

Chapter 2

The Northern Territories (Kunashiri Island, Etorofu Island, the Habomai Islands, and Shikotan Island)



As discussed in Chapter 1, Japan delineated its peripheral territories between itself and Russia, China, and the Korean Peninsula in a process from the mid-1800s to early 1900s. In the chapters that follow, I would like to examine each situation in greater detail. Japan has demanded the return of the Northern Territories, comprising the Habomai Islands, Shikotan Island, Etorofu Island, and Kunashiri Island, which are occupied by Russia, while China has claimed sovereignty over the Senkaku Islands (also known as the Diaoyu Islands in Chinese), which are validly controlled by Japan, and Japan has claimed sovereignty over Takeshima (also known as Dokdo in Korean), which is occupied by the Republic of Korea (ROK).

The Northern Territories are inhabited, unlike the Senkaku Islands and Takeshima; there are related treaties and international documents, including the Treaty of Commerce, Navigation and Delimitation between Japan and Russia in 1855, the Treaty for the Exchange of Sakhalin for the Kurile Islands in 1875, the Portsmouth Peace Treaty in 1905, and the San Francisco Peace Treaty in 1951, among others, making the nature of the issue as well as the diplomatic approach quite different from the other territorial issues. Changes in Japan's territories through the establishment of Japan's peripheral regions at the end of the Edo period and beginning of the Meiji period as well as Japan's later expansion have already been covered in the previous chapter.

Background of the Issue

The Joint Compendium of Documents on the History of the Territorial Issue was completed in September 1992 with the cooperation of the ministries of foreign affairs of Japan and Russia. The ministries jointly created this compendium in order to aid in the correct understanding between the peoples of both countries with regard to the territorial issue between Japan and Russia. It includes basic documents issued by Japan, the Soviet Union, and Russia concerning the

demarcation of territories between the two countries as well as a series of documents and materials about the territorial issue. The preface is written as follows and the background and current status of negotiations with regard to this dispute appear as agreed upon by both foreign ministries (Fig. 2.1).

As a result of the Japanese advance from the South onto the Kurile Islands and the Russian advance from the North by the middle of the 19th century, a Japanese-Russian border emerged between the islands of Etorofu and Uruppu. This border was legally established by the Treaty of Commerce, Navigation and Delimitation between Japan and Russia of February 7, 1855. The treaty peacefully established that the islands of Etorofu, Kunashiri, Shikotan and Habomai were Japanese territory, and that the islands to the north or Uruppu were Russian territory.

According to the Treaty for the Exchange of Sakhalin for the Kurile Islands of May 7, 1875, the islands from Uruppu to [Shumshu] were peacefully ceded by Russia to Japan in exchange for the concession of Japanese rights to the island of Sakhalin.

With the signing of the Treaty on Commerce and Navigation between Japan and Russia on June 8, 1895, the Treaty of 1855 became invalid, but at the same time, the validity of the Treaty of 1875 was reaffirmed.

According to the Portsmouth Peace Treaty between Japan and Russia of September 5, 1905, Russia ceded that part of the island of Sakhalin south of the 50th parallel North to Japan. In light of Japanese and Russian documents from this period, it is obvious that from the time that Japanese-Russian diplomatic relations were established in 1855, the title to the islands of Etorofu, Kunashiri, Shikotan and Habomai was never held in doubt by Russia.

In the Convention on Fundamental Principles for Relations between Japan and the USSR [Union of Soviet Socialist Republics] of January 20, 1925, that announced the establishment of diplomatic relations between Japan and the Soviet Union, the Soviet Union agreed that the Portsmouth Peace Treaty of 1905 would remain in force.

The Joint Declaration of the US [United States] and the UK [United Kingdom] of August 14, 1941 (the Atlantic Charter), which the Soviet Union acceded to on September 24, 1941, stated that the US and Great Britain “seek no aggrandizement, territorial or other” and that “they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned.”

The Cairo Declaration of the US, UK and China of November 27, 1943, which the Soviet Union acceded to on August 8, 1945, stated that the “Allies covet no gains for themselves and have no thought of territorial expansion.” At the same time the Declaration stated that the Allies’ goal was particularly to drive Japan from “the territories which she has taken by violence and greed.”

The Yalta Agreement of the Three Great Powers (the USSR, the US and the UK) of February 11, 1945, stipulated as one of the conditions for the USSR’s entry into the war against Japan: “the Kurile Islands shall be handed over to the Soviet Union.” The Soviet Union maintained that the Yalta Agreement provided legal confirmation of the transfer of the Kurile Islands to the USSR, including the islands of Etorofu, Kunashiri, Shikotan and Habomai. Japan’s position is that the Yalta Agreement is not the final determination on the territorial issue and that Japan, which is not party to this Agreement, is nei[t]her legally nor politically bound by its provisions.

The Potsdam Declaration of July 26, 1945, which the Soviet Union acceded to on August 8, 1945, stated that “the terms of the Cairo Declaration be carried out” and that “Japanese sovereignty be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as the Allies would determine.” On August 15, 1945, Japan accepted the terms of the Potsdam Declaration and surrendered.

In the Neutrality Pact between Japan and the USSR of April 13, 1941, the parties had an obligation to mutually respect each other’s territorial integrity and inviolability. The Pact also stated that it would remain in force for five years and that if neither of the contracting



Fig. 2.1 The Northern Territories and the Kurile Islands

parties denounced it a year before its date of expiration, it be considered to be automatically extended for the next five years.

After the Soviet Union announced its intention to denounce the Japanese-Soviet Neutrality Pact on April 5, 1945, the Pact was to have become invalid on April 25, 1946. The Soviet Union declared war on Japan on August 9, 1945.

From late August to early September 1945, the Soviet Union occupied the islands of Etorofu, Kunashiri, Shikotan and Habomai. After that, by the Decree of the Presidium of the USSR Supreme Soviet of February 2, 1946, these islands were incorporated into the then Russian Soviet Federal Socialist Republic.

The San Francisco Peace Treaty with Japan of September 8, 1951 provides for Japan's renunciation of rights, titles and claims to the Kurile Islands and South Sakhalin. However, the Treaty did not determine to which state these territories belong. The Soviet Union did not sign this treaty.

The question of the limits of the Kurile Islands that were renounced by Japan in the San Francisco Peace Treaty was mentioned, for example, in a statement by K[umao] Nishimura, Director of the Treaties Bureau of the Ministry of Foreign Affairs of Japan, in the Japanese Parliament on October 19, 1951, and in a statement by Mr. K[unio] Morishita, Parliamentary Vice-Minister for Foreign Affairs of Japan, in the Japanese Parliament on February 11, 1956, as well as in an Aide-Mémoire from the Department of State of the US, which was one of the drafters of the Treaty, to the Government of Japan dated September 7, 1956.

As the Soviet Union did not sign the San Francisco Peace Treaty, separate negotiations on the conclusion of a peace treaty were conducted between Japan and the Soviet Union. However, because of differences in the positions of the two sides over the territorial clause of the treaty, an agreement was not reached.

An exchange of letters between Mr. S[hunichi] Matsumoto, Plenipotentiary Representative of the Government of Japan, and Mr. A[ndrei] A. Gromyko, USSR First Deputy Minister of Foreign Affairs, on September 29, 1956, showed that the two sides agreed to continue negotiations on the conclusion of a peace treaty, which would also include the territorial issue, after the reestablishment of diplomatic relations between the two countries. This exchange of letters also paved the way for the reestablishment of Japanese-Soviet diplomatic relations and the signing of the Joint Declaration by Japan and the USSR.

The Joint Declaration by Japan and the USSR of October 19, 1956 ended the state of war and reestablished diplomatic and consular relations between the two countries. In the Joint Declaration, Japan and the USSR agreed to continue negotiations on the conclusion of a peace treaty after the reestablishment of normal diplomatic relations, and the USSR also agreed to hand over the islands of Habomai and Shikotan to Japan after the signing of a peace treaty. The Joint Declaration by Japan and the USSR was ratified by the Japanese Parliament on December 5, 1956, and by the Presidium of the Supreme Soviet of the USSR on December 8, 1956. Instruments of ratification were exchanged in Tokyo on December 12, 1956.

