

**The Late-Seventeenth-Century “Takeshima” Dispute,
with Reference to the Dajokan Order of 1877**

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1. Introduction

The territorial dispute between Japan and South Korea over the island of Takeshima (Korean: Dokdo, English: Liancourt Rocks) has many dimensions and involves numerous issues.¹

This study will focus on the Japan-Korea negotiations that took place in the late seventeenth century (during the so-called Genroku era) over the island of Ulleungdo (Dagelet), and on the statements made at that time by a Korean fisherman during his visit to Japan. It will also discuss the 1877 Japanese Dajokan (the original form of the present cabinet) decision not to register “Takeshima and another island” in the Japanese National Land Registry.

¹ The article, “Kankoku Takeshima ryoyuron no sai-ginmi” (Reexamining the Takeshima Territorial Dispute with South Korea), by Takai Susumu in *Tosho Kenkyu Journal*, vol. 2, no. 1 (October 2012), pp. 54–73, gives an overview of the various issues raised in the dispute, including those dealt with here.

In the late seventeenth century, Japanese and Korean fishermen clashed over abalone fishing grounds around the island of Ulleungdo (then called Takeshima in Japan). This prompted the Japanese and Korean governments to enter into negotiations over fishing rights on the island; in the end, the Tokugawa shogunate banned Japanese fishermen from visiting Ulleungdo. The South Korean government today points to this resolution as confirming that Takeshima/Dokdo, too, is Korean territory. But this assertion needs close examination. Complicating this issue are records—preserved both in Japan and Korea—showing that a fisherman named An Yong-bok, who was captured and brought to Japan in the clash, returned to Japan three years later and stated that Matsushima (an old Japanese name for Takeshima/Dokdo) was the Korean “Jasando.” What implications An’s statement has for the present-day Takeshima dispute will also be examined.

Related to this question is the Dajokan order of 1877, issued in relation to an 1876 Shimane Prefecture inquiry to the Ministry of Home Affairs asking for inclusion of “Takeshima [that is, Ulleungdo] and another island” in the national land registry. Based on records of the Genroku-era negotiations, the ministry judged that “Takeshima” (Ulleungdo) was no concern of Japan, but referred the case to the Dajokan for approval. The Dajokan ordered that “Takeshima and another island” should be understood as being of no concern of Japan. Whether the order covers present-day Takeshima must be examined.

2. The Seventeenth-Century (Genroku-Era) Negotiations over Fishing Rights in Ulleungdo

There are two small island groups in the Sea of Japan between the Oki Islands and the Korean Peninsula, namely, Takeshima and Ulleungdo, with the former being closer to Oki. Ulleungdo has been part of Korea since Silla’s partial rule of the peninsula, but the Joseon dynasty subsequently took an “empty-island” policy, and the island became uninhabited by 1438.² In Japan, Ulleungdo was called Takeshima during the Edo period (1603–1867), and in the seventeenth century, the Oya and Murakawa families of Yonago, Hoki Province, took turns traveling to the island each year to fish for abalone with formal shogunal government approval. The heads of the two families were periodically granted an audience with the shogun, at which time

² Kawakami Kenzo, *Takeshima no rekishi-chirigaku-teki kenkyu* (The Historical Geography of Takeshima), (Tokyo: Kokon Shoin, 1966), pp. 98–101.

the abalone was presented as a tribute.³

In 1692, when the Murakawa ship reached Ulleungdo, many Korean fishermen were fishing for abalone, using the boats and fishing gear left behind by the Japanese. As evidence, Murakawa group took home a few dried abalones that the Koreans had prepared, as well as the hats and hoods the Korean fishermen used. The following year, when the Oya ship traveled to Ulleungdo, Korean fishermen were already on the island again. To protest the fact that they were unable to fish, the Oya group captured two of the Koreans and brought them back to Japan. (The Japanese vessel arrived in Ulleungdo on April 17, departed the following day, and reached the port of Fukuura in Oki Province on April 20. The group left Fukuura for Dozen on April 23, departed Dozen for Nagahama in Izumo Province on April 26, and returned to Yonago on April 27.) The domainal government reported the incident to the shogunate and awaited instructions, during which time the Koreans stayed in the Oya estate. A month later, on May 26, orders arrived from the shogunate to send the Koreans to Nagasaki, upon which they left Yonago, stayed briefly in Tottori, and arrived in Nagasaki on June 30, from where they were repatriated to Korea in September via the Tsushima domain.⁴

The incident prompted the shogunate to instruct the ruling So clan of Tsushima, which was entrusted with conducting diplomatic negotiations with Korea, to demand that the Korean government ban its nationals from fishing in Takeshima (Ulleungdo). So envoys were dispatched to Busan in September 1693 to hand over the two fishermen captured five months earlier and to make a written protest against the trespassing of Korean fishermen on the “Japanese island of Takeshima” and, just

³ Ibid., pp. 83–84.

⁴ Ibid., pp. 144–49. In a letter dated May 22, 1693, the Tottori domain conveyed to the shogunal government that the distance between Yonago and Takeshima (Ulleungdo) was approximately 160 *ri*, that the Murakawa and Oya families offered abalone taken in Takeshima as a tribute when granted an audience with the shogun, that they traded the oil of sea lions caught in Takeshima (Ulleungdo), and that Takeshima (Ulleungdo) was a remote, uninhabited island over which the Hoki governor did not exercised control. The domain also sent a follow-up reply on June 27. Reproductions of these documents can be found in Tsukamoto Takashi, “Takeshima kankei kyu-Tottori-han bunsho oyobi ezu (jo)” (Takeshima-related Documents and Maps of the Former Tottori Domain, Part 1), *Refarensu* 411 (April 1985), pp. 82–83.

as instructed by the shogunal government, they sought a ban against Korean fishermen entering the island. The Korean reply, received in December that year, was that a strict ban on seafaring was in place, preventing any from sailing to the open sea; Korea did not even allow residents to travel to its own territory of Ulleungdo, so travelling even further was out of the question. The note expressed regret that Korean boats had caused a nuisance when they entered “your esteemed territory of Takeshima,” and it conveyed a promise to enforce stricter ban from then on.⁵

The Tsushima envoy, in May 1694, again visited Busan, this time to point out that the letter from Japan had made no mention of Ulleungdo and to request that the reference be therefore retracted from the Korean letter. This elicited a long reply in September explaining that Ulleungdo is an island in Uljin-hyeon, Gangwon-do. Although residents have been ordered to evacuate it due to high waves and strong winds—leaving it “empty”—officials are regularly dispatched to patrol it. It is plainly visible from the coast, and its major products are listed in the *Dong’guk Yeoji Seungnam* (Geographical Survey of Korea). Ulleungdo and Takeshima are two names for the same island, the letter said, and requested that the Japanese government prohibit visits to the island by its nationals. When in June 1695 the Tsushima envoy pointed out the contradictions in the two letters it received, the Korean government issued a counterargument. In October 1695, So Yoshizane of Tsushima domain notified Abe Masatake, a member of the shogun’s council of elders, of the developments and asked for instructions.⁶

On December 24 that year (or January 27, 1696, under the Gregorian calendar) Abe sought clarification from the Tottori domain on when “Takeshima” became part of the Inaba and Hoki Provinces, the size of the island, whether fishermen visited the island every year, the type of fishing carried out, the number of ships used, and whether Japanese fishermen have been refraining from visiting the island over the past two years. He also asked about other islands belonging to Inaba and Hoki and if fishermen visited those islands as well. The following day, the Tottori estate in the shogunal capital of Edo submitted a reply to the effect that “Takeshima” is not part of Inaba and Hoki; that Yonago merchants Oya Kyuemon and Murakawa Ichibei have been fishing there since Matsudaira Shintaro, upon taking over Hoki Province, received authorization to conduct fishing activities from the shogunal council of

⁵ Kawakami, *Takeshima* (note 2), pp. 149–50.

