

1 . 1952.1.28 字 日側口述書

The Japanese Ministry of Foreign Affairs presents its compliments to the Korean Diplomatic Mission in Japan and concerning the proclamation of the President of the Republic of Korea of January 18, 1952 claiming sovereignty over the shelf and seas adjacent to Korean territory has the honour to request the Mission to transmit the following statement to the Government of the Republic of Korea:

The Japanese Government considers that the contents of the proclamation of the President of the Republic of Korea of January 18, 1952 not only are entirely incompatible with the long internationally established principle of the freedom of the high seas, but also run counter to the basic principle of international cooperation for the development and protection on an equal footing of the marine resources of the high seas. This unilateral proclamation is utterly untenable under any of the accepted ideas of international society, and therefore cannot be acquiesced in by the Japanese Government.

While the Japanese Government is preparing in good faith to enter into negotiation with the Government of the Republic of Korea for the adjustment of the fishing interests of both countries in adherence to the principle of friendly cooperation underlying the Peace Treaty signed at San Francisco and for the mutual prosperity of Japan and Korea, it can not but take a serious view of the attitude of the Korean Government in making the proclamation in question just as a conference on fisheries,

among other subjects, is about to be opened between the two Governments. The Korean Government, in taking such a step, will be destroying the necessary base for the success of the negotiations, and it is much to be regretted that doubt is thrown as to the good faith of the Korean Government in participating in the forthcoming conference.

Furthermore, in the proclamation the Republic of Korea appears to assume territorial rights over the islets in the Japan Sea known as Takeshima (otherwise known as Liancourt Rocks). The Japanese Government does not recognize any such assumption or claim by the Republic of Korea concerning these islets which are without question Japanese territory.

Tokyo, January 28, 1952.

The Korean Diplomatic Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and with reference to the latter's note of January 28, 1952 concerning the Japanese Government's view on the proclamation of the President of the Republic of Korea of January 18, 1952, has the honour to transmit to the Ministry a copy of the replying note of the Korean Government to the Japanese Government.

Enclosure: A copy of the replying note of the Korean Government to the Japanese Government

February 12, 1952

In reference to the note of the Japanese Government dated January 28, 1952, as conveyed through the Korean Diplomatic Mission in Japan, the Government of the Republic of Korea, wishes to point out, for the information and consideration of the Japanese Government:

1) That an objective study of international development and precedents relevant to the subject will go to establish the legitimacy and rightfulness of the Proclamation of the President of the Republic of Korea of January 18, 1952, done in accordance with a fully established privilege of a sovereign nation and with a view to protecting and preserving natural resources, marine or otherwise, within a specified zone of seas adjacent to the territories of Korea, the United States of America, Mexico, Argentina, Chile, Peru, Costa Rica, Saudi Arabia, etc. having already made, one after another, unilateral proclamations of more or less the same character;

2) That a judicious review of the past history of the Orient, a fair consideration of present disparity between Korea and Japan in fishing equipments, very largely the outcome of forty years' Japanese domination and virtual monopoly of fishery in Korea, and a just apprehension of troubles otherwise likely to overcloud our relations ceaselessly bear out, beyond any possible doubt, that the Proclamation under discussion is primarily designed, and indeed the sole safeguard, to ensure a permanent peace between the two nations;

3) That the so-called principle of freedom of high seas, in its absolute form, now fast failing to operate within adjacent seas of a Power, except in a very limited sense, and which Japan itself has contributed to nullify by failing to insist on its strict application in all the recent cases in which it was involved, cannot be so effectively wielded as a cudgel to force Korea into virtually yielding up one of its few means of bare sustenance;

4) That the Government of the Republic of Korea, while it means to have its own protective zone as defined in the said Proclamation respected by other nations, pledges itself to respect, with all solemnity and fidelity, the similar zones of its neighbors that have already declared or may declare in future such zones in as legitimate and exercise of their sovereignty and within as reasonable bounds.

The Government of the Republic of Korea notes with uneasiness, particularly, the following passage found in the note of the Japanese Government:

"Korean Government, in taking such a step, will be destroying the necessary base for the success of the negotiation and it is much to be regretted that doubt is thrown as to the good faith of the Korean Government in participating in the forthcoming conference."

It is the view of the Korean Government that such conclusions as are made manifest in the above passage are entirely based upon

misunderstandings of grave nature and that the Proclamation in question, if it has anything to do with the coming Korea-Japan Conference, properly understood, will lend soundness and permanency to the basis of friendly relations between Korea and Japan instead of endangering it in any manner. Furthermore, it feels constrained to express its apprehension that not the Proclamation itself but the rather unfortunate view of it as entertained by the Japanese Government and expressed in the particular passage quoted above will tend to hamper the smooth progress of the proposed negotiation, which, it earnestly hopes, will not be the case.

The Government of the Republic of Korea does not feel inclined to enter into full arguments, here in this note, over the ownership of Liancourt Rocks, known as "Dokdo" in Korea through centuries, and merely wishes to remind the Japanese Government that SCAP, by SCAPIN No. 677 dated January 29, 1946, explicitly excluded the islets from the territorial possessions of Japan and that again the same islets have been left outside of the MacArthur Line, facts that endorse and confirm the Korean claim to them, which is beyond any dispute.

3 . 1952 . 4 . 25 日 側口述書

The Japanese Ministry of Foreign Affairs presents its compliments to the Korean Diplomatic Mission in Japan, and with reference to the latter's Note Verbale dated February 12, 1952, has the honour to reply as follows:

1. The important contents of the said Note Verbale are matters concerning fisheries between Japan and the Republic of Korea, and as they are considered to be a subject to be discussed at the Japan-Korea conference now in progress, nothing will be said about them here in this note.

2. With regard to the ownership of the Take-Shima (Liancourt Rocks) mentioned in the latter part of the above Note Verbale, it must be stressed that these islands in question have been Japanese territory up to the present, and it is hoped to be understood that this fact will not in the least be altered for the following reasons, despite the claim by the Republic of Korea to them:

- a. The Take-Shima actually belong to Goka-mura, Ochi-gun, Shimane Prefecture.
- b. At the end of the Note Verbale it is stated that the "Government of the Republic of Korea....wishes to remind the Japanese Government that SCAP, by SCAPIN No. 677 dated January 29, 1946,

explicitly excluded the islets from the territorial possessions of Japan....."

(1) The Japanese Government was, by paragraph 1 of the said SCAPIN, only "directed to cease exercising, or attempting to exercise, governmental or administrative authority over" Liancourt Rocks (Take-Shima). The SCAPIN did not direct the exclusion of the islands from the Japanese territorial possessions.

(2) While paragraph 3 of the SCAPIN prescribes that "for the purpose of this directive Japan is defined to include the four main islands of Japan and the approximately 1,000 smaller adjacent islands, excluding (a) Utsuryo (Ullung) Island, Liancourt Rocks (Take Island) and Quelpart (Saishu and Cheju) Island...." paragraph 6 mentions clearly that "nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration."

c. The assertion that the Liancourt Rocks "have been left on the Korean side of the MacArthur Line, facts that endorse and confirm the Korean claim to them" is evidently groundless, since, among others, SCAPIN No. 2046 dated September 19, 1949 stipulating the MacArthur Line states definitely in its paragraph 6 that

"present authorization is not an expression of Allied policy relative to ultimate determination of national jurisdiction, international boundaries or fishing rights in the area concerned or in any other area." Moreover, this kind of argument is no longer of use since the MacArthur Line was abolished by SCAPIN as of today.

- d. Furthermore, according to investigations by the Japanese Government, the fact that the Take-Shima have belonged to Korea as "Dokdo" for centuries is groundless.

Tokyo, April 25, 1952.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan, and has the honour to inform the latter of the following in regard to invasion of the Korean fishing vessels into the territorial waters of Japan and their fishing in the said waters.

1. At 11 A.M. of May 28, 1953, the "SHIMANE-MARU", an experiment ship of Shimane Prefectural Fisheries Experiment Station, Japan, while navigating near Takeshima of Shimane Prefecture to conduct investigation concerning marine product experiments, discovered a group of about thirty Korean nationals, aboard motor-driven or sailing vessels about ten in number, gathering sea-weeds and shell-fishes at Takeshima and in the territorial waters of the said islets. According to information which the crew of the above-mentioned Japanese vessel obtained from these Korean fishermen on the spot, they frequently came from Ullung Island to the waters of Takeshima to engage in fishing; they also landed there to dry sea-weeds, etc.
2. As has been clearly stated in the Ministry's Note Verbale of January 28, 1952, addressed to the Korean Mission in Japan, and also in the Ministry's Note Verbale No. 21/A2 dated April 25 of the same year, it is indisputable fact that Takeshima is part of the Japanese territory.

3. The Japanese Government therefore lodges a protest with the Korean Government against these illegal acts of invasion into Japan's territory committed by Korean nationals, and request that effective and adequate measures be taken in order to prevent recurrence of a similar case in the future.

Tokyo, June 22, 1953.

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and with reference to the latter's note of June 22, 1953 regarding the so-called "Invasion of the Korean fishing vessels into the territorial waters of Japan and their fishing in the said waters", has the honour to answer to the Ministry as follows:

1. In Paragraph 2 of the said note it is stated that "Dokdo" known as "Liancourt Rocks" is a part of the Japanese territory.
However the Mission believes that there is no further argument as to the territorial ownership of the said islets, since it is doubtlessly clear that "Dokdo" is a part of the territory of the Republic of Korea, of which the Mission notified the Ministry in its note dated February 12, 1952.
2. Accordingly, in connection with the case referred to in Paragraph 1 of the Ministry's note, the Government of the Republic of Korea deems it quite legal and proper that about 30 Korean nationals engaged in gathering sea-weeds and shell-fishes in the Korean territorial water of the said islets.
3. The Mission therefore considers that the Japanese Government is by no means in a position to lodge any protest with the Korean Government against the activities conducted by the above-mentioned Koreans in the territorial waters of the said Korean islets.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan and, with reference to the latter's note of June 26, 1953, concerning the unlawful landing on the Take-shima, a Japanese possession, and the unlawful fishing activities in the Japanese territorial waters proximate to the same Islands on the part of Korean nationals, has the honor to make the following representation:

1. While the Korean Mission had, in its note of February 12, 1952, described its Government's viewpoints which, seeking resort in the "MacArthur Line" and the SCAP Memorandum No.677, January 29, 1946, "Governmental and Administrative Separation of Certain Outlying Areas from Japan", contended with those facts "endorse and confirm the Korean claim" to the Islands, such a groundless assertion serves no purpose, as already pointed out in the Ministry's Note Verbale No.21/A2 of April 25, 1952, of altering the solemn fact that the Takeshima has always been a part of Japanese territory throughout its long history.

2. Concluding that the assertion of the Korean Government on the ownership of the Take-shima as set forth in the Mission's note of June 26, 1953, is totally unfounded because of the reasons stressed in the aforesaid Ministry's Note Verbale of April 25, the Japanese Government now finds itself constrained to take whatever

action it may deem proper and necessary for the protection of its territorial rights in cases where Korean nationals should again attempt unlawful landing on the Take-shima or recourse to unlawful fishery in the Japanese territorial waters in the Islands' proximity.

3. That the Take-shima is a part of Japanese territory is clear beyond dispute in the light of its history and a fact indisputably established in the sense of international law. With a view to clarify the misunderstandings entertained by the Korean Government, there is attached hereto a statement in which the viewpoints of the Japanese Government on the present issue are further explicated.

Tokyo, July 13, 1953.

1. In considering this matter, it should be recalled in the first place that the island which bore the name of Takeshima or Isotakeshima in former times was what is now called Wul-Nung-to, and that the present Takeshima was known as Matsushima.

This is a fact which may be established by Japanese literature and old maps published in the days of the Edo Shogunate. It is also evident from Korean literature that Wul-Nung-to was called Takeshima or Isotakeshima. As a typical example of such literature, we might refer to the geographical part of the second volume of "Shihoruisetsu", compiled by Lee Soo Kwang, with a preface dated July of the 42nd year of Manreki (1614), containing a passage which reads: "It is reported that some Japanese have recently occupied Takeshima, which is also called Isotakeshima. The islands is Wul-Nung-to." Also in a letter of Reiso Sanban of Korea addressed to Tsushima-no-kami, Lord of Tsushima in September of the 7th year of Genroku (1694), the following is mentioned: "In the neighboring waters, however, there are some fishing grounds for our people. Though originally called Wul-Nung-to, the islands is also known as Takeshima for the bamboo it produces, thus one island having been given two different names. This very fact is not only recorded in books of our country, but is also familiar to every one of the people of your province."

However, in the map of Japan published in 1840 by Philipp Frany von Siebolt, Wul-Nung-to was mistakenly indicated as Matsushima and,

as the result, the latter name has come to replace the former one in the maps subsequently made in Europe. The misnomer came into use also in Japan, causing Wul-Nung-to to be represented as Matsushima and the small island previously called Matsushima to acquire the name of Takeshima.

2. Since the 6th year of Genroku (1693) there had occurred disputes between Japan and Korea, and the Japanese people were subsequently prohibited by the order of the Shogunate to go out fishing near Takeshima. However, those were the days when Wul-Nung-to was called Takeshima or Isotakeshima, and the so-called Takeshima had nothing to do with the present Takeshima.

Nor was the island to which, in the 14th year of Meiji (1881), the migration of Japanese people for fishing or lumbering was prohibited by the Japanese Government in the face of a protest from Korea, the present Takeshima, but was Wul-Nung-to.

3. Thus, all the conflicts which have existed between Japan and Korea having referred to Wul-Nung-to, and the present Takeshima has never been made an issue by both governments.

4. On the other hand, literature, old maps, etc. clearly show that the present Takeshima was known to Japan in olden times by the name of Matsushima, and considered as an integral part of her territory.