In 1960, in connection with the conclusion of the new Japanese-US Security Treaty, the Soviet Union stated that the return of the islands of Habomai and Shikotan to Japan would be conditional upon the withdrawal of all foreign troops from Japanese territory. In response, the Government of Japan raised the objection that the terms of the Joint Declaration between Japan and the USSR could not be changed unilaterally, because it was an international agreement that had been ratified by the Parliaments of both countries.

The Soviet side later asserted that the territorial issue in Japanese-Soviet relations had been resolved as a result of World War II and such an issue did not exist.

The Japanese-Soviet Joint Communiqué of October 10, 1973, issued at the conclusion of the summit in Moscow, noted that "the settlement of unresolved problems left over since World War II and the conclusion of a peace treaty will contribute to the establishment of truly good-neighboring and friendly relations between the two countries."

The Japanese-Soviet Joint Communiqué of April 18, 1991, issued at the conclusion of the summit in Tokyo, stated that both sides had conducted negotiations “on a whole range of issues pertaining to the preparation and the signing of a peace treaty between Japan and the USSR, including the problem of territorial demarcation, taking into consideration the positions of both sides on the issue as to where the islands of Habomai, Shikotan, Kunashiri and Etorofu belong.” The Communiqué also stressed the importance of accelerating the work on the conclusion of a peace treaty.

After the creation of the Commonwealth of Independent States in December 1991 and Japan’s recognition of the Russian Federation as the State with the continuity from the USSR, the negotiations on a peace treaty which were conducted between Japan and the USSR have been continuing between Japan and the Russian Federation.

Both sides are firmly committed to a common understanding of the need to resolve the territorial issue on the basis of “law and justice.”

In November 1991 Mr. B[oris] N. Yeltsin, President of the Russian Federation, in his letter to the Russian people, indicated the need to reach a final postwar settlement in relations with Japan and noted that attention would be paid to the interests of the inhabitants of the said islands. The Government of Japan has also declared its intention to respect fully the human rights, interests and wishes of the Russians who now live on the islands, in the course of the resolution of the territorial issue.¹

The above represents the preface to the Joint Compendium of Documents on the History of the Territorial Issue. This indicates there is a need to address the unresolved issues that have persisted since World War II. The issue for Japan is the return of these islands. “From the time that Japanese-Russian diplomatic relations were established in 1855, the title to the islands of Etorofu, Kunashiri, Shikotan and Habomai was never held in doubt by Russia,” and yet “From late August to early September 1945, the Soviet Union (after Japan agreed to the Potsdam Declaration and surrendered on August 15, 1945) occupied the islands of Etorofu, Kunashiri, Shikotan and Habomai. After that, by the Decree of the Presidium of the USSR Supreme Soviet of February 2, 1946, these islands were incorporated into the then Russian Soviet Federal Socialist Republic.”

Documents issued since 1993, including the Tokyo Declaration on Japan-Russia Relations of October 1993, were published in January 2001 as an expanded and revised version of the Joint Compendium of Documents on the History of the Territorial Issue, and transcribed therein. This chapter will touch upon recent trends below.

Japan-USSR Peace Treaty Negotiations, Restoration of Japan-USSR Diplomatic Relations, and the Japan-Soviet Joint Declaration.

¹“Preface,” *Joint Compendium of Documents on the History of Territorial Issue between Japan and Russia*. 1992. <https://www.mofa.go.jp/region/europe/russia/territory/edition92/preface.html>. Accessed on December 6, 2022.

Speech by the USSR Representative to the Peace Conference

Andrei Gromyko, representative of the USSR side, gave a speech on September 5, 1951, at the San Francisco Peace Conference (refer to the Joint Compendium of Documents on the History of the Territorial Issue).²

... The peace treaty with Japan should, naturally, resolve a number of territorial questions connected with the peace settlement with Japan. It is known that in this respect as well the United States, Great Britain, China and the Soviet Union undertook specific obligations. These obligations are outlined in the Cairo Declaration, in the Potsdam Declaration, and in the Yalta Agreement.

These agreements recognize the absolutely indisputable rights of China, now the Chinese People's Republic, to territories severed from it. It is an indisputable fact that original Chinese territories which were severed from it, such as Taiwan (Formosa), the Pescadores, the Paracel Islands and other Chinese territories, should be returned to the Chinese People's Republic.

The rights of the Soviet Union to the southern part of the Sakhalin Island and all the islands adjacent to it, as well as to the Kurile Islands, which are at present under the sovereignty of the Soviet Union, are equally indisputable.

Thus, while resolving the territorial questions in connection with the preparation of a peace treaty with Japan, there should not be any lack of clarity if we are to proceed from the indisputable rights of States to territories which Japan got hold of by the force of arms.

(abridged)

Similarly, by attempting to violate grossly the sovereign rights of the Soviet Union regarding Southern Sakhalin and the islands adjacent to it, as well as the Kurile Islands already under the sovereignty of the Soviet Union, the draft also confines itself to a mere mention of the renunciation by Japan of rights, title and claims to these territories and makes no mention of the historic appurtenance of these territories and the indisputable obligation on the part of Japan to recognize the sovereignty of the Soviet Union over these parts of the territory of the USSR.

(abridged)

... To sum up, the following conclusions regarding the American-British draft peace treaty can be drawn:

(abridged)

The draft treaty is in contradiction to the obligations undertaken by the United States and Great Britain under the Yalta Agreement regarding the return of Sakhalin and the transfer of the Kurile Islands to the Soviet Union. ...

In other words, the USSR was not satisfied with the territorial conditions of the San Francisco Treaty. It did not sign the treaty because "it was not a treaty of peace, but rather a treaty for preparing for a new war in the Far East." Accordingly, it became essential to conclude a peace treaty between Japan and the USSR.

²"Statement of the First Deputy Minister of Foreign Affairs of the USSR, A. A. Gromyko, at the Conference in San Francisco (1951)," *Joint Compendium of Documents on the History of Territorial Issue between Japan and Russia*. 1992. <https://www.mofa.go.jp/region/europe/russia/territory/edition92/period4.html>. Accessed on December 6, 2022.

Khrushchev's Peaceful Coexistence Policy

A variety of politicians have come and gone during more than 40 years of history involving Russo-Japanese negotiations. On the Russian side, this includes Stalin who concluded the Yalta Agreement, followed by First Secretaries Khrushchev and Brezhnev, then Presidents Gorbachev, Yeltsin, and Putin.

Khrushchev changed the direction of diplomacy from the Stalin-led Cold War to peaceful coexistence, and he commenced measures in 1955 to approach Japan in an effort to normalize diplomatic relations. The move for USSR-Japan negotiations that began with the Domnitsky document of January 1955 took concrete form in June with the London negotiations involving Matsumoto Shun'ichi, plenipotentiary representative of the Japanese government, and Yakov Malik, Soviet ambassador to the United Kingdom, which involved lengthy discussions about the repatriation of Japanese nationals detained in Siberia and the territorial issue. Negotiations, however, reached an impasse; while they restarted in London in January of the following year, negotiations were eventually cancelled in March. The Japanese side's demands included the return of Kunashiri Island and Etorofu Island as well as the Habomai Islands and Shikotan Island to Japan, and referral of Southern Sakhalin Island and other matters to an international conference. The USSR side asserted that all territorial issues were resolved within the Yalta Agreement, Potsdam Declaration, and the territorial clause of the San Francisco Peace Treaty. This resulted in an impasse between both sides. However, Khrushchev is said to have implied during the second half of the London negotiations that the Habomai Islands and Shikotan Island could be returned conditionally.