⁶ *Ibid.*, pp. 151–57.

elders; that stormy weather prevented fishermen from landing on the island in 1694 and that this year (1695) they left without landing upon finding many fishermen from another country already there; that they took some abalone around Matsushima (present-day Takeshima) on the return journey; and that no other island belonged to Inaba and Hoki.⁷

After having heard the opinion of So Yoshizane of Tsushima domain, the shogunate issued an order to the Tottori domain on January 28 (March 1 under the Gregorian calendar), 1696, prohibiting the Oya and Murakawa families from sailing to Takeshima (Ulleungdo). Abe Masatake informed So Yoshizane of the ban the same day, instructing the Tsushima domain to communicate with the Korean government on the ban. Abe also conferred with him on the wording of the communication. On October 16, So Yoshizane met with a Korean envoy in Tsushima to convey the shogunate's decision and, upon the envoy's request, drafted a written statement of the decision, which the envoy took back to Korea in January the following year.⁸

⁷ Reproductions of correspondences between Abe Masatake and the Tottori domain can be found in Tsukamoto, "Takeshima kankei" (note 4), pp. 80–81. The article also contains, on page 86, a follow-up reply from the domain's Edo estate (sent by Kotani Ihei) regarding "Matsushima" on January 25, 1696 (February 27 under the Gregorian calendar) stating the distance from Yonago to Takeshima via Izumo, Oki, and Matsushima ("80 *ri* to Matsushima from the port of Fukuura on the island of Dogo, Oki Province"); the distance between Hoki and Matsushima, indicated on a separate sheet ("approximately 120 *ri* from Hoki to Matsushima"); the distance to Matsushima from Korea ("said to be approximately 80 to 90 *ri* from Matsushima to Korea"), the jurisdiction of Matsushima ("said to belong to neither Inaba nor Hoki province"); the participants of fishing expeditions to Matsushima ("Matsushima is a stopping point en route to Takeshima, and because residents of other districts are not authorized to travel there, fishermen from Izumo and Oki Provinces ride on ships from Yonago"); and the fact that only ships owned by the Oya and Murakawa families may travel to Takeshima.

⁸ Detailed accounts of the exchange between So Yoshizane and Abe Masatake and the shogunate's decision, as conveyed to the Korean government, can be found in *Takeshima kiji*, believed to have been compiled by retainers of the Tsushima domain during the Kyoho era (1716–35). Reproduction of the document edited by Uchida Fumie, Iida Namiko, Nozu Kaoru, and Matsumoto Miwako is contained in *Takeshima mondai ni kansuru chosa kenkyu: Saishu hokokusho, shiryō-hen* (Final Report of the Research Study on the Takeshima Issue, Document part), published by the

3. An Yong-bok's Statements

One of the two Koreans who were seized and brought to Japan in 1693 was An Yong-bok, who following his repatriation returned to Japan of his own accord three years later in 1696. According to the record of his narration, maintained by the Murakami family of Oki's Dozen islands, An brought with him a map of the eight provinces of Korea, pointing to which he noted that Takeshima is called Ulleungdo and is an island in the province of Gangwon-do and that Matsushima is Jasando, also in Gangwon-do. He is quoted as saying that he left Korea on March 18, 1696, with 13 ships, arriving in Takeshima later that day to gather seaweed and fish for abalone. On May 15, one of the ships left Takeshima and reached Matsushima later that day, departing the island the following day and reaching Oki Province on May 18. Desiring an audience with the governor of Hoki, An stated that he intended to travel there as soon as winds became favorable.⁹

The ship carrying An reached Akasaki in Hoki Province (now Kotoura-cho, Tottori Prefecture) on June 4, 1696. The Tottori domain (comprising the Hoki and Inaba Provinces) had been informed by an Oki magistrate that a Korean ship would arrive to make an appeal in Hoki. It consequently ordered the ship to anchor at the mouth of a river in Aoya, Inaba Province (now in the city of Tottori), and dispatched an

Takeshima Mondai Kenkyukai of Shimane Prefecture (March 2007). See Shimane Prefecture's website:

http://www.pref.shimane.lg.jp/soumu/web-takeshima/takeshima04/takeshima04_01/takeshima04c.html (accessed on March 30, 2014; in Japanese). A new reproduction and analysis of *Takeshima kiji* has recently been published by Onishi Toshiteru as Part 4 of the *Nihonkai to Takeshima* (The Sea of Japan and Takeshima) series: Onishi Toshiteru, *Dai 4-bu Nihonkai to Takeshima: Genroku no ryodo funso kiroku "Takeshima kiji"* (Tokyo: Toyo Shuppan, October 2012). See Section 5.

⁹ "Genroku 9 Heishi-nen Chosen-bune chakugan ikkan no oboegaki" (One-Volume Memorandum concerning the Korean Boat that Came Ashore in the Ninth Year of Genroku), *Takeshima mondai ni kansuru chosa kenkyu: Chukan hokokusho* (Interim Report of the Research Study on the Takeshima Issue), (Takeshima Mondai Kenkyukai of Shimane Prefecture, May 2005), pp. 216–26 (photo reproduction), pp. 18–30 (comment and retyping by Uchida Fumie), pp. 31–37 (edited reprint by Hino Toshiharu and Uchida Fumie). Part of the interim report can be read online at the Shimane Prefecture website:

http://www.pref.shimane.lg.jp/soumu/web-takeshima/takeshima04/takeshima04_00/ (accessed on March 30, 2014; in Japanese).

envoy to the shogunate seeking instructions. The domainal government made an attempt to interrogate the visitors on its own, but it made little headway, partly owing to the language barrier. On June 23, Okubo Tadatomo, a member of shogun's council of elders, issued a reply commanding the domain to inform the ship's crew that all requests from foreign entities should be addressed to the commissioner in Nagasaki; should they refuse to travel to Nagasaki, they should then be asked to sail home. At the same time, the shogunal government ordered the Tsushima domain to dispatch an interpreter to Inaba. Pointing out that the shogunal order prohibiting the sailing of Japanese nationals to Takeshima (Ulleungdo) had not yet been conveyed to the Korean government (see section 2 above), Tsushima domain requested that the shogunate subsequently abide by the convention (under Japan's policy of national seclusion) that Tsushima handle all negotiations with Korea. As a result, on July 24, the shogunate instructed the Tottori domain to tell An Yong-bok and his entourage to return home, which they did on August 6.¹⁰

