokdo from Japan and includes it in South Korea under the terms of SCAPIN-677. After that, he issues SCAPIN 1033, prohibiting Japanese vessels from approaching closer than 12 miles to Dokdo.
1948	The establishment of the Republic of Korea
1951	The Allied Powers and Japan sign the Treaty of Peace with Japan
1952	The Korean government promulgates the Proclamation of Sovereignty over Adjacent Seas.
1965	Korea and Japan conclude a series of agreements for the normalization of Korea-Japan relations.

List of Historical Documents

A. Korean Documents

Year of publication	Title	Author	Publisher
1145	<i>History of the Three Kingdoms (Samguk sagi)</i>	Kim Bu-sik	Goryeo government
1431	<i>Annals of King Taejong</i>	Compilation Committee	Joseon government
1451	<i>History of Goryeo Dynasty (Goryeosa)</i>	Kim Jong-seo, Jeong In-ji <i>et al.</i>	Joseon government
1454	<i>Geography Section of the Annals of King Sejong (Sejong sillok jiriji)</i>	Byeon Gye-ryang <i>et al.</i>	Joseon government
1531	<i>Revised and Augmented Edition of the Geography of Korea (Sinjeung dongguk yeoji seongnam)</i>	Yi Haeng, Yun Eun-bo <i>et al.</i>	Joseon government
1694	Letter from the Vice Minister Rites of Joseon to the governor of Tsushima	Yi Yeo, Vice Minister of Rites	Joseon government
1698	Letter from the Assistant Minister of Rites of Joseon to the regent of Tsushima	Yi Seon-bu, Assistant Minister of Rites	Joseon government
1728	<i>Annals of King Sukjong (Sukjong sillok)</i>	Compilation Committee	Joseon government
1770	<i>Reference Compilation of Documents on Korea (Dongguk munheon bigo)</i>	Hong Bong-han <i>et al.</i>	Joseon government
1808	<i>Manual of State Affairs for the Monarch (Mangi yoram)</i>	Seo Yeong-bo <i>et al.</i>	Joseon government
1900	Imperial Edict No. 41	Korean government	Korean government
1906	Sim Heung-taek Report, Yi Myeong-nae Special Report	Sim Heung-taek, Yi Myeong-nae	
1906	Directive No. 3 of the Acting Prime Minister of the Empire of Korea	Park Je-sun, Acting Prime Minister	Korean government
1908	<i>Revised and Augmented Reference Compilation of Documents on Korea (Jeungbo munheon bigo)</i>	Park Yong-dae <i>et al.</i>	Korean government
1952	Proclamation of Sovereignty over Adjacent Seas	Korean government	Korean government

B. Japanese Documents

Year of publication	Title	Author	Publisher
1618 or 1625	Permit for passage to Takeshima	shogunate	shogunate
1667	<i>Records of Observations on Oki Province (Inshu shicho goki)</i>	Saito Toyonobu (Hosen)	Saito Toyonobu (Hosen)
1693	Letter from the governor of Tsushima to the Vice Minister of Rites of Joseon	Taira Yoshitsugu, the governor of Tsushima	Tsushima Domain
1695	Shogunate's questionnaire to Tottori Domain	Abe Bungonokami, an elder of the shogunate	shogunate
1695	Reply from Tottori Domain to the shogunate	Tottori Domain	Tottori Domain
1696	Supplementary report on Dokdo from Tottori Domain to the shogunate	Tottori Domain	Tottori Domain
1696	<i>Ban on Passage to Takeshima</i>	shogunate	shogunate
1696	Memorandum on the arrival of a boat from Joseon in the 9th year of <i>Genroku</i> , the year of <i>Byeongja</i> (1696)	Officials of Oki Province	Oki Province
1696	Paper from Tsushima officials to the Joseon government	Six Tsushima officials	Tsushima Domain
1726	<i>Records of the Takeshima Affair (Takeshima kiji)</i>	Tsushima officials	Tsushima officials
1836	Q&A between the shogunate and Tsushima Domain	Shogunate and Tsushima Domain	Shogunate and Tsushima Domain
1837	Ban on Passage to Takeshima and Distant Seas	shogunate	shogunate
1870	Confidential Inquiry into the Particulars of the Relations with the State of Joseon	Officials of the Ministry of Foreign Affairs	Ministry of Foreign Affairs
1877	Inquiry about Takeshima and another island in the Sea of Japan for compilation of the land register	Ministry of Home Affairs	Ministry of Home Affairs
1877	Dajokan Order	Dajokan	Dajokan
1881	<i>Historical Investigation into Takeshima</i>	Kitazawa Masanari	Kitazawa Masanari
1883	Ban on Japanese Voyages to Ulleungdo	Prime Minister (Minister of Dajokan)	Prime Minister (Minister of Dajokan)
1905	Cabinet decision	Japanese Cabinet	Japanese Cabinet
1905	'Shimane Prefecture Notice No. 40'	Shimane Prefectural Government	Shimane Prefectural Government

List of Historical Maps

A. Korean Maps

Year of publication	Title	Author	Publisher (Producer)
1531	General Map of the Eight Provinces (<i>Paldo chongdo</i>)	Yi Haeng, Yun Eun-bo <i>et al.</i>	Joseon government
mid-18th century	Map of Korea (<i>Dongguk jido</i>)	Jeong Sang-gi	Jeong Sang-gi
Circa 1770	Map of Gangwon Province and Map of Ulleungdo	Shin Gyeong-jun	Shin Gyeong-jun
1845	Map of Korea (<i>Carte de la Corée</i>)	Kim Dae-geon (André Kim)	Kim Dae-geon

B. Japanese Maps

Year of publication	Title	Author	Publisher (producer)
Mid-17th century	<i>Shoho</i> Map of Japan	Shogunate	Shogunate
1779	<i>Revised Complete Map of Japanese Lands and Roads</i> (<i>Kaisei Nihon yochwi rotei zenzu</i>)	Nagakubo Sekisui	Nagakubo Sekisui
1821	<i>Complete Map of Great Japan's Coastal Lands</i> (<i>Dai Nihon en kai yochi zenzu</i>)	Ino Tadataka	Ino Tadataka
1836	Map of the Direction of Takeshima	Office of Osaka Magistrate	Office of Osaka Magistrate
1876	Simplified Map of Isotakeshima (<i>Isotakeshima ryakuzu</i>)	Shimane Prefectural Government	Shimane Prefectural Government
1877	<i>Complete Map of Great Japan</i> (<i>Dai Nihon zenzu</i>)	General Staff of the Japanese Army	General Staff of the Japanese Army
1880 & 1883	<i>Complete Map of the State of Great Japan</i> (<i>Dai Nihonkoku zenzu</i>)	Geography Bureau of the Ministry of Home Affairs	Geography Bureau of the Ministry of Home Affairs



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