The day after the London negotiations were cancelled, the USSR unilaterally announced restrictive measures on salmon fishing in the North Pacific against the Japanese. As a result, Japan was forced to negotiate fishing rights, and while negotiations in Moscow between Kōno Ichirō, minister of agriculture, and Aleksandr Ishkov, minister of fisheries, wrapped up in May 1955, the condition was the conclusion of a peace treaty or the restoration of diplomatic relations. In July, Foreign Minister Shigemitsu Mamoru and Foreign Minister Dmitri Shepilov held negotiations in Moscow, and an agreement was nearly reached with the exception of the territorial issue, but no breakthrough was made with regard to this issue, and in September the following exchange of notes was agreed between Matsumoto Shun'ichi, plenipotentiary representative of the Japanese government, and Andrei Gromyko, first deputy minister of foreign affairs.³

³“1. Letter from the Plenipotentiary Representative of the Japanese Government, S. Matsumoto, to the USSR First Deputy Minister of Foreign Affairs, A.A. Gromyko (1956),” and “2. Letter from the USSR First Deputy Minister of Foreign Affairs, A. A. Gromyko, to the Plenipotentiary Representative of the Government of Japan, S. Matsumoto (1956),” *Joint Compendium of Documents on the History of Territorial Issue between Japan and Russia*. 1992. <https://www.mofa.go.jp/region/europe/russia/territory/edition92/period5.html>. Accessed on December 6, 2022.

... At the same time the Japanese Government thinks that after the reestablishment of diplomatic relations as a result of these negotiations, it is quite desirable that Japanese-Soviet relations develop even further on the basis of a formal peace treaty, which would also include the territorial issue. (Matsumoto letter)

I have further the honor to inform you on behalf of the Government of the Union of Soviet Socialist Republics that the Soviet Government accepts the view of the Japanese Government referred to above and announces its agreement to continue negotiations on the conclusion of a peace treaty, which would also include the territorial issue, after the reestablishment of normal diplomatic relations. (Gromyko letter)

In October, Prime Minister Hatoyama Ichirō traveled to Moscow despite health problems and on October 19 signed the Joint Declaration by Japan and the USSR. According to this declaration, the state of war would end and diplomatic relations be restored, but the territorial issue was not resolved and the conclusion of a peace treaty was postponed. Paragraph 9 of the Joint Declaration stated the following⁴:

9. Japan and the Union of Soviet Socialist Republics agree to continue, after the restoration of normal diplomatic relations between the Union of Soviet Socialist Republics and Japan, negotiations for the conclusion of a Peace Treaty.

The Union of Soviet Socialist Republics, desiring to meet the wishes of Japan and taking into consideration the interests of the Japanese State, agrees to hand over to Japan the Habomai Islands and the island of Shikotan. However, the actual handing over of these islands to Japan shall take place after the conclusion of a peace treaty between Japan and the Union of Soviet Socialist Republics.

During the drafting of the declaration, the Japanese side strongly demanded the insertion of the words “including the territorial issue” in the part of the declaration concerning the peace treaty instead of simply stating that they agreed to continue negotiations for a peace treaty. However, this was not included in the finalized declaration.

The Era of the New Japan-US Security Treaty and the USSR’s Claim That “Territorial Issues Have Already Been Settled”

Khrushchev Document

The Japan-Soviet Joint Declaration represents the most important fundamental document defining the relations between Japan and USSR following World War II. The following were agreed in accordance with this declaration⁵:

⁴“3. Paragraph 9 of the Joint Declaration of Japan and the USSR (1956),” *Joint Compendium of Documents on the History of Territorial Issue between Japan and Russia*. 1992. <https://www.mofa.go.jp/region/europe/russia/territory/edition92/period5.html>. Accessed on December 6, 2022.

⁵For the original texts, please see, “No. 3768. Union of Soviet Socialist Republics and Japan: Joint Declaration. Signed at Moscow, on 19 October 1956,” 263 UNTS 99, pp. 112–116. <https://treaties.un.org/doc/Publication/UNTS/Volume%20263/v263.pdf>. Accessed on December 6, 2022.

1. The state of war would cease, and peace, friendship and good-neighborly relations would be restored.
2. Diplomatic and consular relations would be restored, and each side would establish its embassy in the territory of the other.
3. Japanese nationals detained in the Soviet Union would be repatriated to Japan.
4. The bilateral agreements including the fisheries convention signed in May 1956 would come into effect.
5. The Soviet Union would support Japan's application for membership in the United Nations.⁶

They also affirmed that in their mutual relations they would be guided by the principles under the United Nations Charter, in particular those set forth in Article 2. It was also promised that a trade, navigation, and other commercial agreements would be concluded on a firm and friendly basis.

The USSR renounced all war reparations, and both countries agreed to forgo their claims against each other arising from the result of the war.

"Since diplomatic relations between Japan and the USSR were restored through the Joint Declaration, bilateral relations showed steady developments in various fields including business, trade and culture, among others."⁷ However, Prime Minister Kishi Nobusuke signed the new Japan-US Security Treaty on January 19, 1960 and on January 27, Soviet Foreign Minister Andrei Gromyko handed the following memorandum to Kadowaki Suemitsu, Japanese ambassador to the USSR, unilaterally adding the new condition that all foreign military forces had to withdraw from Japanese territories as a requirement for the return of the Habomai Islands and Shikotan Island agreed upon in the Joint Declaration by Japan and the USSR.⁸

But the Soviet Union certainly cannot ignore such a step as Japan's conclusion of a new military treaty which undermines the basis for peace in the Far East and creates obstacles to the development of Soviet-Japanese relations. A new situation has formed in relation to the fact that this treaty actually deprives Japan of independence and that foreign troops stationed in Japan as a result of Japan's surrender remain on Japanese territory. This

⁶The original members of the United Nations (UN) signed the Declaration by United Nations in January 1942 and included countries that had declared war against the Axis countries of Japan and Germany. Members included Axis countries and neutral countries in World War II, as well as newly independent former colonies. Of the defeated countries, the Allies promised to support UN membership for Italy, Finland, Bulgaria, Hungary, and Romania per the 1947 peace treaty, but they could not obtain the necessary votes of approval in the UN Security Council regarding communist countries, so the USSR vetoed Italy and Finland's memberships. Japan obtained the approval for membership from signatory countries under the peace treaty, but the USSR stood in the way of its membership with its veto power, giving as its reason the absence of a peace treaty and Japan's hostile attitude.

⁷Ministry of Foreign Affairs of Japan. 2001. *Warera no hoppō ryōdo* (Our Northern Territories).

⁸"4. Memorandum from the Soviet Government to the Government of Japan (1960)," *Joint Compendium of Documents on the History of Territorial Issue between Japan and Russia*. 1992. <https://www.mofa.go.jp/region/europe/russia/territory/edition92/period5.html>. Accessed on December 6, 2022.

situation makes it impossible for the Soviet Government to fulfill its promises to return the islands of Habomai and Shikotan to Japan.

(abridged)

But since the new military treaty signed by the Japanese Government is directed against the Soviet Union and the People's Republic of China, the Soviet Government cannot contribute to extending the territory available to foreign troops by handing over such islands to Japan.

Thus, the Soviet Government finds it necessary to declare that the islands of Habomai and Shikotan will be handed over to Japan, as was stated in the Joint Declaration by Japan and the USSR of October 19, 1956, only if all foreign troops are withdrawn from Japan and a Soviet-Japanese peace treaty is signed.

The above memorandum from the Government of the USSR made new assertions by invoking the principle of *clausula rebus sic stantibus* in international law. The Japanese side responded as follows on February 5.⁹

... It is extremely incomprehensible that in its latest memorandum, the Soviet Government is connecting the issue of the revised Japan-US Security Treaty with the issue of handing over the islands of Habomai and Shikotan. ...

(abridged)

This Joint Declaration is an international agreement regulating the foundations of the relationship between Japan and the Soviet Union. It is an official international document which has been ratified by the highest organs of both countries. It is needless to say that the contents of this solemn international undertaking cannot be changed unilaterally. Moreover, since the current Japan-U.S. Security Treaty¹⁰ which is valid indefinitely already existed and foreign troops were present in Japan when the Japan-Soviet Joint Declaration was signed, it must be said that the Declaration was signed on the basis of these facts. Consequently, there is no reason that the agreements in the Joint Declaration should be affected in any way.

The Government of Japan cannot approve of the Soviet attempt to attach new conditions for the provisions of the Joint Declaration on the territorial issue and thereby to change the contents of the Declaration. Our country will keep insisting on the reversion not only of the islands of Habomai and Shikotan, but also of the other islands which are inherent parts of Japanese territory. ...