Upon his return, An was arrested by Korean authorities on charges of traveling abroad without permission and was interrogated by the Bibyeonsa, a national organ of the Korean government. What An said is contained in an entry for September 25, 1696, in the *Sukjong sillok* (Annals of King Sukjong's Reign):

Many Japanese ships were moored at Ulleungdo. I yelled at them, saying "Ulleungdo belongs to Korea. Why do you Japanese dare cross the border and intrude into foreign territory?" The Japanese sailors replied that they lived on Matsushima and had just happened to be on the island for fishing, adding they were now heading back home. I retorted, "Matsushima is Jasando and it, too, belongs to Korea. How dare you live there?" At dawn the next morning, I turned the bow to Jasando, where the Japanese were boiling the fish in pots. I hit and broke the pots with a rod and warned them away in a loud voice, upon which they gathered up their belongings and sailed away. I was following them when I ran into a storm and washed up on the shores of Ok-gi (Oki).

The gist of the rest of his story is as follows: An was asked by the chief of Oki Island the reasons for his visit, to which he answered that on his previous visit he was handed a note from the shogun acknowledging that Ulleungdo and Jasando belong to Korea, and yet Japanese fishermen were trespassing on these islands again. An

¹⁰ Kawakami, *Takeshima* (note. 4) pp. 163–66.

then went to Hoki Province and appealed that the note was confiscated from him by the chief of the island of Tsushima.¹¹

4. South Korean Government Assertions

The above incident has been called the Takeshima Ikken (Takeshima Affair) in Japan. It is also referred to the Genroku Takeshima Ikken to distinguish it from an incident that occurred in the early nineteenth century, in which Imazuya Hachiemon of Hamada, Iwami Province (now the city of Hamada, Shimane Prefecture), was punished on charges of sailing to (for smuggling purposes) the island of Takeshima (Ulleungdo). In South Korea, the incident (Takeshima Affair) is called the Ulleungdo (Boundary) Dispute. The pamphlet “Dokdo, Korea’s Beautiful Island,” available on the website of the South Korean Ministry of Foreign Affairs, links the seventeenth century incident to the present-day bilateral territorial dispute:¹²

A. Korea’s territorial sovereignty over Ulleungdo and its ancillary island, Dokdo, was confirmed through the diplomatic negotiations between the Korean and Japanese governments (Ulleungdo Dispute) in the 17th century.

While illegally fishing in Ulleungdo, a territory of Joseon (Korea), the Ohya and Murakawa families of Tottori-han (feudal clan of Tottori) of Japan had a run-in with Korean fishermen, including An Yong-bok, in 1693. The two Japanese families petitioned the Japanese government (Edo shogunate) to prohibit Koreans’ passage to Ulleungdo. The Edo shogunate ordered Tsushima to negotiate with the Joseon government. Thus began the negotiations between the two countries referred to as the “Ulleungdo Dispute.” The Edo shogunate sent an inquiry to Tottori-han on December 25, 1695. Upon receiving Tottori-han’s

¹¹ Ibid., pp. 139–40. The reference to An Yong-bok in the *Sukjong sillok* (vol. 30, folios 53–54) can be found in the National Institute of Korean History, *Joseon wangjo sillok* (Annals of the Joseon Dynasty), vol. 39 (Seoul: Tongguk Munhwasa, 1957), pp. 432–33.

¹² Ministry of Foreign Affairs, Republic of Korea, *Dokdo, Korea’s Beautiful Island*, English edition, <http://dokdo.mofa.go.kr/eng/pds/pdf.jsp>, Dokdo, Korean Territory: [3] Ulleungdo Dispute and Confirmation of Korea’s Sovereignty over Dokdo, p. 7, (accessed February 12, 2013). Also available at <http://www.korea.net/Resources/Publications/Others/view?articleId=3111#> (accessed on March 30, 2014).

response that neither Ulleungdo (known then in Japan as Takeshima) nor Dokdo (known then in Japan as Matsushima) belonged to Tottori-han, the Edo shogunate issued a directive on January 28, 1696, prohibiting all Japanese from making passage towards Ulleungdo. The dispute between Korea and Japan thus came to a close. Through the Ulleungdo Dispute, Ulleungdo and Dokdo were confirmed to be Korean territory.

The “inquiry to Tottori-han” and the subsequent “response” refer to the correspondence between the shogunal government and the Tottori domain of December 24–25, 1695—mentioned in section 2 above—and are contained in the pamphlet’s Dokdo Q&A.¹³ The Q&A also contains a description of the “significance of An Yong-bok’s activities”:¹⁴

An Yong-bok, who lived during the reign of King Sukjong of the Joseon dynasty, made two passages to Japan, once against his own will in 1693 when he was captured by the Japanese in Ulleungdo. The 1693 kidnapping of An Yong-bok triggered the Ulleungdo Dispute between Korea and Japan. The kidnapping was significant because the jurisdictional status of Ulleungdo and Dokdo was confirmed in the course of the diplomatic negotiations that ensued. Regarding An Yong-bok’s second passage to Japan in 1696, a record of An Yong-bok’s statement can be found in *Sukjong Sillok* (Annals of King Sukjong’s Reign). It is recorded that An Yong-bok told the Japanese fishermen he encountered in Ulleungdo that “Matsushima is Jasando [Dokdo] and it is Korean territory” and that he went over to Japan to lodge a protest against Japan’s encroachment on the Korean territories of Ulleungdo and Dokdo. An Yong-bok’s passages to Japan are recorded not only in Korean but also in Japanese documents, including *Takeshima kiji* (Records of Takeshima), *Takeshima tokai yurai kinuki gaki* (Copy of Excerpts from Record of a Trip to Takeshima) [*sic*], *Inpu nenpyo* (Chronology of Inaba Province), and *Takeshimako* (Notes on Takeshima). Particularly noteworthy is a historical document discovered recently in 2005 in Japan entitled “Genroku kyu heishinen chosenbune chakugan ikkan no oboegaki” (Memorandum on the

¹³ Ibid., pp. 16–17, Dokdo Q&A: Q4 What is the “Tottori-han’s Response,” in which it was revealed that Dokdo was not Japanese territory during the dispute over Ulleungdo between Korea and Japan?

¹⁴ Ibid., p. 20, Dokdo Q&A: Q5 What is the significance of An Yong-bok’s activities with regard to Dokdo?

Arrival of a Boat from Joseon in 1696—a report on An Yong-bok’s visit to the Oki Islands drafted by an official of the island). According to the report, An Yong-bok stated that Ulleungdo and Dokdo belonged to Gangwon-do, which corroborates the information in *Sukjong Sillok* (Annals of King Sukjong’s Reign).