5. Apart from the historical facts as mentioned above, there is not the slightest doubt either from the viewpoint of international law

that Takeshima is included in the Japanese territory

In order that a nation may establish its territorial right over any extension of land, it is required, according to the accepted idea of modern international law, to have an intention of making the land a part of its territory, and to exercise an effective administration thereupon. In the case of Takeshima, the Japanese Government, prior to the annexation of Korea, placed the island under the jurisdiction of the head of Okishima belonging to Shimane Prefecture by Notification No.40 of the Prefectural Government under date of February 22nd of the 38th year of Meiji (1905). At the same time, a Japanese national, Yozaburo Nakai, obtained an official permission of the Japanese Government, and undertook the catching of sea-lions near the island by building cottages on the island for the fishermen whom he took there. And ever since that time the island had been effectively developed by the Japanese people until the outbreak of the last war.

All this while the Japanese jurisdiction over the island had never been questioned by any foreign countries.

6. After the war's end, the General Headquarters of the Supreme Commander for the Allied Powers, in its Memorandum SCAPIN No.677 dated January 29, 1946, directed the Japanese Government to suspend its exercise of, or its attempt to exercise, the political or administrative authority over Takeshima. But this directive does not exclude the island from the Japanese territory, as is understood from paragraph 6 thereof to the effect: "Nothing in this directive shall be construed to

indicate the policy of the Allied Powers concerning the final decision on the small islands as referred to in Article 8 of the Potsdam Declaration." Thus, the Memorandum clarifies that it by no means exclude Takeshima from the Japanese territory.

The above interpretation is also expressly adopted with regard to the establishment of the so-called MacArthur Line. In paragraph 3(b) of the Memorandum from the General Headquarters of the Supreme Commander for the Allied Powers to the Japanese Government, SCAPIN No.1033, dated June 22, 1946, subject: "Areas licensed for Japanese fishing and whaling," it is stated that: "Japanese vessels and crews shall not come within the area nearer than 12 miles of Takeshima situated at 37°15'N., 131°53'E., nor shall they have any access to the island," and thus Takeshima was placed outside of the licensed area or of the so-called MacArthur Line. However, there is a statement in paragraph 5 of the Memorandum to the effect that "the above permission shall not be construed to be an expression of the policies of the Allied Powers concerning the final decision as to the sovereignty of the State, the border line and the fishing rights in respect of the area concerned or any other area whatever", clarifying that the Memorandum in no way denies Japan's sovereign power over Takeshima. As is well known, prior to the coming into force of the Peace Treaty with Japan in the 27th year of Showa (1952), all the limitations concerning the area licensed for Japanese fishing and whaling, or the so-called MacArthur Line, were removed by the memorandum to the Japanese Government dated April 25th of the same year.

7. Article 2 in Chapter I of the Peace Treaty with Japan which was signed on September 8, 1951, and came into effect on April 28, 1952, provides that "Japan recognizes the independence of Korea". This provision means that Japan has recognized the separation and independence from Japan of Korea as it existed before the annexation of the one to the other, but does not contain the slightest implication that the land which was a part of the Japanese territory before the annexation be ceded to the newly independent Korea. Now, Takeshima, as mentioned above, had been placed under the jurisdiction of Shimane Prefecture prior to the annexation of Korea to Japan, and continued to be so even after the annexation, not having been placed under the jurisdiction of the Government-General of Korea. It is quite an indisputable fact, therefore, that Takeshima is a part of the Japanese territory.

Although special reference is made in (a) of the above-mentioned Article to the three islands of Cheju (Quelpart), Ku-Mun (Port Hamilton) and Wul-Nung (Dagelet) this is intended to confirm the fact that Korea as it has separated from and become independent of Japan includes these three islands. Also in view of the specific provision of Article 2(a) of the Peace Treaty, therefore, there is no doubt that Takeshima constitutes a part of the Japanese territory.

The above interpretation of the Peace Treaty has been taken for granted by the United States of America which is the chief signatory to the Treaty. This may be demonstrated by the fact: that Takeshima has been designated as one of the maneuver grounds for the United States

Security Forces, on the premise that the island is included in the territory of Japan, in the agreement concerning the facilities and areas for the use of the Forces, which was concluded on July 26, 1952, between the representatives of the United States and of Japan in the Joint Committee in accordance with the "Administrative Agreement under Article III of the Security Treaty between the United States of America and Japan" signed on February 28, 1952. Subsequently, on March 19, 1953, a subcommittee of the Joint Committee of the United States and of Japan decided upon the exclusion of Takeshima from the designated maneuver grounds, and doubtlessly this step was based upon the fact that the island is a part of the Japanese territory.

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, with reference to the repeated unlawful acts and intrusion into the islets of the Republic of Korea known as Dokdo committed by the Japanese nationals, has the honor to notify the latter as follows:

According to thorough investigations conducted by the Government of the Republic of Korea, the following facts have been revealed:

1. At about 4:30 p.m., June 25, 1953, a Japanese wooden vessel, believed to belong to the Japanese Fishery Examination Board, approached Dokdo, and nine of the crewmembers of the said vessel illegally landed the islets, questioned six Korean nationals then staying there about the reason why those Koreans were in the islets, took photographs of the Koreans, also took pictures of a monument established by the Korean Government authorities and then left the islets at about 7:00 p.m. on the day.

2. At about 10 a.m. on June 27, a Japanese blue-colored wooden fishing vessel approached the said islets, and eight of the crew members landed Dokdo, did just as on June 25 and left the islets at about 3 p.m. on the day.

3. At about 8 a.m. on June 28, two Japanese vessels, respectively believed to be Okimaru and Kuzuryumaru of the Japanese Maritime Safety

Board, infringed the Korean territorial waters of the said islets and about 30 Japanese nationals aboard the two boats illegally landed the islets. This group of Japanese nationals are reported to have been relevant Japanese Government officials of the Shimane Prefectural Government, the Shmane Prefectural Headquarters of the Japanese National Police and the Matsue Branch Office of the Japanese Immigration Agency. These Japanese officials have not only illegally landed Dokto, but also planted two landmarks and two signboards. The landmarks show "Takeshima, Gokomura, Ochi-gun, Shimane Prefecture". On one of the signboards, it is stated "Off-limit to any person without permission from the Japanese Government except Japanese nationals or those foreigners who have got through the legal procedures for landing", and the other signboard shows that "Engaging in fishing operations without permission is prohibited, for the joint fishery right Number 1 has been established within the range of 500 meters surrounding Takeshima". Some of the Japanese officials were in unlawful possession of revolvers and illegally threatened the six Korean fishermen living at the camps, engaged in gathering seaweed and shell-fishes, to get out of the islets for the groundless reason that Dokdo is a part of Japanese territory. These Japanese patrol boats and 30 Japanese nationals left the islets at about 10 a.m. on the day.

4. On July 1, Dokdo was also intruded into by Japanese nationals. In connection with the above-mentioned facts, the Mission hereby informs the Ministry that the Government of the Republic of Korea has

to view the situation with very deep and serious concern over such regrettable and illegal acts committed at the said islets by Japanese nationals including government officials. For, as regards the territorial ownership of the said islets, the Mission believes that the Ministry is fully aware that Dokdo is indisputably a part of the territory of the Republic of Korea since the Mission has already notified the Ministry of the views of the Government of the Republic of Korea on this matter on many occasions including through its notes dated February 12, 1952 and June 26, 1953. Despite the Mission's reiterated notifications to the Ministry thereabout, Dokdo has been intruded into in succession, not only by Japanese nationals, but also even by Japanese Government officials, which means that the intrusion including illegal acts was well-planned and purposely done.

Such being the case, the Mission is obliged to lodge a strong protest with the Japanese Government about the fact that the intrusion into Korean territory, territorial waters and the Fishery Conservation Zone by the Japanese, including the government officials' unlawful planting of landmarks and signboards in a part of the territory of the Republic of Korea, is an obvious infringement of the Republic of Korea's sovereignty over its territorial integrity in breach of international law and custom.

Taking this opportunity, again, the Mission has the further honor to request the Ministry to see to it that the Japanese Government take appropriate measures for the prevention of recurrences of similar cases in future.

Tokyo, August 4, 1953.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan, and in reference to the latter's Note Verbale of August 4, 1953, has the honor to state as follows:

1. As has been proved in detail in the Ministry's Note Verbale of July 13, 1953, it is beyond doubt that Takeshima is part of the Japanese territory by historical facts, International Law, provisions of the Peace Treaty with Japan, etc. The above-mentioned Ministry's Note Verbale makes clear that the claim of the Republic of Korea to the possession of the said islets stated in the Mission's Notes Verbales dated February 12, 1952 and June 26, 1953 and referred to in that of August 4, 1953 is entirely groundless. Furthermore, there is no reference in the last named Note Verbale of the Korean Mission to the above view of the Japanese Government on Takeshima. It is entirely in order that the Japanese Government sends patrol boats to the islets, or takes any other measures considered necessary at any time, against which there is no reason whatsoever for the Korean Government to protest.

2. On the other hand, as stated in the Ministry's Notes Verbales of June 22 and July 13, 1953, the Korean nationals and Government officials intruded unlawfully into Takeshima on many occasions, and the Korean Government officials opened fire unlawfully on the Japanese Government officials who happened to be near the islets for

investigation. Therefore the Ministry hereby repeats its strong protest against the Korean Government for these illegal acts, and again requests that adequate and effective measures be taken promptly to prevent recurrence of similar cases in the future.

3. The Ministry adds that the "Fishery Conservation Zone" referred to in the Mission's Note Verbale of August 4, 1953 is based on the unilateral declaration by the Korean Government, which is a deviation from the Law of Nations. As has been stated in the Ministry's Note Verbale of January 28, 1953, addressed to the Korean Mission in Japan, the Japanese Government does not recognize such declaration as valid.

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, in reply to the latter's note of July 13, 1953 concerning the so-called illegal fishing operation by Koreans and the unlawful shooting by Korean officers, has the honor to state as follows, based on a thorough investigation conducted by the Government of the Republic of Korea:

1. On July 12, 1953, while Korean policemen aboard a patrol boat were in line of duty to patrol around Dokdo islets, they found about 30 Japanese nationals aboard a ship having infringed the Korean territorial waters surrounding the islets.
2. The infringement into the waters by the Japanese at that time was an obvious flagrant offence committed in violation of the competent provisions of the Republic of Korea Law No. 65. Accordingly, the Korean officials, having given the Japanese the notice that the Japanese had unlawfully intruded into the Korean territorial waters, ordered the Japanese to proceed along with them to the Ulneungdo police station for necessary investigation.
3. However, the Japanese, in a hurry, began to flee from the spot. Consequently, the Korean officials were obliged to fire several rounds as a warning to prevent the Japanese from fleeing the spot, which naturally ensued from the Japanese's disregard of the Korean officials' entirely legal order.

In connection with the above-mentioned facts, the Mission has to view the situation with very deep concern, for, despite continued formal protests, including through the Mission's note dated August 4, 1953, with the Japanese Government about its nationals' repeated intrusion into a part of the Korean territory, the Japanese, this time, not only violated the territorial right of the Republic of Korea, but also chose to ignore the legitimate order issued by the Korean officials duly authorized to protect Korea's territorial integrity and its nationals legally engaged in fishing activities in the Korean territorial waters surrounding Dokdo islets.

Such being the case, the Mission hereby informs the Ministry that the Government of the Republic of Korea is obliged to lodge a most energetic protest with the Japanese Government about the unlawful intrusion into Dokdo committed by the Japanese and requests the Ministry to see to it that the Japanese Government take appropriate measures for prevention of recurrences of similar cases in future.

Tokyo, August 22, 1953.

10 . 1953.8.31 字 日側口述書(No. 216/A2)

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan and, with reference to the latter's Note Verbale dated August 22, 1953, in respect to the Ministry's Note Verbale of July 13, concerning the illegal fishing activities by Korean nationals and the unlawful firing on a Japanese ship by the Korean officials, has the honor to state as follows.

As stated clearly in its Note Verbale No.186/A2 of July 13, 1953, the Ministry points out the undisputable fact that the Take-shima is a part of Japanese territory, and hereby lodges again a strong protest with the Korean Government against the unlawful firing on a Japanese Government ship by Korean officials near the Islands on July 12 last and the illegal fishing on the part of Korean nationals, and at the same time, renews its request that the Korean Government will take prompt and effective measures toward preventing any recurrence of illegal intrusion of the same Islands by Korean officials or nationals.

Tokyo, August 31, 1953.

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, in response to the latter's note of July 13, 1953 referring to the Mission's note of June 26, 1953, has the honor to state as follows:

1. The Ministry in its note of July 13 insisted on Japan's claim to the so-called Takeshima, known in Korea as Dokdo, but such insistence does not affect by any means the stand of the Republic of Korea as taken in the Mission's note of June 26, 1953, since Dokdo is indisputably a part of the territory of the Republic of Korea.
2. Accordingly, as the Ministry has been informed of on many occasions, the Ministry is by no means in a position to lodge protests with the Korean Government about the sending of patrol boats to the said islets by the Korean Government authorities or the engagement of Korean fishermen in fishing activities in the waters surrounding the islets.
3. Such being the case, the Mission hereby renews its request that the Japanese Government take appropriate measures to prevent recurrence of illegal intrusion into the island by Japanese officials or nationals in future and wishes to inform the Ministry that the Government of the Republic of Korea is obliged to take whatever action it may deem proper and necessary for the protection of its territorial sovereignty over the island in cases where Japanese officials or nationals should again

attempt to intrude into Dokdo areas.

The Mission avails itself of this opportunity to enclose herewith a copy of the statement by the Korean Government on the so-called Japanese Government's views concerning "Takeshima" dated July 13, 1953, with a view to clarifying the misunderstandings entertained by the Japanese Government regarding Korea's due territorial ownership of the islets.

Tokyo, September 9, 1953.

Enclosure: Copy of the Korean Government's Refutation of the Japanese Government's views concerning Dokdo ("Takeshima") dated July 13, 1953.

The Korean Government's refutation of the Japanese Government's Views concerning Dokdo ("Takeshima") dated July 13 1953.

(韓 國 政 府 見 解 1)

I. In paragraph 4 of the Japanese Government's views concerning Dokdo ("Takeshima") dated July 13, 1953, it is stated that "on the other hand, literature, old maps, etc. clearly show that the present Takeshima was known to Japan in olden times by the name of Matsushima, and considered as an integral part of her territory." And in paragraph 5 of the said views, it is stated that "apart from the historical facts mentioned above..."