The USSR was persistent in sending similar memoranda, but finally Premier Khrushchev conveyed in writing to Prime Minister Ikeda Hayato in September 1961 that "territorial issues have already been solved in the series of international agreements concluded some time ago." As a result, the Soviet Union's stance toward the Northern Territories issue took a further step backward. The Government of Japan, however, maintained its consistent point of view in February 1956 that "Kunashiri and Etorofu islands were not included as part of the Kurile Islands in the Treaty of Peace with Japan." During the Budget Committee meeting of the House of Representatives of October 1961, in response to questions on the testimony of Treaties

⁹"5. Memorandum from the Japanese Government to the Soviet Government (1960)." Ibid.

¹⁰Current version of Japan-US Security Treaty (Treaty of Mutual Cooperation and Security Between Japan and the United States of America) was later concluded in 1960.

Bureau Director-General Nishimura Kumao about discussions of a peace treaty, Ikeda replied, "I believe the words of the government committee member¹¹ are incorrect."

Following this, the USSR continued to assert its belief that "territorial issues have already been settled" until the Tanaka-Brezhnev meetings in October 1973.

Tanaka-Brezhnev Meetings

The Hatoyama Cabinet was followed by: the Ishibashi Cabinet, which was in power only for a short while; the Kishi Cabinet, which focused on revisions to the Japan-US Security Treaty; the Ikeda Cabinet, which planned the path to economic growth; and the Satō Cabinet, which engaged in negotiations for the return of Okinawa. The Okinawa Reversion Treaty entered into force on May 15, 1972, and Prime Minister Satō Eisaku resigned in June. On July 5, Tanaka Kakuei won a fierce four-way battle against rival party leaders (Miki Takeo, Ōhira Masayoshi, and Fukuda Takeo)¹² to be elected head of the Liberal Democratic Party as Satō's successor, and Tanaka was subsequently elected prime minister. He announced on July 7 that he would urgently move forward with the normalization of diplomatic relations with the People's Republic of China. On September 25, Tanaka visited China with Ōhira, minister for foreign affairs, and the Japan-China Joint Communiqué was announced on September 29, officially normalizing relations. Following this, Ōhira visited the Soviet Union in October and began the first negotiations on a peace treaty with Russia with his counterpart, Foreign Minister Andrei Gromyko.

Tanaka sent a letter to Brezhnev in March 1973, and in his response Brezhnev invited the prime minister to visit Moscow. From October 7 to 10, 1973, Tanaka paid an official visit to the Soviet Union, the first by a Japanese prime minister in 17 years. Based on discussions between both leaders, the Japanese-Soviet Joint Communiqué was issued on October 10. This Communiqué stipulated the following about the territorial issue.

*1. Recognizing that the settlement of unresolved problems left over from WWII and conclusion of a peace treaty would contribute to the establishment of truly good-neighborly and friendly relations between the two countries, both sides held negotiations on issues pertaining to the contents of a peace treaty. Both sides agreed to continue negotiations on the conclusion of a peace treaty between the two countries at an appropriate time in 1974.*¹³

In response to Tanaka stating that he wished to confirm that the four islands were included in "unresolved issues," it is said that Brezhnev confirmed that that was

¹¹The director-general of the Treaties Bureau.

¹²Known in Japanese as the "San-Kaku-Dai-Fuku" battle.

¹³"6. Japanese-Soviet Joint Communiqué (1973)," *Joint Compendium of Documents on the History of Territorial Issue between Japan and Russia*. 1992. <https://www.mofa.go.jp/region/europe/russia/territory/edition92/period5.html>. Accessed on December 6, 2022.

precisely the case.¹⁴ At any rate, 17 years after normalizing relations with the Soviet Union, which had stated repeatedly that “territorial issues were already settled,” an agreement was reached to continue negotiations on territorial issues at the highest level involving both countries’ leaders.

However, time passed without clear progress being made. Although former residents had been allowed visits to their relatives’ graves on the four islands on and off with only identification cards and without a passport or visa for humanitarian purposes since 1964, in September 1976 the Soviet Union announced its definitive decision to require a Japanese passport and Soviet visa for such visits. As a result, these visits had to be suspended (and remained suspended until August 1986). This was because, for Japan, such measures appeared to be the Soviet Union’s attempt to legitimize that these four islands belonged to the Soviet Union, and such a view could not possibly be accepted.

The Soviet Union established fishing grounds 200 nautical miles off its coast on December 10, 1976 by Decree of the Presidium of the Supreme Soviet, and announced rules for its implementation, including the sea area applicable based on a decision by the Council of Ministers of the USSR in February 1977. The seas around the Four Northern Islands were included. Japan stated emphatically that such a unilateral measure by the Soviet Union was regrettable and could not be accepted, protesting immediately through diplomatic channels. The USSR-Japanese provisional fisheries agreement signed in May 1977 after USSR-Japanese fisheries negotiations began in March the same year contained the clause, “Nothing in this Agreement shall be deemed to prejudice the positions or views of the two Governments ... with regard to matters concerning the relations between them” (Article 8). As a result, Japan’s stance toward the territorial issue was clearly reserved. During these negotiations, it is said that the USSR strongly pursued the clear demarcation of the international border determined in the Nemuro Strait between Hokkaidō and Kunashiri Island by the Council of Ministers of the USSR in February and in the Goyōmai Channel between Hokkaidō and the Habomai Islands within the provisional fisheries agreement. This effectively stalled negotiations. Japan established the Act on Temporary Measures Concerning Fishery Waters in July the same year and established a 200 nautical mile zone of its own that also included the seas surrounding the Four Northern Islands (see Chapter 6).

Foreign Minister Sonoda Sunao visited the Soviet Union in January 1978 and held discussions with his counterpart Gromyko, without any progress made. Gromyko did not reciprocate with a visit to Japan, and so the talks were suspended until January 1986.

¹⁴Ministry of Foreign Affairs, *Warera no hoppō ryōdo*.

Improvements in Soviet-Japanese and Russia-Japan Relations

New Thinking Diplomacy Under Gorbachev: Japan's Expanding Equilibrium Policy

Mikhail Gorbachev was appointed the General Secretary of the Soviet Union in March 1985. He embarked on the path of democratization, *glasnost* (openness) and *perestroika* (reform). Diplomatically, he advanced the concept of New Thinking diplomacy. Specifically, Gorbachev was concerned whether the Soviet Union could withstand the economic pressure of competing with US President Ronald Reagan's military expansion, so he strived to restore relations between the United States and the Soviet Union by proposing the Intermediate-Range Nuclear Forces Treaty (INF), the Strategic Arms Reduction Treaty (START), the withdrawal of Soviet troops from Afghanistan, and a unilateral reduction in conventional weapons. As for Soviet-Japanese relations, he highly praised Japan's economic growth and attempted to improve relations through changes in awareness. Subsequently, Foreign Minister Gromyko was dismissed after 30 years in office, with Eduard Shevardnadze appointed in his place. Regular Soviet-Japan foreign ministers' meetings were restored and resumed in January 1986, when Shevardnadze visited Japan; Foreign Minister Abe Shintarō visited Russia that May. A Soviet-Japanese cultural agreement was signed; talks were held about grave visits to the Northern Territories, as well, and a *note verbale* was exchanged that July, with visits resuming in August.

Thus, although its stance toward the territorial dispute remained rigid, there is no denying that the Soviet Union did come to the table to talk. As a result, dialogue between Japan and the Soviet Union gradually expanded. Gorbachev's thinking was highlighted during his speech in Vladivostok in July 1986 and his speech in Krasnoyarsk in September 1987.

Thereafter, the occurrence of the Toshiba Machine matter and Soviet Union spy incident signaled a cooling of Soviet-Japanese relations. However, Shevardnadze visited Japan once again in 1988 and a vice foreign ministerial working group on a peace treaty was formed (meetings were held eight times with the Soviet Union and seven times with Russia; and the Joint Compendium of Documents on the History of the Territorial Issue between Japan and Russia was published in 1992 with the cooperation of both foreign ministries).