5. An Appraisal of the Genroku-Era Negotiations

Generally speaking, in the context of territorial disputes, what one country has formally communicated to another is of great significance, especially when such statements or documents appear to negate a country’s territorial claims. In the case contesting the legal status of Eastern Greenland, the Permanent Court of International Justice ruled on April 5, 1933, in favor of Denmark, which had sued Norway for occupying and claiming parts of Eastern Greenland that were previously claimed by Denmark. One factor that led to the judgment was a remark by the Norwegian minister for foreign affairs, made in 1919, that “The Norwegian Government would not make any difficulties in the settlement of this question” in reply to a question by a Danish minister, as Denmark sought to extend its political and economic interests throughout Greenland.¹⁵ With regard to the May 23, 2008, judgment by the International Court of Justice on the “Case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge,” the colonial secretary of Singapore issued in 1953 a query seeking “to clarify the status of Pedra Branca” (an island with a lighthouse built and maintained by the colonial government) and wishing “to know whether there is any document showing a lease or grant of the rock or whether it has been ceded by the Government of the State of Johore or in any other way disposed of.” The reply by the acting state secretary of Johore (now part of Malaysia) that the “Johore Government does not claim ownership of Pedra Branca” was held up as indicative of the Johore position on the island.¹⁶ Cables sent from one domestic agency to another or internal notes expressing the views of government officials can no doubt shed light on the

¹⁵ Permanent Court of International Justice, Series A/B, No.53, “Legal Status of Eastern Greenland, Judgment of April 5th, 1933,” particularly, pp. 39–40. http://www.icj-cij.org/pcij/serie_AB/AB_53/01_Groenland_Oriental_Arret.pdf (accessed on March 30, 2014).

¹⁶ International Court of Justice, “Case concerning Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore),” Judgment of 23 May 2008, particularly paragraphs 192–96. <http://www.icj-cij.org/docket/files/130/14492.pdf> (accessed on March 30, 2014).

policymaking process in that country once they are declassified. But one must make a distinction between domestic correspondences and those that are addressed to foreign governments, for the latter can, in effect, be binding.

As mentioned in section 4 above, the South Korean government asserts that “Korea’s territorial sovereignty over Ulleungdo and its ancillary island, Dokdo, was confirmed through the diplomatic negotiations between the Korean and Japanese governments (Ulleungdo Dispute).” The basis for this assertion is the Tottori domain’s response to an inquiry from the shogunate. Judgment on the legitimacy of the Korean claim, though, requires that we examine what the government of Japan expressed to the Korean side during the negotiations, namely, the shogunate’s decision conveyed verbally to a Korean envoy in October 1696 by So Yoshizane of Tsushima domain and the written memorandum of the decision (as described in section 2 above):

The memorandum (a note verbale¹⁷ in Japanese and a note¹⁸ in classical Chinese) noted that the island then called Takeshima (that is, Ulleungdo) did not belong to Inaba or Hoki Province nor was made part of Japanese territory but was simply visited by Hoki fishermen because it was “empty”; that Koreans have also been visiting the island in recent years, leading to the undesirable intermingling among nationals of the two countries (which, the Chinese version notes, could result in illicit trade); that the island is close to Korea but far from Hoki; and that an order was thus issued (by the shogunal government) for Japanese not to travel to the island.

The “Takeshima” referred to in the statement is *not*, as repeatedly mentioned, the island whose sovereignty is disputed between Japan and Korea today but the Japanese name for Ulleungdo during the Edo period. In other words, the Genroku-era negotiations were not about present-day Takeshima. The Korean claim (in section 4 above) that “Ulleungdo and its ancillary island, Dokdo, were confirmed to be Korean territory” through these negotiations is actually based on correspondences between the Tottori domain and the shogunal government, described in the fifth paragraph of section 2 above. The shogunate inquired as to when Takeshima (Ulleungdo) became part of Inaba or Hoki Province, to which the

¹⁷ “*Takeshima kiji*, vol. 4,” *Takeshima mondai ni kansuru chosa kenkyu: Saishu hokokusho, shiryō-hen*, p. 183 (see note 8).

¹⁸ *Ibid.*, p. 184.

domain replied that the island was part of neither province. To a question on whether there were other islands under provincial jurisdiction, the reply was that no other island belonged to the provinces. This led to the shogunal ban on Japanese nationals traveling to Takeshima (Ulleungdo). In a follow-up reply, the Tottori domain added (as described in note 7) that, as far as it knew, Matsushima belonged to neither Inaba nor Hoki and was used as stopover fishing grounds for fishermen traveling to and from Takeshima.¹⁹

The Korean claim, as quoted in section 4, is that “Upon receiving Tottori-han’s response that neither Ulleungdo (known then in Japan as Takeshima) nor Dokdo (known then in Japan as Matsushima) belonged to Tottori-han, the Edo shogunate issued a directive on January 28, 1696, prohibiting all Japanese from making passage towards Ulleungdo. The dispute between Korea and Japan thus came to a close. Through the Ulleungdo Dispute, Ulleungdo and Dokdo were confirmed to be Korean territory.” Do the historical facts justify such a conclusion?

First of all, fishing or territorial rights regarding present-day Takeshima (Dokdo) were never discussed during the bilateral negotiations. There is no mention of the island in the records held by either side; the Korean government never referred to it, nor does it appear in the Japanese government statement, namely, the October 1696 note by So Yoshizane to the Korean envoy. There was no Takeshima/Dokdo dispute at the time, so Korean claims that “The dispute between Korea and Japan thus came to a close” or that the island was “confirmed to be Korean territory” are contrary to fact.

Secondly, the Korean assertion that the “Edo shogunate issued a directive on

¹⁹ The reason that Matsushima was mentioned was related to the Tottori domain’s reply, which noted that in 1695, Yonago fishermen left Takeshima (Ulleungdo) without landing upon finding many fishermen from another country already there and that they (Yonago fishermen) took some abalone around Matsushima on the return journey. Another reason why Matsushima was mentioned was the reply—prior to this exchange between the shogunate and the Tottori domain of January 1696—made by a So clan retainer on December 11, 1695, to a question from Abe Masatake on whether there was any island in Takeshima’s direction, in which the retainer noted that there appears to be an island called Matsushima near Takeshima, also visited by fishermen, and that more detailed information may be obtained from the Tottori domain (*Takeshima kiji*, vol. 4, p. 154) (see note 8).

January 28, 1696, prohibiting all Japanese from making passage *towards* Ulleungdo” (my italics)—suggesting that the prohibition applies to Takeshima/Dokdo as well—also requires closer scrutiny. Did the shogunate judge present-day Takeshima to be outside Japanese territory? And did it ban travel to this island as well?