However, the so-called historical facts which the Japanese Government referred to, have nothing to do with the territorial ownership of Dokdo. The said facts are merely regarding the names of the two islands, Ulneungdo and Dokdo.

Quite contrary to Japan's arguments, the real historical facts on these two islands found out by the Korean side regarding the territorial ownership of Dokdo, (which Japan now calls "Takeshima") clearly explain that Dokdo is an integral part of Korean territory. The following are some historical facts which appeared in the old literatures and history books of Korea:

a. With regard to names of Ulneungdo and Dokdo in Korea, Ulneungdo had been called Wooneung, Mooneung, Ulneungdo, etc., while Dokdo had been called Woosan or Sambongdo. And, in the meantime, Dokdo has been given its present name of "Dokdo" due to the following

backgrounds:

According to the dialect of Kyungsang Province of Korea, Dok means stones or rocks. Dokdo means an island of stones or rocks. It happens that the pronunciation of the present Dokdo which means "isolated island" coincides with that of Dokdo (island of rocks or stones). Thus, the said island came to be called Dokdo by Koreans very suitably and symbolically, for Dokdo is really a rocky island.

b. In the chapter of Oolchin Prefecture of Seijong Shillok (one of the most authentic Korean history books compiled by King Seijong of the Li Dynasty), it is stated that "Woosan and Mooneung are located in the midst of the sea just to the eastern direction of this Prefecture and the distance of these two islands are not so far, and so when the weather is fine, these two islands can be seen from each other."

c. Dokdo had also been called Sambongdo (three peak island) from the beginning of the Li Dynasty. According to the Tongkuk Yoji Seungnam, one of the most famous literatures of the Li Dynasty, in the year 1476 A.D. a Korean investigation team of the present Dokdo islets headed by Kim Jaju sailed for Sambongdo and reported to the then Korean government to the effect that "at seven or eight li distance (ten Korean li equals to one Japanese li which equals to 4 kilometers) from the island we lay at anchor and looking over the eastern side, we could find out 3 peaks of rocks... We drew a picture of the island and came back." This fact clearly shows that Koreans have been to Sambongdo (the present

Dokdo) for the purpose of investigating the islets.

d. According to Sukjong Shillok (one of the Korean history books compiled by King Sukjong of the Li Dynasty), in 1696 Korean nationals including Mr. Ahn Yong Bok had been to Ulneungdo and Dokdo and they energetically warned Japanese vessels not to approach these two islands, announcing that these two islands belong to Korea. Thus, the Koreans kept Japanese nationals from infringing the waters of Ulneungdo and Dokdo, which are integral parts of the Korean territory.

e. In an official report to the Korean government submitted by Mr. Shim Heung Taik, the county master of Ulneungdo, in 1906, there is a passage which reads, "Dokdo which is an island attached to this county..."

Judging from the historical facts, some of which are briefly outlined above, it is entirely an indisputable fact that Dokdo had been administered by the Korean officials who had been in charge of administering Ulneungdo until the Japanese compulsory occupation of Korea in 1910.

Thus, Korea, in whose service the discovery of Dokdo had been made, was naturally and peacefully given a real title of occupation and continuously managed and administered Dokdo for acquisition of her sovereignty over the island as an attached one to Ulneungdo.

II. In paragraph 5 of the said Japanese Government's views, it is

specified that in order that a nation may establish its territorial rights of any extension of land, it is required, according to the accepted ideas of modern international law, to have an intention of making the land a part of its territory and to exercise effective administration thereupon. In case of Dokdo, as mentioned above, Dokdo was discovered and occupied by Koreans and was administered by the successive Korean government authorities very effectively with a view to owning it as a part of its territory.

III. On the other hand, geographically speaking, it is only 49 sea miles from Ulneungdo to Dokdo, while 86 sea miles from Dokdo to Okishima of Shimane Prefecture. Dokdo can be seen even with naked eyes from Ulneungdo on fine days. Thus, Korea's continuous and effective administration of Dokdo also presupposed the comparatively short distance from the island to Ulneungdo, which Japan is by no means in a position to enjoy.

IV. The Japanese Government insists that prior to the compulsory occupation of Korea in 1910, it placed the island under the jurisdiction of the head of Okishima which belongs to the Shimane Prefecture, based on the so-called doctrine of "occupation" of the international law and that it administered the island since then. However, one of the most important conditions, so far as "occupation" is concerned, is that the land or island which is the object of occupation, should be ownerless one. As mentioned above, Dokdo had been by no means an ownerless

island prior to the so-called placing of the island under the jurisdiction of Shimane Prefecture which was done in 1905 illegally and in apparent violation of the international law.

In those days, about 10 years after the Sino-Japanese war, Japan forced upon Korea the so-called Korea-Japan Protocol and the Korea-Japan Agreement respectively on February 23, 1904 and on August 22, 1904, which the Republic of Korea asserts as null and void. Thus, Japan compulsorily made Korea "secure the services of Japanese diplomatic advisors to the Korean Government" and also she could "occupy any part of Korean territory, if necessary, from strategic standpoints."

Now, the Japanese Government pointed out that "the Japanese jurisdiction over the island had never been questioned by any foreign countries" after the notice No. 40 by the Shimane Prefectural government in 1905. However, the notice was stealthily made in disregard of Korea's sovereignty over the island established long before in such a manner as fishing in troubled waters in the confusion of the moment. Accordingly, the Government of the Republic of Korea cannot recognize that the notification thereof had been legally made by the Japanese Government directly to the then Korean Government through its normal diplomatic procedure. And such a mere notice by one of Japan's local governments does not affect by any means Korea's sovereignty over the islets.

The Japanese Government says that a Japanese national, Yozaburo Nakai undertook the catching of sea-lions near the island by building cottages

on the island for the fishermen he took there, probably for showing evidence for its exercise of effective administration of the island. However, according to chapter 5 of the history of Shimane Prefecture which was published in July 1923, the said Nakai also believed that Dokdo was definitely a part of the Korean territory. A passage of Chapter 5 of the said book reads, "Since Nakai believed the island to be a part of the Korean territory, in 1904 he went up to Tokyo and explained to the Japanese Ministry of Agriculture and Commerce about the island and on September 25 of the year applied to the Ministry for obtaining permission from the then Korean Government to lease the island."

In November 1904 the Tsushima, a Japanese man-of-war, sent in a report to its government to the effect that "scores of residents of Ulneungdo land at this island every summer, build cottages and engage in fishing activities near the island."

Thus, it will be clear to everybody that the stories of Nakai and Japan's battleship Tsushima clarify that Dokdo was owned by Korea and effectively administered by Koreans.

After 1907, the Japanese Government openly intervened in the internal affairs of Korea according to the so-called new Korea-Japan Agreement forced upon Korea in July 1907, which the Republic of Korea also asserts as null and void. Thus, Japanese nationals, including Ihohara Fumiichi recommended by the "Resident-General", conducted a survey on fisheries in Korea and Dokdo was referred to in the "Survey" as an island which belongs to Korea, though the "Survey" was compiled

by the Japanese.

In 1930, Mr. Hibata Sekko, one of the famous Japanese scholars, wrote a story about "Relations between Korea and Japan regarding Takeshima located in the Japan Sea" in No.6 of Volume 55 of "the History and Geography". A passage of the story reads: "Takeshima and Ulneungdo now belonging to the Kangwon Province of Korea are in the Japan Sea as the extreme eastern border of the Korean territory."

Judging from all the abovementioned facts and historical evidences both of Korea and Japan, it is very clear that the then Korean Government, regardless of the so-called notice by the Shimane Prefectural government, continuously exercised the territorial ownership of the island until 1910 when Korea was compulsorily occupied by Japan, because there had been no legal facts about extinction of Korea's territorial ownership of the island thus far.

V. In regard to the status quo of Dokdo after 1945, the condition is so clear to everyone that the Korean Government does not now consider it necessary to go into its deeper explanation than pointing out the facts about Korea's peaceful and continuous display of sovereignty over the islets since then.

VI. The Japanese Government referred to SCAPIN No.677 dated January 29, 1946, pointing out in the memorandum a sentence that "nothing in this directive shall be construed as the policy of the Allied Powers

concerning the final decision on the ownership of the small islands as referred to in Article 2 of the Potsdam Declaration."

In connection with Japan's arguments on the effect of this memorandum, the Government of the Republic of Korea is obliged to assert that Japan is holding an extremely superficial views on the Allied Powers' fundamental policy regarding the post-war disposition of territories of the former enemy countries.

The Korean Government again wishes to remind the Japanese Government that the said SCAPIN No.677 explicitly excluded the islets from the territorial possession of Japan and that the Peace Treaty with Japan did not provide any article contradictory to the articles of this SCAPIN so far as the issue on the Japanese territory was concerned. On the other hand, it can be understood that the Peace Treaty confirmed the SCAP's disposition on this matter without making any substantial change at all.

VII. Referring to Article 2 of Chapter I of the Peace Treaty with Japan which came into effect on April 28, 1952, the Japanese Government says that "Takeshima had been placed under the jurisdiction of Shimane Prefecture prior to the annexation of Korea to Japan, and continued to be so even after the annexation, not having been under the jurisdiction of the Government-General of Korea". In this connection, the Government of the Republic of Korea cannot recognize that Takeshima had been legally placed under the jurisdiction of Shimane Prefecture, as is explained in detail in Paragraph IV above.

Furthermore, what the Korean Government wants the Japanese Government to realize in this connection is the fact that, even during Japan's compulsory occupation of Korea, Dokdo was regarded as an attached island to Ulneungdo and managed by Ulneungdo fishermen. The "Korean East Coast", Volume 3 of the Survey on the Waterway of the Korean Coasts which was compiled by the Japanese Ministry of Navy in 1933 also proves the abovementioned fact to be true.

With regard to Article 2 a of Chapter I of the said Treaty, the Japanese Government says that the article does not specify that Dokdo is a part of the Korean territory like Chejudo (Qualpart), Kumundo (Port Hamilton) and Ulneungdo (Dagelet). However, the enumeration of these three islands is by no means intended to exclude other hundreds of islands on the Korean coasts from Korea's possession. If Japan's interpretation on this matter were followed, hundreds of islets off the western and southern coasts of Korea besides those three islands would not belong to Korea, but to Japan. If Japan, with such arguments, really asserts that "Takeshima constitutes a part of Japanese territory", is the Japanese Government going to claim territorial ownership over all the islands off the coasts of Korea except the three islands of Cheju, Kumun and Ulneung?

VIII. In the last part of the Japanese Government's views on Dokdo, it is stated that "Takeshima has been designated as one of the maneuver grounds for the U.S. security forces...", that "a sub-committee of the Joint Committee of the United States and Japan decided upon the exclusion

of Takeshima from the maneuver grounds on May 19, 1953..." and that the Japanese Government considers such measures have been taken "on the premises that Dokdo is a part of Japanese territory".

However, such premise is based on nothing but an interpretation entertained by the Japanese Government. The Japanese Government, on the contrary, should realize the fact that the Commanding General of the U.S. air forces officially notified the Government of the Republic of Korea that Dokdo was to be excluded from the designated maneuver grounds for the U.S. air force on February 27, 1953 in response to a protest lodged by the Government of the Republic of Korea.

IX. In conclusion, it is the view of the Government of the Republic of Korea that Dokdo is indisputably a part of the Korean territory in the light of its historical and geographical background and in view of the accepted idea of international law regarding the territorial ownership of the land.

Released in Tokyo on September 9, 1953.

12 . 1953 . 9 . 26 字 我側口述書

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, with reference to the unlawful landing on Dokdo, a part of Korean territory, committed by the Japanese Government officials, has the honor to notify the latter as follows:

According to the information received by this Mission, it has been revealed that at about 9:30 a.m. on Sept. 17, 1953, a Japanese wooden vessel (G.T. 62) belonging to the Japanese Fishery Examination Board infringed the Korean territorial waters surrounding Dokdo and at about 0.30 p.m. (on the same day) the Japanese officials including one of the fishery examiners, Mr. Tsudoshi Arai, illegally landed the said islets.

In connection with the abovementioned facts, the Mission informs the Ministry that the Government of the Republic of Korea has to view the situation with very deep concern, for it is believed that such unlawful acts by the Japanese have apparently been caused by the Japanese Government's failure in forestalling the occurrence of such case in disregard of the Mission's reiterated requests therefor including through its note dated Sept. 9, 1953.

Therefore, the Mission again lodges a most energetic protest with the Japanese Government against the intrusion into the Korean territory and territorial waters by Japanese nationals, and at the same time renews to the Ministry its request that the Japanese Government will take prompt and effective measures to prevent recurrences of similar cases in future.

Tokyo, September 26, 1953.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan and, referring to the latter's note verbale of September 9, 1953, has the honor to make the following representation:

Irrespective of the claim contained in the aforementioned note verbale, the Japanese Government consistently maintains, as heretofore, its views that the Take-shima is a part of the Japanese territory clear beyond and dispute from whatever points of view, history, geography or international law, the question is considered.

As regards the particulars set forth in the same note, the matter is now under study and the Mission will be informed of the Japanese Government's views in due course.

Tokyo, October 3, 1953.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan and has the honor to refer to the latter's note verbale of September 9, 1953, on Take-shima, and to state as follows:

1. The Japanese Government has carefully studied the enclosure of the above note of the Mission, "The Korean Government's refutation of the Japanese Government's view concerning Dokdo ("Takeshima"), and has found that the Korean Government's assertion in the present case derives from gross misunderstandings of historical facts, literature, etc., and, as such, fails to justify the Korean Government's claim to the possession of Takeshima.

2. In the course of the review, the Japanese Government has again confirmed that Japan's possession of Takeshima is complete, not only satisfying sufficiently all the necessary requirements of modern international law for territorial possession, but also because of the fact that Takeshima has been known to the Japanese since ancient times, considered as an integral part of the Japanese territory and utilized by them accordingly, while on the Korean part there are no comparable facts; and that Japan's possession of Takeshima has never been disputed by Korea.

3. Accordingly, in order to remove the erroneous concept entertained by the Korean Government regarding the indisputable fact that Takeshima

is a Japanese possession, there is enclosed herewith a statement setting forth the views of the Japanese Government in rebuttal of "The Korean Government's views concerning Dokdo (''Takeshima''), dated September 9, 1953.