Foreign Minister Uno Sōsuke visited the Soviet Union in 1989, where he presented Japan's "expanding equilibrium policy" whereby overall Soviet-Japanese relations would expand while giving priority to the conclusion of a peace treaty and resolution of territorial issues. The policy gained the basic understanding of the Soviet side. This expanding equilibrium policy marked a change in the principle of inseparability between political and economic matters. The Soviet Union's stance remained rigid, however. At the time of Shevardnadze's visit to Japan in 1990, Gorbachev's intention to visit Japan in April 1991 was announced. That visit proceeded as planned, marking the first ever visit by a Soviet head of state to

Japan, and the first Soviet-Japanese summit meeting held in 18 years. While there was no breakthrough on the territorial issue at this meeting, the following Japanese-Soviet Joint Communiqué was signed on April 18.¹⁵

4. Prime Minister Toshiki Kaifu of Japan and President M[ikhail] S. Gorbachev of the Union of Soviet Socialist Republics held in-depth and thorough negotiations on a whole range of issues relating to the preparation and conclusion of a peace treaty between Japan and the Union of Soviet Socialist Republic, including the issue of territorial demarcation, taking into consideration the positions of both sides on the attribution of the islands of Habomai, Shikotan, Kunashiri, and Etorofu.

The joint work done previously—particularly the negotiations at the highest level—has made it possible to confirm a series of conceptual understandings: that the peace treaty should be the document marking the final resolution of war-related issues, including the territorial issue, that it should pave the way for long-term Japan-USSR relations on the basis of friendship, and that it should not infringe upon either side's security.

The Soviet side proposed that measures be taken in the near future to expand exchanges between residents of Japan and residents of the aforementioned islands, to establish a simplified visa-free framework for visits by the Japanese to these islands, to initiate joint, mutually beneficial economic activities in that region, and to reduce the Soviet military forces stationed on these islands. The Japanese side stated its intention to consult on these questions in the future.

As well as emphasizing the primary importance of accelerating work to conclude the preparation for a peace treaty, the Prime Minister and the President expressed their firm resolve to make constructive and vigorous efforts to this end taking advantage of all positive elements that have been built up in bilateral negotiations in the year since Japan and the Union of Soviet Socialist Republic jointly proclaimed an end to the state of war and the restoration of diplomatic relations in 1956.

According to the Japanese side, this Communiqué “...clearly marked the first time in writing without doubt that the four islands of Habomai, Shikotan, Kunashiri, and Etorofu were included in the territorial issue to be resolved in a peace treaty.”¹⁶

This communiqué resulted in the beginning of new efforts. But the domestic situation in the Soviet Union changed rapidly that summer, with a failed coup attempt in August and the end of Communist Party rule. This was followed by the collapse of the Soviet Union in December.¹⁷

Gorbachev contributed greatly to improved relations with Japan in areas other than the territorial dispute. *Perestroika* was welcomed by developed countries and Gorbachev's personal style of traveling with his wife helped to ease distrust of the Soviet Union among the Japanese people and could be credited with changing the way it was viewed by the Japanese people.

¹⁵“1. Japanese-Soviet Joint Communiqué (1991),” *Joint Compendium of Documents on the History of Territorial Issue between Japan and Russia*. 1992. <https://www.mofa.go.jp/region/europe/russia/territory/edition92/period6.html>. Accessed on December 6, 2022.

¹⁶Ministry of Foreign Affairs, *Warera no hoppō ryōdo*.

¹⁷See “Sobieto renpō no kaitai (The Break-up of the Soviet Union)” in Serita, Kentarō. 1996. *Fuhenteki kokusai shakai no seiritsu to kokusaihō* (Building on the Global Community and International Law). Tokyo: Yūhikaku.

Collapse of the Soviet Union, and President Yeltsin's Law and Justice: Japan's Multilayered Approach

The Russian Republic, which was part of the Soviet Union, declared its sovereignty in June 1990, followed by Ukraine and Belarus in July. Amidst confrontation with Soviet President Gorbachev, Chairman of the Presidium of the Russian Supreme Soviet Boris Yeltsin signed a basic treaty between Russia and Ukraine in November 1990, and he launched a policy that prioritized equal relations without the assumption of the existence of the Soviet Union as a point of departure for both countries' declaration of sovereignty. In the chaos caused by the attempted coup by the conservative faction of the Soviet Union on August 19, 1991, Yeltsin won a decisive victory. Ukraine and Belarus declared their independence immediately after the failed coup attempt. On December 8 of that year, Russia, Ukraine, and Belarus signed the agreement to create the Commonwealth of Independent States (CIS) in Minsk, the capital of Belarus, declaring the end of the Soviet Union. The leaders of these three countries and other republics excluding the Baltic States met on December 21 in the Kazakh capital of Alma Ata where they adopted a protocol on the agreement in Minsk, officially declaring the creation of the CIS. The Alma Ata Declaration proclaimed: "With the formation of the Commonwealth of Independent States, the USSR ceases to exist."¹⁸

Japanese Prime Minister Miyazawa Kiichi sent a letter to Yeltsin on December 27, in which he conveyed that the Russian Federation is the state retaining continuing identity with the Soviet Union and that all treaties and other international agreements between Japan and the Soviet Union would continue to be applied between Japan and the Russian Federation.

In other words, Japan recognized the Government of Russia. Japan also explicitly recognized the 10 countries of the CIS, including Ukraine and Belarus, on December 28, when its minister for foreign affairs sent letters to the foreign ministers of each of these countries.¹⁹ The European Community clearly stated on December 23 prior to Japan that it deemed Russia as the successor State of the Soviet Union.

Acting Chairman of the Presidium of the Supreme Soviet Ruslan Khasbulatov visited Japan in September 1991 and delivered a letter from President Yeltsin to Prime Minister Kaifu Toshiki that expressed that he would eliminate the distinction between victor and defeated country of World War II, that the territorial dispute would be resolved based on law and justice, and the resolution of the territorial issue would not be further delayed.

¹⁸"Agreements establishing the Commonwealth of Independent States [Done at Minsk, December 8, 1991, and done at Alma Ata, December 21, 1991]," Council of Europe, CDL 94(54), 1994, p. 149. [https://www.venice.coe.int/webforms/documents/?pdf=CDL\(1994\)054-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL(1994)054-e) Accessed 1 March 2023.

¹⁹Official Telegram No. 815, January 8, 1992, Ministry of Foreign Affairs Bulletin No. 9. For more details about the independence of the three Baltic countries and the independence of the 11 countries including Ukraine, see Serita, 1996 op. cit.

Prime Minister Miyazawa met with Yeltsin in New York in January 1992. During the meeting, Yeltsin stated that he would visit Japan later that year in September. Preparations were made energetically for this visit by both Japan and Russia. During this process, Japan stated that, based on Russia's new approach indicated since September 1991, it would fully respect the human rights, interests, and hopes of the Russian people living on the four Northern Territories after their return to Japan, and that it would respond flexibly with regard to the timing, format, and conditions for the return if Japan's sovereignty over the four islands were confirmed. Yeltsin's visit to Japan was postponed shortly before his departure, however, owing to the domestic situation in Russia. Nevertheless, in September, the Joint Compendium of Documents on the History of the Territorial Issue between Japan and Russia was completed with the cooperation of the Ministries of Foreign Affairs of Japan and Russia as noted above.

Yeltsin did eventually visit Japan in October 1993, and the meeting between both leaders resulted in the Tokyo Declaration on Japan-Russia relations, signed on October 13. The preface of the New Edition of the Joint Compendium of Documents on the History of the Territorial Issue between Japan and Russia from January 16, 2001, states: "This was the first comprehensive document signed between Japan and the Russian Federation establishing the principal direction of progress for bilateral relations. The Tokyo Declaration stipulates the necessity for the early conclusion of a peace treaty through the solution of the issue of where the aforementioned islands²⁰ belong, on the basis of historical and legal facts and based on the documents produced subject to the consent between both countries as well as on the principles of law and justice. Consequently, the Tokyo Declaration is especially important."