The Tottori domain, consisting of Inaba and Hoki Provinces, stated that Takeshima (Ulleungdo) was part of neither province. One interpretation of this statement is that the domain itself had no jurisdiction over the island, as the Oya and Murakawa families of Yonago traveled there to fish not having received license from the domain but under direct shogunal orders. Indeed, heads of the two families were granted audiences with the shogun through the *jisha-bugyo* (the shogunate’s commissioner for temples and shrines), and the abalone caught was presented as a tribute to the shogun and other top officials from the two families, not from the domain.²⁰ But inasmuch as So Yoshizane, upon consultation with the shogunate, communicated to the Korean envoy that Takeshima (Ulleungdo) did not belong to Inaba or Hoki Province nor was made part of Japanese territory, we should consider that the shogunate regarded the Tottori statement as meaning Takeshima (Ulleungdo) to be out of Japanese territory—regardless of how the Tottori domain perceived the situation. Jurisdiction over Takeshima (Ulleungdo) had emerged as an issue in 1693, and a report made to the shogunate in May that year stated that the domain did not exercise control over it (see note 4). As for Matsushima (present-day Takeshima), on the other hand, there are no compelling reasons for regarding it as having been placed outside of Japanese territory or kept off limits to Japanese nationals.²¹ That is, (a) while a So clan retainer did hint at Matsushima’s existence on

²⁰ Tagawa Kozo, “Takeshima ryoyu ni kansuru rekishiteki kosatsu” (Historical Examination of Takeshima’s Territorial Jurisdiction), *Toyo Bunko Shoho*, no. 20 (1988), pp. 6-52 (written in 1960).

²¹ Among the historical documents held by the So clan is a reply from the Tsushima domain noting that, while the travel ban to Takeshima may be construed as applying to Matsushima as well, one cannot draw a definitive conclusion (Kim Byung-ryull, *Dokdo: Dokdo jaryo chongram* (Anthology of Dokdo-related Documents) (Seoul: Dadamedia, 1998), pp. 307–8). According to Ikeuchi Satoshi’s *Taikun gaiko to “bui”* (Tycoon Diplomacy and “Military Prestige”) (University of Nagoya Press, 2006), p. 82 and p. 371 (note 5 in Chapter 2), this reply was made in connection with an 1836 incident in which Imazuya Hachiemon of Hamada (now in Shimane Prefecture) was punished for traveling to Ulleungdo. A detailed account of the Hachiemon case can be found in Morisu Kazuo, *Hachiemon to sono jidai* (Hachiemon and His Times),

December 11, 1695 (see note 19) to Abe Masatake—a member of the shogun’s council of elders—it was in the context of replying to Abe’s inquiry as to whether Takeshima and Ulleungdo were truly two different names for the same island and whether there was any Japanese island that was not Ulleungdo; (b) the shogunate learned of Matsushima from the Tottori domain only three days before issuing its January 28, 1696, order prohibiting Oya and Murakawa families from traveling to Takeshima (Ulleungdo); (c) Matsushima was described by Tottori domain as being a stopover point en route to Takeshima; and, most importantly, (d) the reason for banning travel to Takeshima (Ulleungdo) was to prevent the undesirable intermingling with Korean nationals (Koreans had never fished around Matsushima). Granted that the intention of the shogunate should have been to apply the travel ban to both Takeshima and Matsushima, this is not what was externally expressed, and there is nothing forbidding the Japanese government from taking a different position at a future date.

6. Ancillary Island Claims and an Appraisal of An Yong-bok’s Statements

One other basis for the claim in the South Korean government pamphlet that “Korea’s territorial sovereignty over Ulleungdo and its ancillary island, Dokdo, was confirmed through the diplomatic negotiations between the Korean and Japanese governments” is the notion that Takeshima/Dokdo forms part of Ulleungdo. If Ulleungdo belongs to Korea, the argument goes, then so must Takeshima/Dokdo. The South Korean government once insisted that Takeshima/Dokdo was recognized as Korean territory by Article 2(a) of the San Francisco Peace Treaty (1951), in which Japan “renounces all right, title and claim to Korea, including Dagelet (Ulleungdo), etc.” because Takeshima/Dokdo was an dependent island of Ulleungdo.²² An examination of this ancillary island claim follows.

Hamada City Board of Education, 2002. Hachiemon planned to travel to Takeshima (Ulleungdo) on the pretext of sailing to Matsushima (present-day Takeshima). Following the incident, a shogunal proclamation was issued nationwide banning travel to Takeshima, but no mention is made of Matsushima. This demonstrates that the Genroku incident did not result in Matsushima being excluded from the territory of Japan.

²² South Korean government statement of September 25, 1954. See the author’s “Heiwa Joyaku to Takeshima (sairon)” (The Peace Treaty and Takeshima, Revisited) in *Refarensu*, no. 518, March 1994, p. 36 and note 9 on p. 53.

For Japanese fishermen traveling to Takeshima (Ulleungdo) in the seventeenth century, Matsushima (present-day Takeshima) was regarded as a stopover point en route to Takeshima, as described in the Tottori domain's January 25, 1696, reply (see note 7) to a shogunal inquiry. Though Matsushima was used as fishing grounds, a visit there in itself was not profitable. Therefore, once travel to the main fishing grounds of Takeshima (Ulleungdo) was banned, fishermen, in effect, stopped visiting Matsushima. Matsushima was, however, a stopover for Japanese fishermen only; for those from Korea, it was far beyond Ulleungdo, and there was no interest in the island, as attested to by the fact that Korean negotiators during the Genroku-era talks made no mention of it. Korean fishermen did not venture out as far as present-day Takeshima, and (with the exception of An Yong-bok, who was captured and taken to Japan) there are no records of Koreans ever visiting the island.

Legal status of a contiguous, small, uninhabited island may be lumped together with a disputed "main island." For example, the September 11, 1992, judgment by the International Court of Justice in the "Case concerning the Land, Island and Maritime Frontier Dispute" between El Salvador and Honduras treated the small uninhabited island of Meanguerita located in the vicinity of Meanguera island as a "dependency" of Meanguera—a point on which both parties to the dispute were in agreement. When Meanguera was judged to belong to El Salvador, Meanguerita, too, was awarded to that country.²³ Takeshima/Dokdo is about 90 kilometers away from Ulleungdo, however, and an island located so far away can never be regarded as a "dependency."

Finally, I would like to examine the significance of An Yong-bok's remarks. As seen in Section 4 above, the South Korean government states, "The 1693 kidnapping of An Yong-bok triggered the Ulleungdo Dispute between Korea and Japan. The kidnapping was significant because the jurisdictional status of Ulleungdo and Dokdo was confirmed in the course of the diplomatic negotiations that ensued." Pointing to the reference in *Sukjong sillok* (Annals of King Sukjong's Reign) about An Yong-bok's second passage to Japan in 1696, South Korea contends, "It is recorded that An Yong-bok told the Japanese fishermen he encountered in Ulleungdo that

²³ ICJ Reports 1992, "Case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening), Judgment of 11 September 1992," pp. 351–761, particularly paragraph 356 on p. 570. <http://www.icj-cij.org/docket/files/75/6671.pdf> (accessed on March 30, 2014).