Tokyo, February 10, 1954.

VIEWS OF THE JAPANESE GOVERNMENT IN
REFUTATION OF THE POSITION TAKEN BY
THE KOREAN GOVERNMENT IN THE NOTE
VERBALE OF THE KOREAN MISSION IN
JAPAN. SEPTEMBER 9, 1953, CONCERNING
TERRITORIALITY OVER TAKESHIMA

(日本政府見解 2)

1. The Japanese Government has carefully examined the views of the Korean Government on the subject at issue. The Japanese Government welcomes the fact that the Korean Government is attempting to establish its position on the basis of various data, and believes that if the question could be studied openmindedly by the two governments with such an attitude a just conclusion would be reached in due course,

2. However, it is to be regretted that the grounds cited by the Korean Government to substantiate its arguments are by no means compatible with its supposedly conscientious attitude. Quatations from literature and reference to events are inaccurate and misleading, and

do not serve the purpose of establishing the position of the Korean Government, some outstanding examples of which are cited below:

(1) As evidence of the alleged fact that Takeshima was known in Korea in ancient times, the Korean Government claims that both Woosando mentioned in "Tongkuk Yoji Seungnam" as having been explored by Kim Jaju are identical with the present Takeshima. But it fails to offer of the alleged identity. Besides, the reference to Kim Jaju as having been mentioned in "Tongkuk Yoji Seungnam" is erroneous. Kim Jaju is mentioned only in "Seijong Shillok".

On the other hand, the Japanese Government may point out passages in Korean literature which regarded Sambongdo or Woosando as none other than Ulneungdo.

In the description of Woosan and Munung in the above-mentioned "Seijong Shillok", there is a passage, next to the one referred to by the Korean Government, which reads: "At the time of Shilla the island was called Woosankuk and also was known as Ulneungdo." Also in the description of Woosando and Ulneungdo in "Tongkuk Yoji Seungnam," it is stated: "According to another version Woosan and Ulneung have been the names of the one and the same island." As for "Munhunchwalrok", it clearly explains the identity of the three, Sambongdo, Woosando and Ulneungdo, in the following words:

"Ulneungdo is situated in the seas due east of Uljin. When the weather is fine, the peaks and hilly range on the island can be clearly seen. On the island the land is spacious and fertile. Because bamboo

grows there, the island is called Chuto, and because the island has three high peaks it is also called Sambongdo. As for Woosan, Urung, Ulrung, Murung and Kijuk, they are corruptions."

With regard to the alleged fact that Takeshima has been known among the Koreans as Dokdo, no reference to such a name can be found in the old literature or old maps of Korea.

(2) It is alleged by the Korean Government that "according to Seijong Shillok, in 1695 Korean nationals including Mr. Ahn Yong Bok had been to Ulneungdo and Dokto and they energetically warned Japanese vessels not to approach these two island," and that thus, "The Korean kept Japanese nationals from infringing the waters of Ulneungdo and Dokto, which are integral parts of the Korean territory." However, the above mentioned description in "Shillok" is based on statement made by Ahn Yong Bok on being investigated upon his return by the Korean defence authorities and is largely fictitious. In particular, his statement that he met Japanese fishing craft in Ulneungdo and warned them to stay away from Ulneungdo and Dokto is utterly groundless. In that year no Japanese fishermen proceeded to Ulneungdo. On the other hand, the Korean Government arrested and exiled Ahn on the charge of having made an unlawful exit. It can easily be seen from the above fact that the Korean argument based on the Ahn Yong Bok case is not a well-founded one.

(3) As evidence that Takeshima has been owned and effectively administered by Korea, the Korean Government enumerates the following:

(a) Shim Heung Taik, the county master of Ulneungdo, reported in 1906, that "Dokto which is an island attached to this county....."

(b) Yosaburo Nakai, believing the island to be a part of the territory of Korea, requested the Japanese Ministry of Agriculture and Commerce to obtaining permission for him from the then Korean Government to lease the island.

(c) In an article by Hibata Sekko, Takeshima is described as the most eastern border of the territory of Korea.

(d) In the "Hydrographic Directory of Korean Coastal Waters", Takeshima is regarded as an island attached to Ulneungdo.

(e) In November 1904, the Japanese man-of-war Tsushima reported that scores of residents of Ulneungdo landed on Takeshima every summer and engaged in fishing near the island.

(f) A survey conducted by a Japanese national on fisheries in Korea referred to Takeshima as belonging to Korea.

However, in all cases the quotations from literature and the references to facts are inaccurate and none of them serves to substantiate the Korean argument, Japanese counter-arguments in refutation of the respective allegations follow:

(a) As the authentic original text is not cited, there is no way to present the views of the Japanese Government. But it should

be noted that in March of the same year (1906) a team of more than forty persons headed by Yoshitaro Kanda, a secretary of Shimane Prefectural Government, conducted an on-the-spot survey of Takeshima, which had been incorporated as a part of the prefecture the previous year, and on their way home visited Ulneungdo and saw county master, Shim Heung Taik, Kanda presented the county master with a sea-lion which had been caught at Takeshima, and the latter thanked Kanda for coming and for the present. If the county master had regarded Takeshima as belonging to Ulneungdo at that time, he would not have received Kanda in this way.

(b) The Korean Government's argument may have been based on the "History of Shimane Prefecture", compiled and published by the Educational Association of Shimane Prefecture in June 1923 (though the Korean Government refers to it as having been published in July). In this book it is stated: "Nakai submitted a request to the Home, Foreign and Agriculture and Commerce Ministries for incorporating Takeshima into the territory of Japan and for a lease of the island, and thereupon, at a cabinet meeting the three Ministries decided, in the light of the views of the Shimane Prefectural Government, to incorporate the island into the territory of Japan. "There is no passage in the book, as alleged by the Korean Government, stating that Nakai requested the Ministry of Agriculture and Commerce to obtain permission from the then Korean Government for him to lease the island. Certainly, there is a passage reading: "Believing that Takeshima was

Korean territory, Nakai intended to go to Tokyo and prevail upon the Ministry of Agriculture and Commerce to allow him to apply for the lease of the island from the Korean Government." However, according to an account submitted to the Government of Oki Islands concerning Takeshima, Nakai believed that the present Takeshima had long been recognized and managed by the Japanese people. Therefore, the passage quoted above may be the result of some misunderstanding on the part of the compiler.

(c) In 1950 when the article in question was published Takeshima belonged to Shimane Prefecture, and not to Kang-Won Do of Korea. So the author was clearly in the wrong. The error of the author, as demonstrably shown in the manner of his treatment of the literature quoted in the article, arose from his ignorance of the fact that the island known as "Takeshima" in olden times was Ulneungdo and not the present Takeshima.

(d) A hydrographic directory is compiled for the convenience of its users and has nothing to do with the territorial jurisdiction over an island. Because Takeshima is an island having an bearing on navigation in the neighbourhood of Ulneungdo, the island was mentioned together with Ulneungdo. And then because Takeshima has a bearing also on navigation in the vicinity of the Oki Islands, it is mentioned in, "Southeast Part of Northwest Coast of Mainland", Book 2, Vol. II of the Hydrographic Directory of Coastal Waters of Mainland, under the heading

"Oki Islands and Takeshima". Thus, it is clear that the hydrographic agency did not treat Takeshima as an island attached to Ulneungdo.

(e) According to the "Hydrographic Directory of Korean Coastal Waters", the HIJMS Tsushima reported only that: "..... they were found on the eastern island thatched cottages of fishermen, which, however, had been shattered by rough weather." The passage quoted by the Korean Government, reading: "scores of residents of Ulneungdo land at this island every summer, and engage in fishing activities near the island," is an addition made by the compilers of the directory on the basis of hearsay, referring to conditions on the island in later years, and is not a report from the Tsushima. Besides the original reads: "those coming from Ulneungdo," instead of "residents of Ulneungdo" as erroneously quoted by the Korean Government. It is understood that they were Japanese and their Korean employees who later came from bases in Ulneungdo to Takeshima to catch abalone and gather wakame (sea-weed)

(f) While the source of this allegation is not indicated, it is presumed that the Korean Government refers to "Korean Fisheries (Hankuk Soosanji), compiled by the Fisheries Bureau, the Department of Agriculture, Commerce and Industry, of Korea, and issued in May 1910.

However, in Book 2 concerning fisheries on the east coast of Korea, the name of Dokto is not found anywhere. In view of their locations, none of the so-called "Takeshima" mentioned there can be identified with the island of Takeshima now in question.

(4) It is stated in the note verbale that, under the terms of the Japan-Korea Protocol and Japan-Korea Agreement, dated, respectively, February 23 and August 22, 1904, Japan made Korea "secure the services of Japanese diplomatic advisors to the Korean Government" and also could "occupy any part of Korean territory, if necessary, from strategic viewpoints." But, it should be noted that, of the two quotations, the former should read: "The Korean Government shall engage as diplomatic advisor to the Department of Foreign Affairs a foreigner recommended by the Japanese Government...." (Section II of Japan-Korean Agreement), and, as a matter of fact, Mr. Stevenson an American, was engaged. It should also be noted, with regard to the latter, that, apart from the inaccuracy of quotation, the provision in question merely amounted to an arrangement to enable Japan to occupy temporarily such strategical places as might be required for attaining purpose of safeguarding the territorial integrity of Korea, during the Russo-Japanese war, and had nothing to do with any measure to incorporate Takeshima into Japanese territory.

(5) It is argued by the Korean Government that the territorial provisions in the Peace Treaty merely confirm, without making any substantial change, the cessation of Governmental or administrative authority of Japan as directed by SCAP Memorandum SCAPIN No.677 dated January 29, 1946.

However, it should be noted that, of the Nansei islands south of 30°N over which Japanese authority was suspended by the abovementioned Memorandum, those north of 29°N were restored to the administrative of

the Japanese Government by the SCAP Memorandum of December 5, 1951, and the Amami Islands were also returned to Japanese jurisdiction in December 1953. It has further been ascertained that Japan still possesses "residual sovereignty" over the other islands of the Nansei Islands, Nampo Shoto south of Sofu Gan, Parace Vela and Marcus. At the Sanfrancisco Conference, United States delegate John Foster Dulles made it clear that the Habomai Islands over which Japanese authority had been suspended by the aforesaid SCAP Memorendum were not to be included in the Kurile Islands to which, under the terms of the Peace Treaty, Japan had to renounce all right, title, and claim.

Even from the standpoint of actual steps taken, the abovementioned facts demonstrate that there is no relationship between the aforesaid SCAP Memorandum and the Peace Treaty.

3. The following are requisite, under modern international law, to the acquisition of territory:

- 1) Intention of State to acquire territory;
- 2) Public announcement of the intention; and
- 3) establishment of adequate power to control the territory.

As international law, however, had no application to Japan before the opening of the country to foreign intercourse, it can be considered that Japan has sufficient grounds for possession of the territory if Japan regarded and treated it as her own territory and if

this was not disputed by any other country.

In olden times Takeshima was known to the Japanese by the name of "Matsushima" and regarded by them as a part of the territory of Japan and utilized by them in navigation and fishery. At the time of the Third Shogun Iyemitsu of the Tokigawa line, the Shogunate Government permitted two merchant families of Yonago, the Otanis and the Murakawas to control over Takeshima, and the island was used as an intermediate anchorage for voyage to Ulneungdo. Furthermore fishing and hunting were engaged in by the Japanese on and around Takeshima.

The following are literature showing what has been stated above:

"Inshu Shicho Gakki" (A record of what has been seen and heard of inshu by Izumo Clansman Saito——The 7th Year of Kammon (1667)

"Otani Kyuuyemon Shuki" (A Sketch by Otani Kyuuyemon Katsunobu—The 9th year of Enpo '1st year of Tanwa, 1681')

A verbal note addressed to the Nagasaki Magistrate's office by Otani Kyuuyemon Katsufusa——The 1st year of Kampo (1741)

"Takeshima Zusetu" (a map with remarks by Tokugan Tsusn——Horeki Era (1750-63)

"Chosei Takeshima Ki" (A note on takeshima by Tada Takesama——The 1st year of Kyowa (1801)

In addition, there are many old maps, made around the middle of the Edo Era and after, which show the island as a part of the territory of Japan, for instance, the maps mentioned below:

"Takeshima Zu" (A map of Takeshima) which has long been in the possession of the family Feudal Lord Ikeda of the Tottori Clan made in the Horeki Era (1720s).

"Nihon Yochi Rotei Zenzu" (A complete map of Japan) by Nakakubo Sekisui the 4th year of An'ei (1775)

Of the above maps, the one possessed by the Ikeda family is a copy of a map made by order of Shogunate Government and submitted to them, and therefore it is a map with an official character and shows that people in those days had a very accurate geographical knowledge of the island now known by the name of Takeshima.

On the other hand, what has been mentioned by the Korean side offers nothing to confirm that Korea recognized Takeshima as a part of her territory and utilized it in olden days.

When viewed from the historical facts, there is, in the light of the fact that the Korean authorities had followed the "policy of non-inhabited island" for a long period since the beginning of the Li Dyansty in respect to Ulneungdo, no reason to think that Korea extended her control administratively or otherwise to an isolated island further out than Ulneungdo.

As can be seen from the foregoing, since olden times Takeshima had been known to the Japanese, considered as a part of the territory of Japan and utilized by the Japanese whereas there has been no such facts on the part of Korea. Moreover, the territorial rights to the island have never been disputed between Japan and Korea. Therefore it may be concluded that Takeshima has been a part of the Japanese territory

since olden days.

4. With regard to the requirements for acquisition of territory under modern international law, it should be mentioned that the intention of the State to acquire the territory was confirmed as a result of the decision made at a Cabinet meeting on January 28, 1905, for the adding of Takeshima to the territory of Japan and that on February 22, 1905, a public announcement of the intention of the State to acquire the territory was made by a notification issued by Shimane Prefectural Government.

As this was in accordance with the practice followed by Japan at that time in announcing her occupancy of territory, the above measure taken for the public announcement of the intention of the State has satisfied the requirement under international law in this respect.