New Developments in Japan-Russia Relations

Tokyo Declaration and Krasnoyarsk Agreement/Kawana Proposal

The Tokyo Declaration on Japan-Russia Relations, the first of its kind with Russia after the fall of the Soviet Union, stated the following²¹:

Based upon the recognition that, with the end of the Cold War, the world is moving away from the structure of confrontation towards cooperation which will open new vistas for advances in international cooperation on both global and regional levels as well as in bilateral relations between different countries, and that this is creating favorable conditions for the full normalization of the Japan-Russia bilateral relations;

²⁰Namely Etorofu Island, Kunashiri Island, Shikotan Island and the Habomai Islands.

²¹<https://www.mofa.go.jp/region/n-america/us/q&a/declaration.html>. Accessed on December 6, 2022.

(abridged)

Determined that Japan and the Russian Federation should work together on the basis of the spirit of international cooperation, overcoming the legacy of totalitarianism, to build a new international order and to fully normalize their bilateral relations,

Declare the following:

1. (abridged)

2. *The Prime Minister of Japan and the President of the Russian Federation, sharing the recognition that the difficult legacies of the past in the relations between the two countries must be overcome, have undertaken serious negotiations on the issue of where Etorofu, Kunashiri, Shikotan and the Habomai Islands belong. They agree that negotiations towards an early conclusion of a peace treaty through the solution of this issue on the basis of historical and legal facts and based on the documents produced with the two countries' agreement as well as on the principles of law and justice should continue, and that the relations between the two countries should thus be fully normalized. In this regard, the Government of Japan and the Government of the Russian Federation confirm that the Russian Federation is the State retaining continuing identity with the Soviet Union and that all treaties and other international [sic] agreements between Japan and the Soviet Union continue to be applied between Japan and the Russian Federation. ...*

Under international law, such as the Vienna Convention on Succession of States in respect of Treaties, it is only natural that the Russian Federation has the obligation to continue to apply all treaties and other international agreements between Japan and the Soviet Union as the State retaining the continuing identity with the Soviet Union. This is guaranteed in Article 12 of the agreement on the establishment of the Commonwealth of Independent States signed at Minsk in December 1991, and was already mentioned at the time Japan recognized the Government of Russia.²² However, there was a difference in opinion between Japan and the Soviet Union with regard to the Joint Declaration by Japan and the USSR of 1956, so it is particularly noteworthy that President Yeltsin clarified at the joint press conference held on October 13 that the Joint Declaration by Japan and the USSR of 1956 was included in "treaties and other international agreements."

Thus, Yeltsin's visit to Japan marked an important first step in a new era in Japan-Russia relations.

The year 1996 marked the 40th anniversary of the normalization of diplomatic relations and the signing of the Joint Declaration by Japan and the USSR. It was also an election year for the Russian presidency. Although Foreign Minister Ikeda Yukihiko visited Russia, Prime Minister Hashimoto Ryūtarō held a summit meeting in Moscow during his attendance at the Nuclear Security Summit, and a Japan-Russia foreign ministers' meeting was held at the G7 Lyon Summit, no progress was made. The leaders of Japan and Russia exchanged messages in October to commemorate the 40th anniversary of normalizing diplomatic relations, and Russian Foreign Minister Yevgeny Primakov visited Japan the following month,

²²For implementation of the continuation of Japan's treaties, see Kokusaihō Jirei Kenkyūkai. 2001. *Nihon no jirei kenkyū* (5): *Jōyaku hō* (Study of Practices in Japan, Vol. 5: Law of Treaties). Tokyo: Keio University Press.

confirming once again that progress was being made in bilateral relations under the Tokyo Declaration. At this time, the Japanese side emphasized the need for efforts to be taken to improve the environment for the resolution of the territorial issue in tandem with the territorial negotiations. In response, the Russian side expressed its belief that while efforts to improve the environment should first be made, such efforts should not serve as an alternative to the resolution of the territorial issue or work to hinder it. It also put forward the idea of advancing “joint economic activities” on the four islands.

In 1997, Ikeda visited Russia in May where he held a regular meeting with Primakov, and following a summit meeting between Hashimoto and Yeltsin on the sidelines of the Denver Summit in June, Hashimoto visited Krasnoyarsk in November for informal and open talks with Yeltsin.²³ In particular, with regard to the territorial issue, both agreed “to make utmost efforts to conclude a peace treaty by 2000 based on the Tokyo Declaration.” This is the Krasnoyarsk Agreement. They also agreed to conclude negotiations on a framework for fishing by Japanese vessels in the waters around the Northern Territories by the end of the year, with these negotiations effectively concluded by the end of that year. In February 1998, both countries signed the Agreement between the Government of Japan and the Government of the Russian Federation on certain aspects of cooperation in the fishing of marine living resources.²⁴ Ten days after the summit meeting, Primakov visited Japan and followed up on the summit meeting. It was agreed to set up a group headed by both foreign ministers, in which negotiations would be conducted at the vice-ministerial level. Vice minister level talks were held in January 1998 on negotiations for a peace treaty, and the Japanese-Russian Joint Committee on the Conclusion of a Peace Treaty was launched, jointly chaired by the foreign ministers of both countries.

An informal summit meeting was held in April 1998 in Kawana, Itō City, Shizuoka Prefecture. The Japanese side presented the Kawana Proposal. The details of this proposal have yet to be officially released, but the proposal contained the following elements according to newspaper reports. The government did not comment on these reports.

Japanese newspapers reported simultaneously on April 20 that Hashimoto had proposed the demarcation of the Japan-Russia border at the meeting on April 19. According to these reports, the Japanese side envisioned, *inter alia*, the following:

1. *Clearly demarcate the border on the northern side of the four islands in a treaty and confirm Japanese sovereignty over these islands;*
2. *Subsequently establish a transitional period, during which Japan will recognize Russian control, although the area will be open to free movement between the two sides;*

²³Ministry of Foreign Affairs, *Warera no hoppō ryōdo*.

²⁴<https://treaties.un.org/doc/Publication/UNTS/Volume%202718/Part/volume-2718-I-48102.pdf>. Accessed on March 1, 2023.

3. *Discuss the length of the transitional period with Russia and confirm at the time of the signing of the treaty; and*
4. *Work together with the Russian side during this period to develop infrastructure on the four islands to make them similar to the Japanese mainland, as well as to make preparations for transfer of control to the Japanese side.*²⁵

This proposal shared similar characteristics with the “Five-Step Proposal”²⁶ presented by President Yeltsin in order to solve the territorial issue. It was reported that the Japanese side decided to submit its own proposal based on the view that without explicit reference to the timeline for reversion of control the situation would end up like that of Okinawa prior to reversion, and that even though it may be viewed as a step backward from the Japan-Soviet Joint Declaration, in which the return of two islands was promised, the Japanese public was unlikely to protest fiercely even if such a bold compromise were to be made.²⁷

It was reported that Yeltsin responded in the meeting to the proposal by calling it “interesting,” and during the press conference, he said “while I cannot respond immediately to the proposal, I feel optimistic about it.” Reportedly, Yeltsin was about to say “da” to express his approval but was stopped by his aides. For the Japanese side, the proposal was a gamble.

Hashimoto later resigned and his successor, Obuchi Keizō, made an official visit to Russia in November 1998, the first such visit in 25 years by an incumbent Japanese prime minister, where he signed the Moscow Declaration on Establishing a Creative Partnership between Japan and the Russian Federation. This declaration aimed to further strengthen bilateral cooperation in various fields, and it contained the Russian side’s response to the Kawana Proposal with regard to the issue of concluding a peace treaty.

It instructed both governments to accelerate negotiations based on the Tokyo Declaration, Krasnoyarsk Agreement, and Kawana Proposal, form a border confirmation committee and joint economic activities committee, and allow unrestricted visits by former island residents. In June 1999, at the summit meeting held on the sidelines of the G8 Cologne Summit, Obuchi invited Yeltsin to Japan, but Yeltsin resigned suddenly at the end of the year, to be replaced by the Putin administration.

²⁵ *Yomiuri Shimbun*, April 20, 1998, evening edition.