'Matsushima is Jasando [Dokdo] and it is Korean territory' and that he went over to Japan to lodge a protest against Japan's encroachment on the Korean territories of Ulleungdo and Dokdo." It also says that the contents of *Sukjong sillok* are also recorded in Japanese documents.

As for the claim that the jurisdictional status of Takeshima/Dokdo was confirmed in the course of diplomatic negotiations, I have already shown this to be false. What about the claim that An Yong-bok told Japanese fishermen in Ulleungdo that Matsushima is Jasando and is Korean territory? He made this remark in 1696, when he came to Japan for the second time. But in this year, Japanese fishermen did not sail to Ulleungdo. Therefore, most Japanese scholars regard An's remark that he blamed Japanese fishermen in Ulleungdo (as well as An's assertion that he chased the fishermen to Jasando, hit and broke pots with a rod, and so forth, as described in section 3 above) as being untrue. However, Japanese documents do show An stating that Matsushima is Jasando and is part of Gangwon-do, as well as that he returned to Japan to make an appeal.

Of great significance, though, is that the Korean government at the time explicitly disavowed An Yong-bok's remarks. In the entry for February 14, 1697, the *Sukjong sillok* documents an inquiry from a Tsushima envoy — conveyed to the king by a Dongraebu prefectural station official — on whether the Korean national who made an appeal the previous year was acting under orders of the Korean court. The Dongraebu official said he would reply to the Tsushima envoy, "If there is something we must say, we will dispatch an envoy to Edo [Tokyo]; we have no reason to send a clamorous fisherman." The Bibyeongsa official said, "The court has nothing to do with what a stupid commoner does upon drifting ashore." The reply to the Tsushima envoy to this effect was discussed with the king, and the king approved.²⁴ This was probably conveyed verbally to the envoy from Tsushima, but was also conveyed as a letter addressed to the lord of Tsushima, as follows: As for the man who drifted ashore last year, coastal residents use boats for a living and they may be carried over the border into your country should they meet strong winds. If the man made appeal, he should be charged with the crime of fabrication.²⁵

²⁴ *Sukjong sillok*, volume 31, folios 10–11. *Joseon wangjo sillok* (see note 11), pp. 449–50. Tsukamoto, "Takeshima kankei" (see note 4), p. 85.

²⁵ *Takeshima kiji*, vol. 5, in *Takeshima mondai, shiryō-hen* (see note 8), p. 213 (also appears in *Isotakeshima jiryaku*, part 2 [坤], *ibid.*, p. 22). This letter from Korea is part

As I noted above, any communication from one country to another carries great significance. Inasmuch as the statement flatly denies any link between An Yong-bok's assertions and the position of the Korean government, what An said certainly cannot be presented to support South Korea's territorial claims today.

Regarding An Yong-bok's remarks that Matsushima is Jasando, there exist old maps on which an island named Jasan is drawn.²⁶ Jasan (子山) is, however, thought to be equal to Usan (于山), which is cited in the fifteenth-century *Sejong sillok jiriji* (Geography Section of the Annals of King Sejong's Reign) and the sixteenth-century *Shinjeung dongguk yeoji seungnam* (Revised and Augmented Edition of the Survey of the Geography of Korea). Usan (于山) is the name given to an island that is believed to have existed. The name originated from Usan State, located in Ulleungdo during Silla's rule of the Korean Peninsula. Usando was, in fact, Ulleungdo but was often drawn separately in maps from the belief that another island by that name existed, and Usando has never meant Takeshima/Dokdo.²⁷ There is a possibility that An Yong-bok actually saw Matsushima (present-day Takeshima) while being taken to Japan in 1693,²⁸ and he said in 1696 in Oki that he sailed to Japan via Matsushima (see section 3 above). An spent a month in the Oya estate in Yonago in 1693 (see section 2), during which he is thought to have learned about Matsushima. After his

of a reply to the shogunal decision of October 1696 banning travel by Japanese nationals to "Takeshima" (Ulleungdo) and the Tsushima domain's protest that An Yong-bok's conduct was in violation of the convention that Tsushima act as a liaison for all Japan-Korea communications. The Korean reply was that the government had no part in An Yong-bok's actions and therefore could not be accused of using a different diplomatic route in violation of the convention.

²⁶ One such map is that of the province of Gangwan-do in the Nanba Collection of Kobe City Museum (map collection [5], Korea-related map no. 165), introduced on Shimane Prefecture's website by Sugihara Takashi <http://www.pref.shimane.lg.jp/soumu/web-takeshima/takeshima01/kenkyukaijoukyou.data/4-3.pdf>.

²⁷ See Kawakami, *Takeshima* (note 2), pp. 94–120.

²⁸ The entry for July 24, 1693, in *Inpu rekinen daizasshu* by Okajima Masayoshi notes that the ship carrying An Yong-bok stopped over in Matsushima. See Kawakami, *Takeshima* (note 2), pp. 169–70. The entry in *Inpu rekinen daizasshu* is contained in the March 2007 CD of *Takeshima mondai, shiryō-hen* (note 8), and can also be accessed at the Shimane Prefecture website http://www.pref.shimane.lg.jp/soumu/web-takeshima/takeshima04/takeshima04_01/takeshima04c.data/4-4-3-01.pdf (accessed on March 30, 2014; in Japanese).

repatriation later that year, he may have come across knowledge of or maps depicting Ulleungdo and Usando in the seas east of Gangwon-do and concluded that they must correspond to Takeshima and Matsushima, about which he learned in Japan. In An's mind, then, Usando (which existed only notionally) became equated with Matsushima (present-day Takeshima). The association, however, was not embraced by the Korean government, and no mention of Matsushima was made by the Korean government during the Genroku-era negotiations, as stated above.

7. Addendum: The Dajokan Order of 1877

The South Korean governmental pamphlet referred to in section 4 above (see note 12) includes the following passage on page 8:

Up until the Meiji period (1868–1912), the Japanese government had consistently acknowledged that Dokdo was non-Japanese territory ever since the Ulleungdo Dispute, through which it was confirmed that Dokdo was Korean territory. . . . an 1877 directive issued to the Ministry of Home Affairs by the Dajokan (Grand Council of State), Japan's highest decision-making body during the Meiji period . . . assesses, "It was confirmed through the negotiations between the old government [Edo shogunate] and the Joseon [Korean] government that the two islands [Dokdo and Ulleungdo] do not belong to our country [Japan]." Thus the Dajokan sent a directive to the Ministry of Home Affairs stating as follows: "Regarding Takeshima [Ulleungdo] and another island [Dokdo] . . . bear in mind that our country [Japan] has nothing to do with them." . . . The [Meiji] Ministry of Home Affairs had attached *Isotakeshima ryakuzu* (Simplified Map of Isotakeshima—Japan used to refer to Ulleungdo as Isotakeshima) as a reference in its inquiry to the Dajokan. Takeshima (Ulleungdo) and Matsushima (Dokdo) are shown together in the map, corroborating the fact that the "another island" aforementioned in "Takeshima [Ulleungdo] and another island" is Dokdo.