In addition to the above, it is theoretically necessary to establish adequate power to control the territory in order to complete its possession. It may be stated, in this regard, that on-the-spot surveys were made in respect to Takeshima by Governor Takekichi MATSUNAGA of Shimane Prefecture in August 1905 and by a party of more than 40 persons headed by Yoshitaro KANDA, Chief of the 3rd Division of the Shimane Prefectural Government, in March the following year, and that the area of Takeshima was entered in the terrier as Government-owned land on May 17, 1905, on the basis of a report submitted by the Governor of Iki Island.

With regard to sea lion hunting around Takeshima, the fishery

control regulations applicable to this industry were amended on April 14, 1905 by Shimane Prefectural Order No. 18, whereby a license system was adopted for sea-lion hunting, and on June 5 the same year, licenses were issued formally to four Japanese including a certain Nakai. Since then there had been ups and downs pertaining to the industry, but it was carried on until its discontinuation in 1941 owing to war developments, and licenses annually paid in fees to the national treasury for use of the Government-owned land. It may be added that the said fishery control regulations governing the operations around Takeshima have been amended several times in the past.

On August 17, 1940, Takeshima was taken over by the Kure Naval Station as naval property and Choshiro YAHATA who had the right to hunt sea lions there was granted permission to use the naval property with a written order containing directions for its use issued by the Commander-in-chief of the Naval Station.

The above-mentioned facts show that Japan continuously exercised control over Takeshima. Thus it can be seen that Japan has fully satisfied the conditions under modern international law for the possession of Takeshima.

5. Although the Korean side has recently taken up the question of ownership of Takeshima, it may be proved by the following facts that Korea did not consider the island as her possession before and long after the placing of Takeshima under the jurisdiction of Shimane Prefecture in 1905.

(1) In the edition of the 5th year of Kwang Moo (the 34th year of Meiji; 1901) of "Tai Han Chiji" (a geographical description of Korea: its second edition in two volumes was printed in the 9th year of Kwang Moo) by Hyun Byun the eastern limits of Korea are shown as extending to long. $130^{\circ}35''$. and Takeshima is not included in the territory of Korea. As the author was on the staff of the Education Department of the Korean Government and the book has a preface by the Director of Compilation Bureau, Mr. Hyun is considered to have been an authoritative writer in his time.

(2) According to a book by Taipaik Kwangno entitled "Hankuk Tongsa" (History of Korea) printed in the 4th year of Chinese Republic (the 4th year of Taisho, 1915), the eastern limits of Korea are situated at long. $130^{\circ}50'E$, without Takeshima being included in the Korean territory.

This book was written by one of the Koreans who planned the independence of Korea in opposition to Japanese rule in Korea. He, therefore, ought to have taken up Takeshima if he had any concern about it.

6. In short, nothing can be found from the explanations of the Korean side and from the results of our investigations to prove that Korea has had possession of Takeshima since olden days or that she had administered the island effectively.

On the other, Japan's ownership of Takeshima is entirely beyond doubt from the viewpoints of historical facts and also of requirements under international law for the acquisition of territory.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan, and, with reference to the unlawful landing on the Takeshima, a part of Japanese territory, and the unlawful fishing activities in the territorial waters of Japan proximate to the same islands committed on the part of Korean nationals, and the planting of a landmark by Korean officials in the same islands, has the honour to notify the latter as follows:

1. According to investigations conducted by the Japanese Government the following facts have been disclosed:

(1) On May 23, 1954, the "Tsugaru," a patrol boat of the Maritime Safety Agency, of Japan, while proceeding to the Takeshima Islands so as to make a field investigation there, witnessed more than thirty fishermen, apparently Korean nationals, who used three motor-driven boats all of about five tons, and one under the Korean flag, and also four barges, unlawfully landing on the islands and engaging in fishing operations in the waters proximate to the islands.

Further it was observed that the landmark previously planted by the Japanese Government had been removed and that instead on a steep face of rock on the slope in the islets had been carved in white certain Korean letters and a figure representing the Korean flag.

(2) On May 29, the "Daisen," an experiment ship of Tottori

Prefectural Fisheries Experiment Station, of Japan, while going to step at the Takeshima so as to make a survey of fishing grounds, discovered a group of about fifty Korean fishermen apparently from Ulneungdo, aboard a motor-driven boat of some ten tons and three barges, gathering sea-weeds on the seashore of the islets.

(3) In the above connection, it has to be noted that the May 23 issue of "the KUKJE SHIBO," a Korean paper, gives a news, illustrated with a picture, that some Korean officials arrived at the islets on May 18 and had Korean letters running "Dokdo, Nammyon, Ulneungdo, Kyongsangpukdo, Korea" and beside them a figure representing the Korean flag, carved by stonemasons on the mic-slope in the south-eastern part of the islets.

2. As has been clearly stated by the Japanese Government to the Korean Government on several occasions and also in great detail especially in the Ministry's Note Verbales, addressed to the Korean Mission, No.186/A2 dated July 13, 1953 and No.15/A2 dated February 10, 1954 respectively, it is an indisputable fact that Takeshima is a part of Japanese territory.

3. The Japanese Government, viewing with serious concern the situation in which, as referred to above, the unlawful invasion into part of Japanese territory as well as the unlawful fishing operations in the territorial waters of Japan were committed by Korean nationals

and an illegitimate landmark was planted by Korean officials, hereby files a most energetic protest with the Korean Government take prompt and effective measures in order to prohibit the above-mentioned unlawful fishing activities and remove the unlawfully planted landmark and further to prevent a recurrence of a similar case in future.

Tokyo, June 14, 1954.

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, with regard to the violation of the Korean territorial waters surrounding Dokdo, part of the Korean territory, by Japanese vessels and illegal landing on the same island by a Japanese national, has the honour to notify the latter as follows:

According to investigations conducted by the Korean Government, the following facts have been revealed:

1. About 10:00 a.m., May 23, a Japanese vessel of about 1,000 gross-tonnage armed with guns, intruded into the territorial waters surrounding the Dokdo island which is part of the Korean territory, and lay at anchor at a point about 250 meters off the coast of the island and remained for about two hours, making observation of the island.

2. About 3:00 p.m., May 28, 1954, another Japanese vessel of about 450 gross-tonnage entered the same waters without authorization. One of the crew-members totalling 13 aboard the said vessel came ashore the island, photographed a Korean land-mark and left there about 10 minutes later.

In this connection, it has to be concluded that the above acts of the respective Japanese vessels and the crewman in question constitute infringement of the Korean territorial waters and illegal entry into the Korean territorial waters constitutes a serious menace to the security of the Republic of Korea.

Accordingly, the Mission informs the Ministry that the Government of the Republic of Korea has to view the situation with the Ministry against the unlawful and threatening acts by the Japanese vessels and the unlawful landing by the said Japanese national on the Korean territory, requesting the Ministry to guarantee that there will be no recurrence of similar cases for the future.

Tokyo, June 14, 1954.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan, and, in regard to the intrusion into Takeshima, territory of Japan, and unlawful firing upon a patrol ship of the Maritime Safety Agency, which have been perpetrated by the Korean authorities, has the honour to make the following representations:

1. The "Oki", a patrol ship of the Maritime Safety Agency arriving in the neighbourhood of Takeshima on August 23, 1954 for investigation, and cruising the water 700 meters to the north-west of Nishijima of the said Takeshima, was, at 8:40 A.M., suddenly fired upon from the caves on the shore of Nishijima. The firing lasted for about 10 minutes and 600 rounds of shot were fired during the time. One of the bullets passed through the starboard battery room of the ship's bridge.

2. The Japanese Government has repeatedly made clear to the Korean Government that Takeshima is part of Japanese territory. As was stated in detail specially in the Ministry's Note Verbale No. 15/A2 dated February 10, 1954, addressed to the Korean Mission in Japan, the fact has been proved beyond doubt.

3. Having grave concern with the unlawful attack on a Japanese Government vessel by the Korean authorities mentioned above, the Japanese Government hereby lodges a most energetic protest with the Korean Government against the case, demands the formal apology of the

latter as well as the instant withdrawal of the Korean authorities on Takeshima, and requests that the Korean Government will, without delay, take effective and appropriate steps including the punishment of the persons responsible for the case, with a view to forestalling the repetition of a similar case.

It is added that the Japanese Government reserves the right to claim proper indemnity for damage sustained by the Japanese patrol ship above referred to.

Tokyo, August 26, 1954.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan, and, in regard to the intrusion into Takeshima, territory of Japan, fishing in the Japanese territorial waters around the island, and planting of landmarks and a lighthouse committed by the Korean authorities and nationals, has the honour to make the following representations:

1. Upon investigation made by the Japanese Government, the following facts have been revealed:

(1) The "Tsugaru", a patrol ship of the Maritime Safety Agency, arriving at Takeshima for investigation on June 16, 1954, found out about 25 Korean nationals fishing at and around Takeshima aboard 3 motor-driven boats and 3 barges of about 5 tons each.

(2) The "Nagara" and "Kuzuryu", Japanese patrol ships reaching Takeshima on July 28, 1954, discovered a barge and about 6 Korean nationals, who seemed to be those connected with the Korean Guard Force, erecting tents at the front of the caves in the north-western part of Nishijima.

Further, the reef in the north-west of the said island Korean letters were observed, which read" ※ " ;
and letters denoting that Takeshima is a Korean territory, and the national flag of Korea, were seen at several other places in the Island.

(3) The patrol ship, "Oki", arriving near Takeshima on August 23, 1954, confirmed that a white lighthouse of about 6 meters high had been erected on the northern point of Higashijima.

2. The Japanese Government, having grave concern with unlawful intrusion into the territory of Japan, illegal fishing operations in its territorial waters, and illicit planting of land marks and a lighthouse, hereby again lodges a strongest protest with the Korean Government against the case, demands the discontinuance of intrusion into Japanese territory by the Korean authorities and nationals and the removal of the unlawfully erected landmarks and lighthouse above referred to, and requests that the Korean Government will, without delay, take effective and appropriate measures to forestall the recurrence of similar cases.

Tokyo, August 27, 1954.

※ 原文에 漏落

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, with reference to the latter's Note Verbale No.140/A5 of August 26, 1954 regarding the so-called intrusion into the waters of "Takeshima" by the Korean authorities, has the honour to make the following representations:

1. At about 8 a.m. of August 23, 1954, an iron vessel approached Dokdo, a part of the Korean territory. The vessel was equipped with two guns and there were about 30 persons on the deck of the vessel.

2. The Korean officials there dispatched by the Korean CoastGuard Police, seeing the said vessel (later identified as a Japanese patrol boat named Oki) intrude to a point within 500 meters off-shore of the said island, issued the customary "stop-orders". The Japanese chose to ignore them and tried to approach the island with an obvious intention of unlawful landing on the island.

3. Under the circumstances, in order to enforce their entirely legal challenge, a warning had to be fired by the Korean officials there whose duties are to protect the said island of the Republic of Korea from any intrusion.

As repeatedly notified to the Japanese Government on many occasions, Dokdo is an integral part of the Korean territory. Irrespective of the Mission's request frequently made to the Ministry that the Japanese

Government take appropriate measures for preventing of the recurrence of intrusion into Dokdo by Japanese officials and nationals, this time, a patrol boat of the Japanese Maritime Safety Agency, equipped with arms, approached the said island in an attempt to make an illegal landing on the island, thus giving a serious threat to the Republic of Korea in her safeguarding of territory.

Circumstances being as such, the Mission hereby informs the Ministry that the Government of the Republic of Korea is not in a position to receive any protest from the Japanese Government in this regard. On the contrary, the Mission wishes to inform the Ministry that the Government of the Republic of Korea, having grave concern with the repeated intrusion into a part of the Korean territory by the Japanese officials and nationals aboard iron vessels equipped with arms, hereby files a most energetic protest with the Japanese Government against the unlawful act committed by the Japanese patrol boat.

The Mission further requests that the Ministry see to it that the Japanese Government take appropriate measures for prevention of recurrence of similar cases in future, taking it into consideration that such unlawful activities on the part of the Japanese side will create an adverse effect on the relations between the two countries.

Tokyo, August 30, 1954.

20 . 1954.9.1 字 我側口述書

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, in reply to the latter's note verbale of August 27, 1954 concerning the so-called intrusion into Takeshima, fishing in the waters around the island and planting of landmarks and a lighthouse by the Korean authorities and nationals, has the honor to state as follows:

The Ministry states in the note under reference as if the Korean authorities and nationals had committed unlawful acts. However, as repeatedly notified to the Ministry on many occasions, Dokdo is an integral part of Korean territory. And the Government of the Republic of Korea has the due right to exercise her territorial jurisdiction over the island and deems it quite legal and proper that Korean nationals engage in fishing in the Korean territorial waters around the island.

Accordingly, the Mission considers that the Japanese Government is by no means in a position to file any protest with the Korean Government against the activities on the part of the Korean authorities and nationals. On the contrary, the Mission must state that the Government of the Republic of Korea has a serious concern over a series of intrusion deep into the Korean territorial waters around Dokdo committed by armed patrol boats of the Japanese Government such as "Tsugaru", "Nagara", "Kuzuryu" and "Oki", for such unlawful acts constitute a serious menace to the security of the Republic of Korea.

Under the circumstances, the Ministry is notified that the Government of the Republic of Korea hereby again lodges a most energetic protest with the Japanese Government against a series of the unlawful acts as mentioned above and further requests that the Japanese Government immediately take most effective and appropriate measures for forestalling the recurrence of similar cases in future.

Tokyo, September 1, 1954.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan, and with reference to the latter's Note Verbale dated September 15, 1954 informing the Ministry that a light-house has been established by the Korean Government on Takeshima, a Japanese territory, has the honour to make the following representations:

The Japanese Government has already filed in the Note Verbale of the Ministry of Foreign Affairs dated August 27, 1954 the most energetic protest with the Korean Government against the unlawful erection of a light-house on Takeshima, a Japanese territory.

Viewing with serious concern the fact that the Korean Government has dared to inform the erection of a light-house in spite of the above protest, the Japanese Government hereby again draws the serious attention of the Korean Government to the fact that the erection of a light-house on Takeshima, a Japanese territory constitutes an unlawful act, and also explicitly informs the Korean Government that the Japanese Government cannot accept the communication concerning the planting of a light-house which has been made on the basis of the afore-mentioned unlawful act.