²⁶ Yeltsin, as a member of the parliament and a reform leader of the Soviet Union, visited Japan in 1990 and proposed a five-step process leading to the resolution of the territorial issue: (1) The Soviet Union acknowledges the territorial issue; (2) Make the four islands a “Free Enterprise Zone” where Japanese companies can easily establish operations; (3) Demilitarize the four islands; (4) Conclude a peace treaty; and (5) Leave the resolution of the territorial issue to the next generation when political culture matures, mutual exchange and mutual understanding advances between the nations, and public opinion changes for the better.

²⁷ *Asahi Shimbun*, April 21, 1998.

President Putin and the Irkutsk Statement

For Japan, the Kawana Proposal was a carefully timed initiative and a major gamble. The tide changed with Yeltsin's departure, however, and the proposal was thrown into a state of limbo. Acting President Vladimir Putin faced an election in March 2000. After the election, he needed to first review fully the overall relationship with Japan before heading into territorial negotiations.

On the Japanese side, Prime Minister Obuchi suddenly passed away. The Mori Yoshirō administration took over with all previous ministerial appointments intact. It engaged in a series of dialogues with the Putin administration and held a Japan-Russia summit meeting on the sidelines of the G8 Kyūshū/Okinawa Summit in July 2000. President Putin also paid an official visit to Japan in September. Another Japan-Russia summit meeting was held at the time of the APEC Summit in Brunei in November, and Prime Minister Mori visited Irkutsk in March 2001 where he met with Putin and they signed the Irkutsk Statement.

With regard to the Irkutsk Statement, the Government of Japan considered that "Japan and Russia have made collective efforts toward the signing of a peace treaty based on the Krasnoyarsk Agreement and now a new foundation has been formed for future peace treaty negotiations."²⁸ In particular, the Statement was well regarded by Japan as "affirming that a basic legal document is in place which forms a departure point for negotiation processes based on the Japan-Soviet Joint Declaration." The Irkutsk Statement reaffirms that the issue of attribution of the four islands must be resolved based on the Tokyo Declaration of 1993 before a peace treaty can be signed.

As was often the case, however, there was a difference in interpretation between the Japanese and Russian sides concerning Paragraph 9 of the Japan-Soviet Joint Declaration. In an interview with *Reuters* on April 4, immediately after the issuance of the Irkutsk Statement, the Russian vice foreign minister stated that the extreme stance on the Japanese side was that of "two islands plus two islands" while the extreme stance on the Russia side was that all four islands were Russian territory. When asked "What happened in Irkutsk? Did Russia make a concession?" he responded, "A statement about the effectiveness of the 1956 Joint Declaration cannot be called 'a concession.' This document is a mark of progress given that the Joint Declaration was the basis for our relationship and yet for the longest time it was not mentioned." Later, *Jiji Press* reported on July 17 that the Soviet minutes of the 1956 negotiations revealed that Khrushchev had imposed his position on the Japanese side that "the reversion of the two islands is our final response." It also reported that "The joint statement made at the Irkutsk meeting in March this year clearly referred to it as a fundamental legal document. At this time, the President pointed out that there were differences of interpretation on the Joint Declaration, and that if it were to make maximum concessions in future negotiations, the Russian side would remain adamant about its stance vis-à-vis the final decision regarding the two

²⁸Ministry of Foreign Affairs, *Warera no hoppō ryōdo*.

islands.”²⁹ This speculation by *Jiji Press* differed slightly from the nuance of the Russian vice foreign minister’s response, demonstrating that *Jiji Press*’s understanding of the course of Japan-Russia negotiations to date was slightly problematic. Nevertheless, it is worthwhile pointing out that such a view did exist.

Background of Japan-Russia Negotiations and Measures for Achieving a Solution

Developments in Japan-Russia Negotiations and Their Significance in the Contemporary Context

Developments in negotiations between Japan and Russia as seen from the Japanese side are as follows. As was explained in Chapter 1, Southern Sakhalin, the Kurile Islands, and the Northern Territories were occupied by the Soviet Union during World War II. The postwar settlement process started with the San Francisco Peace Treaty; Japan then began peace treaty negotiations with the Soviet Union, which had not participated in that treaty.

The San Francisco Peace Treaty did not include a definition of “the Kurile Islands.” During territorial negotiations, Khrushchev said he would return the Habomai Islands and Shikotan Island but was firmly against returning Kunashiri Island and Etorofu Island, whereas Japan demanded that Kunashiri Island and Etorofu Island be returned as well. The negotiations thus reached an impasse, and no peace treaty was signed; in its place, the Japan-Soviet Joint Declaration was concluded. Next for the Japanese side, the Soviet Union persisted in its stance that the “territorial issue had already been settled,” despite the fact that Kunashiri Island and Etorofu Island were included in the scope of negotiations. So, the time came for the Japanese side to seek confirmation that the four islands were included among the unresolved issues between Japan and the Soviet Union, and Japan focused its efforts to have the Soviet Union confirm that Kunashiri Island and Etorofu Island were included in the scope of negotiations. This was confirmed verbally during the Tanaka-Brezhnev meeting of 1973, but not confirmed in writing.

After the end of the Cold War, this was confirmed in writing in 1991 with Gorbachev’s visit to Japan and, following the collapse of the Soviet Union and establishment of Russia, in the Tokyo Declaration of 1993, in which resolving the issue of the Four Northern Islands and concluding a peace treaty was clearly mentioned in writing. The Kawana Proposal was made during this time, and with Putin taking power, a fresh start was made with the Irkutsk Statement.

To sum up, Japan has continually called for the return of the Habomai Islands, Shikotan Island, Kunashiri Island and Etorofu Island. The basis for this claim is “The Northern Territories, which consist of Etorofu Island, Kunashiri Island, Shikotan

²⁹ *Kōbe Shimbun*, July 18, 2001.

Island, and the Habomai Islands, have been handed down from generation to generation by Japanese people, and are inherent territories of Japan which have never been part of a foreign country.”³⁰ The Soviet and Russian sides, for their part, asserted that the territorial issue had already been resolved through the Yalta Agreement, Potsdam Declaration, and surrender documents, and that subsequent peace treaty negotiations and the Japan-Soviet Joint Declaration had only served to confirm this fact. In other words, their position has changed from two islands (1956 Declaration) to “already settled” (since the new Japan-US Security Treaty) and then back to two islands (Irkutsk Statement). Currently, according to the statements the Russian vice foreign minister made during the interview post-Irkutsk Meeting, the idea of “two islands plus two islands” represents the extreme stance of the Japanese side, while the extreme stance on the Russian side is that “all four islands belong to Russia.” The Russian stance is not clear. The Irkutsk Meeting gave both leaders the opportunity to send a message to each other’s people. Putin gave an interview to NHK in which he said, “Regarding the Declaration of 1956, I recall that it states the following: the (then) Soviet Union agreed to return two islands to the Japanese side under the condition that a peace treaty be signed. This Declaration was ratified by the Presidium of the Supreme Soviets. In other words, this Declaration is binding on us.”³¹ The true intent of Putin’s remarks, however, was likely to lay the groundwork for asserting that although the Declaration bound Russia to return the two islands, it was unable to do so because Japan continued to hold out for the four islands and would not conclude a peace treaty.

Legal discussions at the time are addressed in Takano Yūichi’s *Nihon no ryōdo* [Japan’s Territory] (University of Tokyo Press, 1962), and afterwards in his *Kokusaihō kara mita hoppō ryōdo* [The Northern Territories from the Perspective of International Law] (Iwanami Shoten, 1986), which was published as part of Iwanami Shoten’s booklet series. Also, Taijudō Kanae’s “Ryōdo mondai—hoppō ryōdo, Takeshima, Senkaku shotō no kizoku [The Attribution of the Northern Territories, Takeshima, and the Senkaku Islands],” *Jurist* 647, (1977) is recorded in *Ryōdo kizoku no kokusaihō*. Furthermore, it is worthwhile reading historian Wada Haruki’s *Hoppō ryōdo mondai o kangaeru* [Considering the Northern Territories Issue] (Iwanami Shoten, 1990), which examines the scope of “the Kurile Islands” from a linguistic perspective and offers realistic proposals for improving Soviet-Japanese relations. Each of these was written during the Cold War era, so discussions and a new perspective that take into account the 10 years of relations with the newly-formed Russia are needed.