Let us examine this document more closely in historical context. Two officials in the geographical office of the Ministry of Home Affairs, during an inspection of Shimane Prefecture, learned of the visits made to Takeshima in the Edo period and asked about the island, referring to Article 5 of the May 23, 1876, Home Ministry directive. The directive instructed local bodies to ascertain the ownership, classification, and area of all land in Japan as part of an effort to compile a new, Meiji-era national land registry that would serve as a basis for assessing a revised land tax, and Article 5

was a provision for remote islands, detailed information on which was not available. This prompted the acting governor of Shimane Prefecture to submit an inquiry to the minister of home affairs on October 16, 1876, seeking instructions on whether he might include “Takeshima and another island” in the registry. The inquiry was accompanied by an explanation of the island, based on documents held by the Oya and Murakawa families, and a map titled *Isotakeshima ryakuzu*. The Takeshima referred to here is the island that was called by this name in the Edo period, that is, Ulleungdo. The explanatory text makes a reference to another island called Matsushima measuring 30 *cho* in circumference that is on the same sea route as Takeshima, located some 80 *ri* from Oki that has few trees and bamboos but produces fish and sea lions. The map shows islands that are identified as Takeshima and Matsushima, so it can be inferred that “another island” meant Matsushima. The following year, on March 17, 1877, the Home Affairs Ministry submitted its judgment of the case to the Dajokan (the present cabinet) for approval, as follows:

Shimane Prefecture had submitted an inquiry about the jurisdiction of Takeshima as shown in a separate paper, and we examined the matter. Regarding said island, the affairs developed as described in the attached documents: In 1692 Koreans appeared; in January 1696, the former [shogunal] government discussed the matter and reached a decision (Attachment 1); representation was made to the Korean official (Attachment 2); Korea’s letter came (Attachment 3); and Japan replied, together with a note verbale (Attachment 4). Judging from these documents, the island seems to be no concern of our country. But acquisition or relinquishment of territory is an important matter, so we would like to make an inquiry by way of precaution, via these documents.

In its March 29 response, the Dajokan instructed the Home Affairs Ministry to notify Shimane Prefecture that, regarding the inquiry, “Takeshima and another island” should be considered as being no concern of our country. These documents, including the explanatory note and map submitted by Shimane Prefecture and the Genroku-era communications with Korea, are preserved in the National Archives of Japan.²⁹

²⁹ The documents are preserved as “Nihonkai-nai Takeshima hoka itto chiseki-hensan-kata ukagai” (Inquiry as to the Land Registration of Takeshima and

Here, in its note addressed to the Dajokan, the Home Affairs Ministry says that Shimane Prefecture had submitted an inquiry about the jurisdiction of “Takeshima,” and “regarding said island” it seems to be no concern of our country. Also, the documents on which the ministry based its judgment are communications between the So clan of the Tsushima domain and the shogunate, and the notes exchanged between Japan and Korea during the Genroku negotiations (see sections 2 and 3 above; the documents of the Tottori domain were not cited). The ministry’s judgment regarding “Takeshima” (Ulleungdo) is based on historical facts and is correct. But the Dajokan instructed that “Takeshima and another island” (that is, Takeshima and Matsushima) should be considered as being no concern of our country, despite the fact that the Genroku negotiations did not involve Matsushima. How did this discrepancy arise?

Because the Dajokan is highly unlikely to have conducted its own investigation, one possibility is that the Home Affairs Ministry itself believed the Genroku negotiations involved Matsushima as well, prompting it to judge that both Takeshima (Ulleungdo) and Matsushima (present-day Takeshima/Dokdo) are no concern of Japan. This is the South Korean government’s claim, and the basis for it is the Tottori domain’s letter to the shogunate that Matsushima is not part of Inaba or Hoki Province. This letter, however, was not among the documents submitted to the Dajokan by the ministry. Could the ministry have judged that Japan had nothing to do with Matsushima without any reason? Or did it assume that Takeshima and Matsushima were a single group of islands or in a relationship of dependency and that “Takeshima” alone was construed as also including “another island”? The only possible reason it could have thought that way is Shimane Prefecture’s description of Matsushima as lying on the same sea route as Takeshima.

Another Island in the Sea of Japan) in *Kobunroku* (Official Records of the Meiji Government), March 1877, part 1 of the section on the Home Affairs Ministry; and “Nihonkai-nai Takeshima hoka itto o hantogai to sadamu (Decision to Exclude Takeshima and Another Island in the Sea of Japan from National Territory) in *Dajo Ruiten* (Compilation of Selected Dajokan Documents), series 2, vol. 96, no. 19. May also be accessed on the website of the Japan Center for Asian Historical Records: JACAR Ref. A07060000300, *Kobunroku*, March 1877, vol. 25 (original document in the National Archives of Japan), and JACAR Ref. A07060000100, *Dajo Ruiten*, series 2 (1871–77) (original document in the National Archives of Japan). Also see Hori Kazuo, “1905 nen Nihon no Takeshima ryodo hennyu” (Japan’s 1905 Incorporation of Takeshima), *Chosenshi Kenkyukai Ronbunshu*, no. 24 (March 1987), pp. 97–125.

Another possibility is that the Home Affairs Ministry examined the Genroku-era records regarding Takeshima (Ulleungdo) and concluded that Ulleungdo was no concern of Japan, just as shown in the wording of its note addressed to the Dajokan, and the Dajokan also instructed that Ulleungdo should be considered as being no concern of Japan, though it continued to use Shimane Prefecture's original title for this case—land registration of “Takeshima and another island.”

The Japanese name for Ulleungdo during the Edo period was Takeshima, and that for present-day Takeshima was Matsushima. These names were familiar to people living in Shimane or Tottori Prefecture even after the Meiji Restoration. Philipp Franz von Siebold's 1840 map of the “Japanischen Reiche,” meanwhile, identified Ulleungdo as “Matsusima/I. Dagelet,” and subsequent Western maps thus began calling Ulleungdo “Matsushima.” (On Siebold's map, “Takasima/I. Argonaute” is shown between “Matsusima” and the Korean Peninsula, but in later maps, Argonaute was drawn with broken lines as a nonexistent island and later deleted.) Referring to such Western maps and nautical charts, many people in Japan, too, began—from the late Edo period to the Meiji era—to equate Ulleungdo with Matsushima.³⁰ A petition filed by a Japanese national Muto Heigaku to the Ministry of Foreign Affairs in July 1876 to develop “Matsushima” and a request made to Tokyo Prefecture in January 1877 by Toda Takayoshi from Shimane Prefecture, to travel to “Takeshima,” for example, both referred to Ulleungdo.³¹ In December 1876, another Japanese national named Saito Shichirobei submitted a petition to Sewaki Hisato, a trade officer residing in Vladivostok, proposing that the island of “Matsushima” be developed. Sewaki forwarded Saito's petition to the minister and vice-minister for foreign affairs on April 25, 1877. Tanabe Taichi, director general of the ministry's Communications Bureau, directed, “Matsushima is the Korean island of Ulleungdo and is not part of Japan. The reply to the petition from a certain Saito should explain that the government of Japan has no jurisdiction to authorize his petition.”³²

³⁰ See Kawakami, *Takeshima* (note 2), pp. 9–31 (“Tomei no konran” [Confusion over Island Names], ch. 1, section 1).