Tokyo, September 24, 1954.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan, and, in regard to the problem of the possession of Takeshima, has the honour to state as follows:-

1. The Japanese Government, being firmly convinced that Takeshima constitutes an integral part of Japanese territory, has refuted on several occasions in its official notes, especially in the Ministry's Note Verbale No. 15/A2 dated February 10, 1954, the Korean Government's contention that the said island should belong to Korea. However, the Korean Government utterly ignored the position of the Japanese Government. Despite repeated representations and serious protests of the Japanese Government, illegal acts have been frequently committed by Korean authorities and nationals, such as invasion of Takeshima, fishing in the Japanese territorial waters around Takeshima, and the planting of Korean landmarks and a lighthouse in the said island. Moreover, a Japanese patrol ship recently dispatched to investigate the situation of the island was suddenly fired upon from the island and suffered damage.

2. In as much as the issue is a dispute on territorial rights, involving interpretation of the fundamental principles of international law, the only equitable solution would be to refer the dispute to an international tribunal for a decision. Being most anxious to see a peaceful solution of the dispute, the Japanese Government hereby proposes

that the dispute be submitted to the International Court of Justice by mutual agreement of the Japanese and Korean Governments.

3. The Japanese Government is confident that the Korean Government, on its part, would also be agreeable to entrusting the final decision of this dispute to the most fair and authoritative organization, the International Court of Justice, and, therefore, expects to receive a favourable reply shortly.

The Japanese Government hereby pledges itself to comply in good faith with whatever decision the Court may reach.

4. The most desirable course to be adopted pending the decision of the Court would be for both Governments to seek all possible means to avoid further complications. Accordingly, the Ministry wishes to advise the Mission that the Japanese Government is prepared to confer with the Korean Government concerning joint interim measures to be taken for prevention of the occurrence of untoward incidents in and around Takeshima.

The Ministry request the Mission that the latter convey the above proposals to the Korean Government and inform the Ministry of the Korean Government's views on them.

Tokyo, September 25, 1954.

24. 1954.9.25 字 我側口述書

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, with reference to the Ministry's Note Verbale No.15/A2 of February 10, 1954 concerning territoriality over Dokdo (Takeshima), has the honor to state as follows:

1. The Government of the Republic of Korea has carefully studied the enclosure of the above note verbale, "Views of the Japanese Government in Refutation of the Position Taken by the Korean Government in the Note Verbale of the Korean Mission in Japan, September 9, 1953, concerning Territoriality over Takeshima," and has found what the Japanese Government quoted from various literatures and books as historical facts, were all inaccurate and also that the application of the so-called "occupancy", on which a title of acquisition of the territorial sovereignty is based, to the island of Dokdo was entirely inappropriate.

2. In the course of the review, the Korean Government has again confirmed that the above views of the Japanese Government on territoriality over Dokdo failed to make any substantial refutation against the Korean Government's views sent to the Ministry with the Korean Mission's Note Verbale dated September 9, 1953. Further, the said Japanese Government's views failed to prove the Japanese ownership over the said island in the light of historical facts and of modern

international law.

3. On the other hand, the above views of the Korean Government, with various evidences, sufficiently proved the Korean ownership over Dokdo from the olden times and Korea's effective management of the said island.

4. Accordingly, in order to remove the erroneous concept entertained by the Japanese Government regarding the indisputable fact that Dokdo is a part of the Korean territory, there is enclosed herewith a statement setting forth the views of the Korean Government in refutation of the position taken by the Japanese Government concerning Territoriality over Dokdo in the Note Verbale of the Japanese Ministry of Foreign Affairs dated February 10 , 1954.

Enclosure: The Korean Government's View Refuting the Japanese Government's View of the Territorial Ownership of Dokdo (Takeshima), as Taken in the Note Verbale No.15/A2 of the Japanese Ministry of Foreign Affairs Dated February 10, 1954.

Tokyo, September 25, 1954.

独島(竹島)領有에 關한 一九五四年 二月
十日字 重二第十五号 日本外務省의 覺書
로서 日本政府가 取한 見解를 反駁하는
大韓民国政府의 見解(韓國政府見解2)

一. 大韓民国政府는 標題件에 關한 日本政府의 見解를 慎重히 檢討하였다.

그러나 日本政府가 歷史的事實으로서 各種文獻과 史蹟을 引用한것은 다 不正
確하고 또 独島所有에 對한 國際法上的 諸條件을 充足시켰다는 日本政府의
主張도 亦是 全然 根拠가 없다. 大韓民国政府는 다음의 歷史的事實을 例
舉하므로써 日本政府가 取한 見解를 論駁하려고 한다.

(1) 韓國政府가 歷史的 文獻上에 나타나는 于山島와 独島(日本의 所謂 竹島)
와의 同一性을 主張한데 對하여 日本政府는 韓國이 이 主張을 支持할만
한 証拠書類는 提出치 못하였다고 非難하였다. 그러나 이러한 証拠는
이미 日本側에 提示되어 있다. 韓國政府는 日本政府가 提示한 反對意見
이 그 論拠가 虛心坦蕩하게 解釋하지 않고 專斷的인 臆測에 基礎를 두
고 있다는 것에 疑心할 餘地가 없다는 것을 再言하고자 한다.

이제 韓國政府는 文獻上的 于山島가 現在의 独島(日本의 所謂 竹島)
를 가리키는 것이 더 疑心할 餘地가 없음을 다시한번 指摘하지 않을수
없다. 따라서 于山島, 三峰島, 그리고 鬱陵島의 各名稱이 同一한 섬(島)
을 指稱한 異稱에 不過하다는 日本政府의 見解는 何等 根拠가 있는 것
이 아니라고 말하지 않을수 없다.

于山島와 鬱陵島가 두개의 別島라는 것을 区々히 說明할 必要가 없다.
그러나 다시한번 誤解가 없도록 明確을 期하기 爲하여 이에 「世宗實錄
地理志」와 「新增東國輿地勝覽」에서 다음의 記事를 引用하고자 한다.

「于山과 武陵의 두섬(島)이 蔚珍郡의 正東쪽 海中에 位置되고 또 이
두섬의 距離가 그리 遠隔이 아니기 때문에 日氣가 晴明한때는 이두섬
서로가 望見할 수 있다」 (世宗實錄地理志)

「于山島와 鬱陵島 이두섬(島)은 蔚珍縣의 正東쪽 海中에 位置되며 云々」(新增東國輿地勝覽)

上記 引用文과 같이 于山島와 武陵島(鬱陵島)의 두섬(島)은 蔚珍縣의 正東쪽 海中에 位置된 別島이다. 더욱 이두섬(島)은 서로 떨어져 있으나 過히 멀지않기 때문에 日氣가 晴明할때는 서로가 望見할 수 있다고 添記되어 있다. 上記의 說明한 証拠로서 이于山과 鬱陵의 두섬(島)은 決코 同一한 섬(島)을 가리키는 것이 아니고 明確히 두개의 分離된 섬(島)으로 認定하지 않을수 없다. 日本政府는 이같이 明確히 認定된 事實을 率直하게 認定하지 않고 도리어 이 事實을 否認할 企圖下에 上記 本文에 添記되고 있는 다음의 句節만을 盲目的으로 引用하고 있다 即 「世宗實錄」 前記本文에 添記되어 있는

「新羅時 稱于山國，一云 鬱陵島」라고 한것과 「新增東國輿地勝覽」 前記本文에 添記되어 있는

「一說 于山鬱陵本一島」라고 한것을 引用 提示하였다.

그러나 이것은 이 記事가 表示하는 바와 같이 그 前者에 있어서는 新羅時代에 있어서의 「于山國」을 말한 것이지 「于山島」(輿地志에 于山島를 于山國의 一部이라는 것을 表示)를 말한것은 아니다. 그리고 그 後者에 있어서는 漠然한 「一說」에 지나지 않는다. 따라서 이 引用文은 「世宗實錄地理志」와 「新增東國輿地勝覽」이 編纂된 當時 二島 二名으로 確認된 事實에 決코 影響을 미치게 하지는 못한다. 더욱이 地理的 知識이 發達되지 않았던 時代에 있어서는 同一地域에 異稱이 생기고 이것이 原名과 混用하여 오다가 二島 二名으로 分析되는 實例는 一々히 每舉키 어려우나 特히 日本學者 田保僑潔氏의 松島竹島에 關한 學究的인 論證에서도 그 좋은 實例를 찾아볼 수 있는 바이다. 即 田保僑潔氏는 日本이 該地域에 關하여 地理的知識이 欠乏되어 있던 明治初

期에 있어서 松島, 竹島라는 名称이 鬱陵島一島를 指稱하였고 그것이 다. 시 鬱陵島와 独島(日本 所謂 現在의 竹島)를 各々 指稱하게 되었다. 同時에 鬱陵島를 가리키는 竹島라는 名称이 独島(鬱陵島의 附屬島)의 名称으로 指稱되었다는 事實을 學究적으로 論證한바 있었다.

日本政府가 「世宗實錄」과 「新增東國輿地勝覽」에 明確히 나타나 있는 于山, 鬱陵 二島認知의 事實을 認定하여야 할 本文의 記事를 故意로 無視하고 다만 無根拠한 說을 引用 提示하거나 또는 于山國을 故意로 于山島로 看做하려는 그 態度는 日本政府의 所期의 目的에 何等의 도움이 되지 못할뿐 아니라 도리어 日本政府가 이 問題를 公正無私하게 取扱하려는 意思가 無하다는 것을 明白하게 나타내는 것에 不過하다

日本政府는 또한 「文獻撮錄」의 記事를 들어서 于山島, 三峰島, 鬱陵島의 三島가 同一의 섬(島)이었다는 論拠를 삼고 있으나 그것은 「文獻撮錄」 自体가 李朝末葉에 있어서의 單純한 個人隨錄에 지나지 않은 것이며 또 世宗實錄과 같이 歴史的 地理的 事實과 그 變遷을 밝히는데 도움이 되는 文獻的 價值는 全無한 것이라는 것을 指摘하여 둔다. 이 같은 論拠의 提示로서 日本政府가 내리는 그 結論이야말로 索強附會의 理論에 不過하다.

- (2) 日本政府는 安龜福에 關한 「肅宗實錄」의 記事를 安龜福이가 煥京時 韓國防衛當國에 依하여 調査當할時의 陳述한 것에 基礎를 두고 있는 것으로서 매우 假想的인 것이라고 主張하고 있으나 「肅宗實錄」에서의 記事는 安龜福事件의 顛末을 提示하여 주는 歴史的 事實로서 하나의 聲明이거나 또는 假想的인 것이 아니다. 韓國政府는 이 歴史的 事實을 明確히 하기 爲하여 本件에 關하여 거듭 다음과 같이 說明하고자 한다.

肅宗實錄(卷三〇) 二十二年九月 戊寅條에는 틀림없이 다음과 같은 記事가 적혀 있다.

「備辺司(當時의 特殊國務委員會) 安龜福等에 묻기를 本島(鬱陵島)에 이르러 倭船이 또한 많이 來泊하여 있음으로 船人이 다 놀래서 소리를 질러 鬱陵島가 本來 우리나라 땅이다. 倭人이 어찌 우리나라땅에 넘어와서 侵略을 하느냐고 船頭에 나서 크게 꾸짖으니 倭가 말을 하되 우리는 本來 松島로 가니 偶然히 고기를 잡으러 왔다가 이번에 마땅히 本所로 돌아가는 바이다. 이에 松島는 即 于山島라 또한 우리나라의 땅이라 네敢히 여기에 갈수 있느냐고 꾸짖다 뒷날 아침이 되매 배를 저어 于山島에 이르니 倭等이 바야흐로 솔을 벌려놓고 기름고기를 지지는 지라 이에 솔을 깨틀고 배를 두두리며 큰소리로 꾸짖으니 倭等이 거둬서 모아 배에 싣고 돛대를 올려 돌아가다.」

다시 「增補文獻備考」(卷三十一) 蔚珍, 于山島, 鬱陵島條에도 다음과 같은 記事가 있다.

「섬은 蔚珍縣의 正東海中에 있고 成宗二年에는 따로 三峰島를 告하는 者가 있어 이에 朴宗元을 시켜 가서 보게 하였다. 風濤로 因하여 다다르지 못하고 돌아왔다. 同行은 鬱陵島에서 하룻밤을 자고 單只 큰竹과 큰全鰓을 가지고 돌아와 아뢰되 섬가운데 사는 사람이 없더라(輿地志에 이르되 鬱陵島와 于山은 다 于山國地이다. 于山은 所謂 倭가 이르는 松島이다) 東萊 安龜福은 倭말을 잘하는데 돛을 달고 三晝夜를 걸려서 鬱陵島에 다다를때 倭船이 東쪽으로 부터 오거늘 龜福이 여러사람에 눈짓하여 倭를 결박하게 하였드니 船人이 겁을내서 덤비지 못하도다. 龜福이 혼자 앞에 나서 크게 꾸짖어 가로되 何故로 我境을 犯하였느냐 倭가 對答해 가로되 本來 松島를 向하는 바이니 마땅히 가겠노라고 龜福이 追擊하여 松島에 이르러 또 꾸짖어 가로되 松島는 即 于山島라 네가 于山이 我境인줄 또한 듣지 못하였느냐 그 솔을 부신즉 倭가 大驚해서 돌아갔다.」

卽 이때 安龜福等이 鬱陵島에서 日本人을 發見하고 不法犯境을 責하며
 于山(苧山)島(獨島, 松島)까지 追從하여 日本에서 말하는 松島는 곧
 我國의 于山島이라는 것을 論駁하여 日本人들로 하여금 撤去케 하였다.
 安龜福等은 이보다 三年前인 肅宗十九年(一六九三)에도 鬱陵島에 出漁하
 여 不法犯境한 日本人들에게 強制로 逮捕되었다가 그해에 送還된 일이
 있었다. 이때부터 韓日間에는 鬱陵島(日本人의 所謂 竹島) 附近의 漁
 業問題를 介在하고 三年間 紛糾을 거듭한 끝에 肅宗二十二年 二月(一六
 九六)에 이르러 日本政府는 鬱陵島(竹島)와 鬱陵島로 부터 單只 四十
 九海里的 距離에 있고 또 島根縣隱岐島로 부터 約 八十六海里的 海中에
 있는 그 附屬島(獨島)가 韓國의 領有라는 것을 再認定하고 以後 日本
 人の 이 地域으로의 出漁를 禁止케 하였다. 그러나 그後로 日本人의
 不法犯境이 있었음으로 上記한 바와같이 安龜福等은 肅宗二十二年 가을에
 再次로 이섬에 渡航하여 不法出漁한 日本人들을 追擊하고 日本에서 부르
 는 松島가 곧 我國의 于山(苧山)島(獨島)라는 것을 말하여 그들로
 하여금 이 地域을 撤去케 하였다. 이때 安龜福等 十一名은 다시 日本
 漁船을 追擊하여 玉岐島(隱岐島)를 거쳐 伯耆州에 까지 이르러 韓國의
 領域인 鬱陵 苧山 兩島에 犯境한 島主를 問責하고 그 罪狀을 直接 江
 戶城의 開白(將軍)에게 傳書하겠다고 主張하였다.