In this sense, it is important to point to the opening words of the Tokyo Declaration of 1993: “Based upon the recognition that, with the end of the Cold

³⁰“The Government of Japan’s Position and Basic Policy on the Northern Territories Issue.” https://www.cas.go.jp/jp/ryodo_eg/taiou/index.html. Accessed on December 6, 2022.

³¹Presentation entitled “Irukutsuku shunō kaidan go no nichiro kankei (Japan-Russia Relations following the Irkutsk Summit Meeting)” by Togo Kazuhiko, director-general of the European Affairs Bureau, Ministry of Foreign Affairs, at the 36th research presentation session of the Japan Cultural Association on April 19, 2000.

War, the world is moving away from the structure of confrontation towards cooperation which will open new vistas for advances in international cooperation on both global and regional levels as well as in bilateral relations between different countries, and that this is creating favorable conditions for the full normalization of the Japan-Russia bilateral relations; (abridged) Determined that Japan and the Russian Federation should work together on the basis of the spirit of international cooperation, overcoming the legacy of totalitarianism, to build a new international order and to fully normalize their bilateral relations.” For this reason, expectations are for a resolution to be reached based on the principles of “law and justice.”

The shift from Stalin’s Cold War to Khrushchev’s Peaceful Coexistence brought about the Japan-Soviet Joint Declaration. Yet, this occurred within the confines of the Cold War, nevertheless. As such, this era was different from the Yeltsin/Putin era of the post-Cold War. The cornerstone of Japanese diplomacy is the Japan-US Alliance. Until the end of the Cold War, Japan-USSR relations were at times tossed about or disrupted altogether by developments in US-Soviet relations. In that sense, there was a limit to what could be achieved in the territorial negotiations. In the early post-Cold War era, however, it was viewed that Japan shared the same fundamental values with Russia, which was undergoing democratization and pursuing a market economy. The territorial issue must be resolved in the context of the overall relationship with our neighbor, Russia.

When viewed over the long span of history, the debate about the scope of the “Kurile Islands,” apart from the important facts pointed out by Wada Haruki, has left resentment on the Japanese side, and likely will not contribute to stable bilateral relations between Japan and the Russian Federation. This is because the US side reminded the Japanese side that it could not reopen discussions on the peace treaty proposal during a meeting between Prime Minister Yoshida Shigeru, Secretary of State Dean Acheson, and John Foster Dulles, a special envoy, held 2 days before the San Francisco Peace Conference. Yoshida mentioned the four islands by name during his acceptance speech, but only to call attention to the issue. The Soviet Union accepted the principle of no territorial aggrandizement through its participation in the Potsdam Declaration, and during the peace conference the Soviet representative criticized the United States for violating this very principle with regard to the proposal to place Okinawa under UN Trusteeship. Based on the principle of no territorial aggrandizement advocated by the Allies, the “Kurile Islands” defined in peaceful diplomatic negotiations between Japan and Russia was not included in the areas “taken by violence and greed” as referred to in the Cairo Declaration. It is therefore not the case that Japan was forced to promise to give up the Kurile Islands, if not Southern Sakhalin.

Regardless, from the perspective of stable bilateral relations, there is no better resolution than the border drawn in the Treaty of Commerce, Navigation and Delimitation between Japan and Russia of 1855, which both parties entered into voluntarily. This is because, although the Treaty for the Exchange of Sakhalin for the Kurile Islands of 1875 was concluded peacefully after the Treaty of Commerce, Navigation and Delimitation, it was a source of dissatisfaction among the people of Japan at the time and eventually led to the Russo-Japanese War and the Portsmouth

Peace Treaty of 1905, which required the cession of Southern Sakhalin. This caused indignation among the people of Russia and resulted in the recapture of Southern Sakhalin through World War II and its unspeakable hardships.

We need to put this unfortunate history behind us.

Although there is no denying that the numerous interactions between Japan and Russia in the 50 years after World War II carry weight, from the standpoint of “law and justice” it would be best to bury the past and return to the line drawn by the Treaty of Commerce, Navigation and Delimitation, which is free of resentment and bitterness on both sides.

Steps to be Taken for a Resolution

According to the director-general of the Ministry of Foreign Affairs’ European Affairs Bureau, there were 2000 Russians living on Shikotan Island at the time of the Irkutsk Meeting. Yet, not once had the fate of these 2000 Russian nationals been discussed in the territorial negotiations until then.

In April 1989, a reporter for *Hokkaidō Shimbun* became the first journalist to visit Kunashiri Island and cover the lives of the 7500 people living there. He reported the words of the chairman of the Yuzhno-Kurilsk regional executive committee who said, “Some of us are already members of the third generation. We have nowhere else to go.” Some experts on the matter were of the view that it was possible to return the two islands if three conditions were met. Namely, guaranteeing the livelihood of the 6500 people living on Shikotan Island and the island’s economic development by establishing a fisheries factory after the reduction of US military forces in Okinawa and its reversion to Japan.³² In other words, they called on Japan to allow the Russian population to continue living there and to permit a Soviet factory to operate there indefinitely. A dozen years later, a reporter allowed to travel to the island without a visa in August 2001 as part of an exchange program found that a new company, Gidrostroy, was supporting the economy of the Northern Territories, which operated three plants on Etorofu Island and one plant on Shikotan Island as part of its hatcheries operation, an integrated business covering fishing, processing, and transport, with sales from the previous year amounting to 2.14 billion yen.

Additionally, humanitarian assistance from Japan helped to support the lives of islanders in the wake of the earthquake that struck off the eastern coast of Hokkaidō in 1994. Furthermore, a thermal power plant and a barge (planned for donation by the Government of Japan) were being used (or were to be used) to power the island’s fisheries processing plant, and it was reported that a regular transportation service to Kunashiri Island was being considered. This report also conveyed the voices of

³²49. See Wada Haruki. 1990. *Hoppō ryōdo mondai o kangaeru* (Considering the Northern Territories Issue). Tokyo: Iwanami Shoten.

former islanders who said they were “worried how people’s feelings would change if their lives improved.”³³ As for the visa-free exchange program, a male resident of Shikotan Island had a positive view: “We will be able to get to know each other better and foster awareness about the issues.”

I mention these examples because they indicate that the framework for crossings that has been established up to now, including exchanges with the four islands and grave visits to the Northern Territories, as well as the freedom of passage, has played a very important role in promoting the understanding and cooperation between the peoples of both Japan and Russia. In order to dispel the concerns of the population, there is a need to put forward a realistic approach regarding guarantees of the human rights of islanders. Individual issues must be discussed carefully and thoroughly, including whether to grant current islanders permanent resident status or allow them their choice of nationality, whether to guarantee business rights, and how to address specific issues in daily life. In this regard, the 25 measures proposed in the report “Hoppō yontō fukki ni tomonau shomondai (Problems Accompanying the Return of the Northern Territories),” prepared by the Research Society on Issues Posed by the Return of the Northern Territories in March 1999, contain useful suggestions.³⁴ As basic principles for addressing the return of the four islands, this report proposed that first, people residing on the islands for a certain period be granted permanent resident status if they so desire; second, appropriate assistance be provided to Russians who wish to repatriate; and third, development of the four islands should take full account of preserving the natural environment. In accordance with these principles, the report also called for the human rights of Russians wishing to continue to reside on the Four Northern Islands to be respected and various provisions be made to preserve their lifestyles, with the freedom of residence, schooling, and occupation guaranteed, and measures implemented to ensure that the interests of residents of Russian descent are not unjustly violated as a result of problems that might arise from the co-habitation of Japanese and Russian residents. These issues should be discussed widely and awareness of these issues fostered among the public.

³³ *Hokkaidō Shimbun*, September 4, 2001; et al.

³⁴ A private-sector research society whose members included former Japanese Ambassadors to the Soviet Union, Katori Yasue and Nakagawa Tōru, as well as Suetsugu Ichirō, chairman of the Council on National Security Problems.

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