³¹ *Ibid.*, pp. 31–37.

³² Kitazawa Masayoshi, “Takeshima Kosho” (Historical Study of Takeshima), part 2 (Foreign Ministry research report prepared in August 1881), in *Chosenkoku Utsuryoto e hankin toko no Nihonjin o hikimodoshi shobun ikken* (Case Involving Measures to Bring

In November 1881, an inquiry was made by Shimane Prefecture to the Ministry of Home Affairs and the Ministry of Agriculture and Commerce regarding a petition filed by private individuals (including Oya Kensuke) to develop the island of Matsushima in the Sea of Japan. The Home Affairs Ministry referred the matter to the Ministry of Foreign Affairs, seeking clarification on whether there has been any change in Japan's treaties with Korea since the 1877 Dajokan order, which was attached to the referral. In its response, the Foreign Ministry reiterated the nature of the inquiry, noting it was a question relating to the "Korean island of Ulleungdo, that is, Takeshima/Matsushima."³³

From this it can be gleaned that requests were made by Japanese nationals in 1876 and 1877 to develop "Matsushima" (aiming at Ulleungdo), and that Japanese government officials, too, considered Matsushima to be Ulleungdo. The reference to "Matsushima" in Shimane Prefecture's inquiry during the compilation of a new national land registry concerned the island called by that name in the Edo period, that is, present-day Takeshima. But central government officials, influenced by Western maps equating Ulleungdo with Matsushima, assumed that Ulleungdo had two Japanese names (along with one Korean name). This understanding is what could have prompted the Home Affairs Ministry and the Dajokan to conclude that Takeshima and Matsushima, both referring to Ulleungdo, were no concern of Japan.

Back the Japanese National Making a Prohibited Journey to the Korean Island of Ulleungdo), vol. 5, held in the Diplomatic Archives of the Ministry of Foreign Affairs of Japan (call no. 3-8-2-4). "Takeshima Kosho" includes a letter dated June 25 from Sewaki saying that while he is waiting for a response to the petition submitted earlier, he would be interested in stopping by Matsushima en route from Vladivostok to inspect the island's topographical and forestry features. A note from Tanabe Taichi was attached to this letter as well, commenting that Matsushima is the Korean island of Ulleungdo and is not part of Japan; that the matter, to his knowledge, has already been settled through correspondences with the Korean government during the Bunka era (1804–18); and that the Japanese national should not undertake reclamation activities.

³³ Found in vol. 1 of *Chosenkoku Utsuryoto* (note 32). The website of Shimane Prefecture's Takeshima Mondai Kenkyujo contains an analysis by Sugihara Takashi, a photo reproduction of the original, and a retyping of the text by Nishikori Kie, http://www.pref.shimane.lg.jp/soumu/web-takeshima/takeshima04/takeshima04-1/takeshima04_j.html (accessed on March 30, 2014; in Japanese).

Additional study will be required to ascertain whether or not either of the above two possible interpretations of "Takeshima and another island" is correct. But what can be stated with certitude in the context of territorial disputes is the importance of distinguishing between domestic correspondences and statements to foreign countries (see section 5). The Dajokan order of 1877 involved an inquiry from a prefectural government, which was referred by a central government ministry to a higher decision-making body. All correspondences (including those between Shimane Prefecture and the Home Affairs Ministry) were addressed to and from domestic government organs. Unlike the remark by the Norwegian minister for foreign affairs to a Danish minister regarding Eastern Greenland or the reply by the acting state secretary of Johore to a query from the colonial secretary of Singapore regarding Pedra Branca, neither the Dajokan order nor the Home Affairs Ministry's instructions was addressed to a foreign government. Granted that the Dajokan's order was meant for present-day Takeshima, and accordingly the Meiji government in 1877 did not actually consider present-day Takeshima to be part of Japan, Japan would still not be prevented from acquiring the island at a later date by following the procedures prescribed under international law.

8. Conclusion

The foregoing analyzes Korean assertions that Korean title to Takeshima/Dokdo is confirmed by the Tottori domain's Genroku-era reply to the shogunate noting that Matsushima (present-day Takeshima) was not part of the domain and by the 1877 Dajokan order stating that "Takeshima and another island" are no concern of our country. My conclusions, as stated above, are that such arguments are legally invalid. Moreover, these are assertions of so-to-speak negative evidence (negation of Japan's territorial rights), rather than positive assertions of sovereignty. In its December 22, 1986, judgment of the "Case Concerning the Frontier Dispute (Burkina Faso/Republic of Mali)," the International Court of Justice ruled that the "rejection of any particular argument on the ground that the factual allegations on which it is based have not been proved is not sufficient to warrant upholding the contrary argument."³⁴ For both Japan and South Korea, disproving the other's territorial

³⁴ ICJ Reports 1986, p. 554, "Case concerning the Frontier Dispute (Burkina Faso/Republic of Mali)," Judgment of 22 December 1986, particularly paragraph 65 on pp. 587-88, <http://www.icj-cij.org/docket/files/69/6447.pdf> (accessed on March 30, 2014).

assertions, therefore, is not sufficient to establish one's own claims.

In August 2012, media reports cited the discovery of evidence that Korea exercised effective control of Takeshima/Dokdo in 1905, when Takeshima was incorporated into Shimane Prefecture.³⁵ Establishing sovereignty, under international law, requires effective control (through the exercise of administrative powers or other expressions of state authority). Unlike Japan, South Korea has never presented evidence of such effective control. The reports referred to an ordinance called Uldo-gun Jeolmok (Ulleungdo County Regulation), the discovery of which was reported in January 2011. The argument seems to be that the Uldo-gun Jeolmok prescribes the duties to be levied on products exported from and imported into Ulleungdo; among the island's exports in 1904 and 1905 were the skins, oils, and dregs of sea lions hunted on Takeshima/Dokdo; and levying duties on Takeshima/Dokdo products could be regarded as evidence of effective control. Whether Uldo-gun Jeolmok can be an evidence of Korea's effective control must be examined closely, but the assertion of such positive evidence is a desirable trend that will no doubt enable a more fruitful debate on the territorial dispute. We can expect the elucidation of historical facts and legal examinations based on those facts to be furthered both in Japan and Korea.

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³⁵ 울릉군, '독도 실효적 지배 입증 자료' 확보 울도군 절목 사료 공개 (Ulleung County Released "A Document Proving Effective Control of Dokdo": Ulleungdo Regulation), 아시아뉴스통신, Asia News Agency (August 16, 2012), <http://www.anews.com/detail.php?number=382192&thread=09r02> (accessed on August 14, 2014; in Korean).

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