上記의 한 添記事實이 있은後 日本政府는 鬱陵島와 于山島(日本人의
 所謂 松島)가 韓國의 領有라는 것을 確認하고 이 두섬(島)이 古代부
 터 于山國의 領土로서 韓國에 歸屬한다는 것이 確認되어 以後 韓國政府
 에서는 三年에 一次씩 搜討官을 이 地域에 보내어 日本人의 犯境有無를
 調査하게 하기로 하였다. 이 事實以後 百四十年되는 憲宗三年(日本天保
 八年 一八三七)에는 日本政府는 「韓國의 竹島」(鬱陵島)에 密貿易한
 「石見國浜田藩八右衛門」을 死刑에 處하여 韓國政府에 對한 約束을 지키는

한편 兩島에 對한 韓國의 主權을 尊重한다는 約束을 시켰다.

이러한 嚴然한 歷史的 事實이 있음에도 不拘하고 「肅宗實錄」에 나타나는 安龜福의 記事를 假想的 無根據 云々이라고 말하는 日本政府의 論調는 歷史的 文獻의 價值를 一方的으로 抹殺하려는 故意的인 態度라고 볼 수 밖에 없다.

韓國政府가 安龜福을 追放한 것은 國法으로 出入을 禁止하고 있던 遠洋水域에 出漁한 그의 違法行爲에 對한 措置인 것이요 決코 國土의 主權問題와는 關係가 없는 것이다. 安龜福은 드디어 鬱陵 于山 兩島에 對한 韓國의 主權을 日本國政府에 再認시키는데 赫々한 功績이 있었다는데 비추어 死刑에서 減刑되어 流配된것에 不過한 것임을 알아야 한다.

日本에서 말하는 竹島의 地域이 日本의 主權下에 있던것이 아니라는 것을 日本政府側에서 公認한 事實로서는 다음과 같은 것을 들 수 있다.

江戸幕府의 樹立을 前後하여 伯耆州의 漁民들이 竹島渡航의 許可를 爲政當局에 請願하자 特히 日本 元和四年(一六一八)에는 江戸城으로 부터 伯耆州主人 松平新八郎에게 「朱印」을 下賜하여 이것을 所持한 漁民들로 하여금 每年 竹島地域에 出漁케 하였다. 朱印이라는 것이 그때 日本政府에서 外國과의 貿易을 公認한 船員에 限하여 下給된 證明인 것임을 日本史料에도 明白히 나타나 있는 바이다. 이 事實만으로서도 竹島의 地域이 當時 韓國의 主權下에 있었음을 日本의 上下各界가 自認하고 있었음은 歴々히 알 수 있다.

獨島가 韓國에 所屬하고 韓國人에 依하여 利用되었다는 証拠로서 提示한 事實에 關한 韓國政府의 見解를 日本政府는 文獻의 引用에 誤穢이 있었다는 것과 事實의 証拠가 不正確하다라고 反對理論을 提示하였으나 日本의 反駁이야말로 다음의 理論으로 根據가 없다.

a. 獨島를 鬱陵島의 屬島라한 鬱陵島郡守 沈興澤의 報告書에 對하여

日本政府는 韓國側에서 確實한 引用의 出典을 提示하지 아니 하였다고 하여 이에 對한 見解를 回避하였으나 그 原本은 現在 我國政府의 公文書綴中에 保管하고 있다. 大韓民國政府는 一九五四年 九月 九日 字 大韓民國政府의 見解에 指摘한 바와같이 獨島는 鬱陵島郡守의 管轄下에 있었다는 것을 되풀이 하려 한다.

이제 一九〇六年 三月 鬱陵島를 訪問한 神田一行에 言及하여 日本國政府는 郡守沈興澤에게 海驢一頭를 進貢하였다 말하나 이러한 事實이 없을뿐더러 「郡守는 이와같이 神田를 迎接하지 아니 하였었을 것이다」云々이라고 하는 日本政府의 主張은 造作에 지나지 않는다.

이에 關聯하여 大韓民國政府로서는 그 當時 日人들은 帝國主義 日本이 韓國에 強要하였기 때문에 韓國政府가 이를 無効로 認定하고 있는 所謂 모든 關係條約과 協定等を 口實로 하여 不法的으로 韓國領土에 上陸하여 調査等を 恣行할 수 있었다는 事實을 日本政府에 想起시키고 저 한다.

日本政府는 帝國日本이 一九〇四年 二月에 所謂 韓日議定書를 韓國에 強要한 것과 神田一行이 鬱陵島를 訪問하기 一個月前 一九〇六年 二月에 所謂 統監府를 設置하였다는 것을 喚起하여야 한다.

b. 島根県誌에 나타난 中井養三郎의 件에 對하여 日本政府는 「이 冊에는 大韓民國政府가 主張하는 바와같이 中井이 農商省에 對하여 當時의 韓國政府로 부터 獨島를 貸與받는 許可를 獲得하고자 出願하였다고 말한 句節은 없다」하고 繼續하여 確實히 다음과 같은 句節이 있다고 말하였다. 「竹島를 韓國領土라고 믿었기에 中井은 東京에 가서 韓國政府로 부터 그 島嶼의 貸與를 申請할 것을 그에게 許可하도록 農商省에 說伏하려고 하였다」

그러면 日本 政府가 提示한 이 句節은 大韓民國政府가 主張한 意味

와 무엇이 다른가? 다만 農商省에 「出願하였다」는 것과 「説伏하려고 하였다」는 것이 다를뿐이다. 中井이 独島를 韓國領土로 믿기 때문에 東京에 와서 韓國政府로 부터 貸與받을 것을 運動한 것은 事實이다. 日本政府는 中井이 隱岐島庁에 提示한 竹島에 關한 理由書에 依하여 「위에 引用한 句節은 編纂者側에서 어떤 誤解를 한 結果일 것이다」라고 말하였다.

이 點에 있어 日本政府는 引用된 句節이 全然 著者側에서 어떤 誤解를 한 結果이다라고 言明하나 韓國政府는 日本에 不利하게 引用된 句節이 모두 著者나 編纂者側의 誤解로서 일어난 것이라고 하는 日本政府의 主張은 諒解하기에 大端히 困難하다.

요컨대 中井이 韓國政府로 부터 独島를 貸與받을 것을 運動한(或은 運動하려고 한) 것은 一九〇四年 日本이 自称 独島를 島根縣에 編入하였다고 하는 一年前의 일이고 이때 日本人이 独島를 韓國領土로 믿었던 것은 숨길 수 없는 事實이며 또 實際로 独島는 韓國領土이었던 것이 事實이다. 이것 으로서 独島가 本來 韓國領土라는 것을 証明하고도 오히려 남음이 있다.

c. 桶田雪湖의 論說속에 있는 「竹島와 鬱陵島는 日本海 最東端에 있는 朝鮮領土다云々」 한말에 對하여 日本政府는 「著者の 誤解이고... 事實의 無知에서 일어났다云々」라고 말하나 著者는 自己의 知識대로 独島는 韓國領土라고 明記하였던 것이다. 著者와 日本人學者는 島根縣庁의 所謂 独島編入後 二十五年이 지나도 이 섬(島)을 韓國의 領土로서 看做하였다.

d. 日本海軍省에서 發行한 水路誌에 對하여 日本政府는 「水路誌는 使用者의 便宜에 依하여 編纂되었고 그 섬(島)의 領土管轄을 處理하기 爲한 것이 아니다」라고 主張하고 또 日本政府는 「竹島가 鬱陵島近傍의

航海에 關係되는 까닭에 鬱陵島와 같이 言及된 것이며 또 竹島가 隱岐島近傍의 航海에도 關係됨으로 日本本州 沿岸 水路志二卷第2編 「隱岐島와 竹島」라는 標題下에 日本本州 西北海岸 東南方編에서 言及되어 있다」라고 말하고 또 水路部 當局이 竹島를 鬱陵島의 屬島로 取扱하지 아니 하였다는 것을 말하고 있다.

이에 試驗삼아 一九三三年에 發行한 朝鮮沿岸 水路誌와 日本本州 沿岸 水路誌와를 가지고 竹島에 關한 記事의 詳略과 輕重을 比較하여 보면 朝鮮沿岸 水路法 第三編 朝鮮東海岸 「鬱陵島와 竹島」條에 竹島의 位置 地勢 產物과 其他事項을 詳細히 記述한데 比하여 日本本州 沿岸 水路誌 第二卷 日本海岸 「隱岐島와 竹島」條에는 다만 竹島의 이름만 記載하였을 뿐이다. (萬一竹島가 本來부터 日本의 所屬이었다면 日本本州 沿岸 水路誌에서 그 位置 地勢 產物等を 詳細히 記述하였을 것이다) 이는 獨島가 本來부터 鬱陵島에 屬한 섬(島)이며 또 地理的으로 鬱陵島에 屬하는 것이 가장 合理的인 까닭이고 또 上記事實로 判斷하여 日本 水路當局이 獨島는 韓國領土로 取扱한 것은 明白한 事實이다.

e. 朝鮮沿岸 水路誌에 記載한 日本戰艦 對馬의 報告事項에 있어서 竹島에 對한 記事에 關하여 日本政府는 어느部分은 戰艦의 報告에 根拠를 두고 또 어느 部分은 水路誌의 編纂者가 傳問에 依하여 後에 添加하였다고 主張하고 있으나 그렇게 分析하여 볼 何等의 理由를 우리로서는 發見할 수 없으며 設使 그렇게 分析한다 하더라도 日本海軍省이 水路誌를 公刊誌로서 編一畢한 것인 故로 水路誌 編纂者가 任意로 虛構한 事實을 記載한 것은 決코 아니고 確實한 資料에 依拠하여 記載한 것으로 보지 않으면 안되겠다. 記事의 原文을 다음에 引用하여 檢討하면

「島上에는 家屋을 建築할만한 極히 적고 一九〇四年 十一月에 軍艦對馬가 이섬을 實測할 때에는 東方島에 漁夫用의 菰草小屋이 있었으나 風浪때문에 甚히 破壞되었다 한다. 每年 여름이 되면 海驢를 잡기 爲하여 鬱陵島로부터 이 섬에 오는 者 數十名の 多數에 達할 때가 있다. 그들은 島上에 小屋을 짓고 每回 數十日間 仮居한다고 한다」
(朝鮮水路誌 第三編 「鬱陵島와 竹島」)

前後의 文勢로 보아 對馬艦이 獨島를 實測할 때에 發見한 菰草小屋은 鬱陵島의 住民들이 夏季의 漁撈를 爲하여 지은 小屋이라는 것은 否認할 수 없는 事實이다. 따라서 이 섬은 前부터 鬱陵島 住民이 恒常 利用하였다는 것이 確實하다. 그리고 大韓民國政府는 「前記記事中에 鬱陵島로부터 獨島에 온 사람은 日本人과 그들에 雇傭된 韓国人이다」라고 하는 日本政府의 斷言은 全然 根拠가 없는말 이라고 認定하는 바이다.

4. 第一次 韓日協約 第二項은 「韓國政府는 日本政府가 推薦하는 外國人一名을 外務部의 外交顧問으로 雇傭하여야 한다云々」라고 되어 있었더라고 하고 「事實上 美國人「스티븐스」가 雇傭되었다」라고 日本政府는 論하였으나 實地로 日帝는 韓國의 外交權을 奪取하기 爲하여 스氏를 앞잡이로서 韓國의 外交顧問으로 採用하도록 強要한 것은 歷史가 証明하는 바이다.

日帝侵略을 美國人 스氏가 責任을 져야 하고 日本帝國主義는 責任이 없다는 바와 같은 論調를 日本政府는 使用하였으나 이것은 理致에 닿지 않을 뿐더러 言語道斷이다. 또한 日帝의 侵略은 韓國의 全域을 對象으로 하였고 韓國領土에 對한 奪取를 꾀하였는 것이다. 日本政府가 主張하는 바와 같이 「다만 露日戰爭 期間 韓國의 領土保全을 保護할 目的을 遂行하기 爲하여 必要한 戰略上의 場所를 暫時 占領할

수 있도록 하는 協定과 같다.]는 日本政府의 論調는 首肯할 수 없다. 그 理由는 日本政府가 「暫時」라는 用語를 使用하고 있으나 實相은 當時 日帝政府는 永久的이고도 根本적인 侵略 計劃下에 모든 것을 遂行하였던 것이다. 大韓民國이 이 두 協定の 無効를 主張하는 理由의 하나이다.

5. 講和條約의 領土條項은 一九四六年 一月 二十九日字 「스켄인」 第六七七號의 「스켄」 覺書에 依하여 이루어진 日本의 政治上 또는 行政上 權能의 停止措置를 實質的 變化를 加함이 없이 確認한 것이었다」고 韓國政府가 主張한데 對하여 日本政府는 「그러나…… 日本의 權能이 上記 覺書에 依하여 停止된 北緯三十度 以南의 南西諸島에 對하여는 北緯二十九度 以北의 諸島는 一九五一年 十二月 五日字 「스켄」 覺書로서 日本政府가 行政管理를 回復하였으며」라고 主張한다. 日本政府는 日本의 行政權이 停止된 地域의 一部分을 日本에 返還하는 一九五一年 九月 對日講和條約 調印 以後「스켄」 또는 美國政府가 取한 措置를 列記하고 있는 것이다. 그러나 一九五一年 十二月 五日字 「스켄」 覺書 또는 美國政府에 依하여 日本政府의 行政管理權 回復하였다고 日本政府가 主張하는 이들 섬(島)은 이 美國을 唯一한 管理權者로 指定한 國聯의 信託統治下에 있었던 섬에 지나지 않는다.

이미 日本政府에 指摘한 바와 같이 「스켄인」 第六七七號에나 또는 對日講和條約에도 獨島領有에 對한 大韓民國 政府의 正當한 主張이 矛盾되는 條文은 없다. 그리고 이 條約 第一章 第二條 a項에 關하여 大韓民國政府는 「三個의 重要島嶼의 列記는 決코 獨島를 韓國領有에서 除外하려 하는것은 아니다」라는 見解를 가진다. 또 鬱陵島의 一屬島로서 獨島가 이 平和條約에 依하여 鬱陵島와 같이 韓國

領域으로서 承認되어 있다고 하는 意味로서도 解析된다.

日本政府로부터의 「徳川三代將軍 家光時代 幕府로부터 米子城(町)人 大谷村川 兩家에 對하여 竹島の 支配가 許可되고 鬱陵島에 渡航할 때에는 恒常 이 섬이 中間 碇泊所로 利用되고」 또 「竹島周邇에서 日本人이 漁撈에 從事하였다」고 하는 論拠에 對하여 大韓民國政府는 決코 座視치 않은 바이며 米子の 大谷村川 兩家は 鬱陵島(日本에서는 當時 所謂 竹島)方面에 遠洋 出漁하는데 許可를 얻은것 뿐이지 日本政府가 主張하는 바와 같은 「竹島를 支配하도록」하게 된 것이 아님을 指摘하지 않을 수 없다. 이 問題에 對하여 韓國政府가 前項의 第二節에 仔細히 論한 바 있음으로 여기에는 더 敷衍할 必要가 없다고 生覺한다.

日本政府가 「隱州視庁合紀」(隱州見問錄 一六六七年)와 「大谷九右衛門手記」(一六八二年)의 兩者를 証拠文獻으로서 提示하고 있으나 이들 文獻은 日本의 鬱陵島方面 侵略時代(一六一四年으로부터 一六九七年까지)에 著作된 것으로 大韓民國政府는 이를 証拠로서 無効라고 할 뿐 아니라 이에 關聯하여 韓國政府는 日本國民의 鬱陵島方面 出漁를 禁止한다는 日本側의 決定이 一六九七年에 韓國政府에 通告되었다는 點을 指摘하여 둔다.

日本政府는 數個의 古地圖를 들어 獨島가 中間碇泊地로서 使用되고 또 當時의 人民들이 이 섬에 對하여 正確한 地理的 知識을 가지고 있었다고 主張하고 있으나 大韓民國政府는 日本政府의 右主張이 獨島領有問題와 何等關係가 없다 하는 見解를 가진다. 地圖의 價值에 對하여 原圖가 없음으로 韓國政府의 見解를 提示할 方法이 없다.

前述된 바와 같이 鬱陵島에 對한 所謂 「空曠策」은 鬱陵島와 그 屬島인 獨島에 對한 領有權의 拋棄를 意味하는 것이 아니다. 그러므로

大韓民國政府는 「韓國政府 當局이 鬱陵島에 關하여 李朝初期 以來 長期間 「空曠策」을 繼承하였다는 事實에 비추어 韓國은 鬱陵島보다 더 멀어진 孤島에 行政的 또는 其他의 支配를 擴充하였다고 生覺할 理由가 없다」라는 日本政府의 論調는 到底히 容納할 수 없다. 韓國은 李朝 世祖以來 北辺 「廢四郡」에 對한 政策에서도 알 수 있는 것이나 所謂 「空曠策」 이라는 것이 領土에 對한 行政權의 拋棄를 意味하지 않은 것이 明白하다. 日本政府가 所謂 「空曠策」에 對하여 論駁하고 있지 만은 三年에 한번씩 鬱陵島의 獨島地域에 韓國搜討官이 派遣되어 있었다는 것을 想起하여야 한다.

日本政府는 現代國際法下의 領域의 取得要件으로

- (一) 領土를 獲得하는 國家의 意思
- (二) 國家意思의 公的發表 도
- (三) 領土를 支配하는 適當한 勢力의 樹立을 들고있다.

그러나 「日本이 竹島에 對하여 現代國際法에 依한 領有要件을 全部 充足시켰었다」라는 日本政府의 見解는 이에 다음과 같이 反駁된다.

- (一) 日本政府는 一九〇五年 一月 二十八日의 內閣會議에서 獨島를 日本領土의 一部로서 獲得하려는 意思를 가지고 竹島를 日本領土에 編入하기로 決定한 事實을 指摘하고 日本이 領土先占要件의 하나인 「領土를 獲得하려는 國家의 意思」라는 것을 充足시켰었다고 日本政府는 主張한다. 그러나 앞에 累々히 論述한 바와 같이 獨島는 韓國領土의 一部이었으며 決코 國際法上 先占의 對象이 될 수 없는 것이다. 따라서 疑心할 수 없는 韓國領土의 一部인 獨島가 마치 無主島라는 前提下에 理論을 展開한 것은 全然 語不成說인 것이다. 또 一九〇五年 一月 二十八日 日本의 閣議에서 韓國領土인 獨島에 對하여 領土編入을 決定하였다는 主張은 帝國主義 日本의 侵略的인 政策에서 나온 것이라 斷定하지 아니 할 수 없다.

- (二) 第二要件에 對하여 韓國政府는 日本이 「領土先占到 關한 國際法下의 取得要件으로 國家意思의 公的發表라는 要件」을 充足시켰었다는 日本政

府의 議論을 妥當하다고 認定할 수 없다. 島根県庁의 告示라 하는 것은 暗々裡에 施行된것으로 外國에는 勿論 日本의 一般國民에게도 알려있지 않았다. 그러므로 이를 決코 一國家의 意思의 公表라고 看做할 수는 없다. 日本이 無主島가 아니고, 韓國領土의 一部인 獨島를 日本領土의 一部로 編入시키기에는 全然 不可能한 일이다.

(三) 끝으로 所謂領土를 支配하는 適當한 勢力의 樹立에 關하여는 日本政府는 竹島에 對하여 日本의 官吏로 하여금 現地測量을 하였고 또 竹島水域海驢漁에 許可制가 採用되었다고 말하나 特히 一九〇四年 以來 日本帝國은 韓國全部의 強制占領을 目的으로서 測量 其他의 名目下에 公々然히 韓國侵略을 企圖하였다. 所謂 測量 또는 海驢는 日本의 侵略行爲의 하나에 不過하고 國際法下의 「領土支配權의 繼續的行使」와는 關係가 없다.

大韓民國은 一九四五年八月九日 解放된 以後 完全히 獨立하게 되었다. 그以後 또 駐韓 美軍政時代에 韓國은 이섬을 日本에 割讓한바 없고 따라서 獨島는 韓國領土의 完全한 一部로서 大韓民國이 維持하여 왔다.

(四) 日本政府는 두개의 韓國書冊에 關하여 論하여 마치 韓國은 以前에는 또 竹島가 一九〇五年 島根県管轄下에 있었다고 稱하는 때부터 長期間 竹島를 韓國領土로서 看做하지 않았던 것과 같이 言及하고 있다. 그러나 이 議論에 對하여는 이에 다음과 같이 反駁하고자 한다.

「大韓地誌」(玄采)와 「韓國痛史」(朴殷植)에 言及하여 日本政府는 이 兩書의 著者가 獨島에 對하여 關心을 가지고 있었다면은 獨島를 取扱하였을 것이다 라고 主張하고 있으나 兩著者가 獨島를 論及하지 않은 理由는 韓國을 概說하기 爲한 이와 같은 書冊에서 無人孤島의 名같이 記入할 必要가 없었던 것과 兩書叙述의 目的이 다른데 있었다는데 있다. 이에 關聯하여 大韓民國政府는 日本의 文部省이 日本人의 學校用으로서 認可한 現代의 地圖가 決코 獨島를 日本領土의 一部로서 取扱하고 있지 않다는 것과 日本全國教育圖書株式會社가 一九五二年六月十日에 發行한 標準世界地圖의

第六版圖에는 漢字 竹島의 音表로서 「다게시마」의 代身으로 로-마字로 「CHUKDO」日本가나로 (チ ュ ク ド)로만 써있다는 것을 日本政府에 想起시키고저 한다.

이와같이 이섬의 이름이 韓國語의 發音으로 되어 있으며 이는 이 地圖의 序言에 特히 指摘된 바와같이 이섬에 對한 韓國의 主權이 承認되었다는 것을 意味한다. 또 한便으로 보아 獨島가 鬱陵島의 屬島이었다는 것은 日本이 獨島를 島根県에 編入하였다고 稱하는, 當時의 文書에 完全히 記錄되어 있다. 이것은 「韓國新地理」를 編纂한 日本學者 田淵友彦이가 明白히 言明하였다. 同書(帝國百科辭典 一三四卷 一九〇六年 第二版) 三〇八頁와 이 책에 添附된 「韓國全圖」에도 竹島(리양고)를 韓國屬領으로 記述하였다. 이 事實로서도 日本이 이 섬을 韓國領土의 一部로서 看做하고 있었다는 것을 알수 있으며 또 田淵氏는 當時 獨島領有權에 對하여 事實 그대로를 記載하였다.

또 日本海軍省 編纂의 韓國沿岸水路誌(四五一頁로부터 四五二頁까지 明治四十年 發刊 改訂 第二版)에는 「韓國人은 “松島”라고 呼하고 日本漁民은 “리양고島”라고 呼稱하고 있다」고 記載하여 있다. 이 事實로서만 보더라도 韓國人은 「獨島(돌섬)」라고 하는 매우 適當한 이름을 使用하고 日本人은 「리양굴릭스」라는 外來의 이름만을 使用하였다는 것을 日本政府(海軍省)가 認定하였다는 것을 充分히 表示하고 있다. 이 섬에 關한 歴史的 現實的 背景으로부터 判斷하여 大韓民國政府는 「竹島가 옛적부터 日本領土의 一部이다」라는 日本政府의 結論이 無根이라고 確信하고 있다.

日本歴史辭典(第一卷 六六二頁 C項 十六-十七行 参照)에는 現在의 竹島라는 이름이 鬱陵島의 一屬島의 呼稱으로서 使用되게 되고 그 外國名 「리양크-르」云々으로 註記되어 있다.

이와같이 日本人이 普通 「리양고島」라고 呼稱한 竹島가 鬱陵島의 屬島

라는 事實은 이 辭典에 依하여 確認되어 있다.

(五) 要컨대 前述한 바와같이 日本政府가 所謂 歴史的 事實에 依拠하여 独島에 關하여 言明한 独島가 韓國領土의 完全한 一部分이라는 確固한 事實에 何等 影響을 주지 않는다. 이제 独島에 對한 韓國의 領有權 主張은 數次 返復言明한 바와같이 地理的으로나 法律的으로도 正當하고 適切하다는 것이 明白히 되었다. 이로써 大韓民國政府는 矛盾과 臆測에 充滿한 「一九五四年二月十日字 亜二 第十五号 外務省覚書로서 独島領有權에 關하여 日本政府가 取한 見解」를 容認할 수는 없다.

끝으로 大韓民國政府는 独島가 韓國領土의 完全한 一部分이라는 것에 全然 疑心할바 없음을 再次 明言하여 둔다.

一九五四年 九月 二十五日

東京에서

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan and, in reference to the unlawful acts perpetrated by the Korean Government such as the stationing of the Korean authorities in Takeshima, territory of Japan, the making of threats against Japanese Government vessels and the establishing of some facilities in the islands, has the honor to state as follows:

1. On the morning of October 2, 1954, the "Oki" and "Nagara", two patrol ships of the Maritime Safety Agency of Japan were approaching Takeshima from the southwest so as to make a field investigation there and, after making a circuit of the island, they were coming near a point 1.5 miles to the southwest thereof, when about 7 Korean Government officials suddenly took up their posts at a gun newly installed on a point of Higashijima, removing the cover off the gun and directing its muzzle at the ships.

2. The following facts were disclosed by the investigation as referred to above:

(1) Near the summit of Higashijima of Takeshima Islands there were erected, at a distance of 40 metres from each other, two poles approximately 10 metres high and apparently intended for wireless broadcasting.

(2) There were two houses built beside the poles.

3. The Japanese Government is firmly convinced that Takeshima constitutes an integral part of the Japanese territory. However, in an earnest desire to arrive at a final settlement by peaceful means of the dispute as to the territorial rights over Takeshima, the Japanese Government, by the Ministry's Note Verbale No.158/A5 dated September 25, 1954, proposed that the dispute be referred to the International Court of Justice by mutual agreement of the Japanese and Korean Governments.

4. The Japanese Government cannot but entertain serious concern about the fact that, in spite of the Government's proposal for a peaceful solution of the question, the Korean Government has continuously stationed its officials on Takeshima, made threats against the Japanese Government vessels by use of the newly installed gun, and erected the poles and houses which may be regarded as intended for wireless broadcasting. The Japanese Government, therefore, not only lodges a most energetic protest with the Korean Government against the case, but also demands a formal apology of the latter for the unlawful threats against the Japanese Government vessels, the instant withdrawal of the Korean authorities from Takeshima as well as the removal of the gun, poles and houses which have unlawfully been erected; and requests that effective and appropriate steps be promptly taken by the Korean Government with a view to preventing a recurrence of unlawful acts of a similar nature.

Tokyo, October 21, 1954.

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, with reference to the latter's Note Verbale of September 25, 1954 concerning problem of the possession of Dokdo, has the honor to transmit to the Ministry the view and decision of the Government of the Republic of Korea as follows:

1. As the Korean Government has clarified on many occasions, Dokdo was and is Korean territory from time immemorial. Thus, the Korean Government has refuted all kinds of Japanese allegations claiming territorial rights over Dokdo as not only groundless but also unjust. Inasmuch as the representations set forth in paragraph 1 of the aforementioned Note Verbale are merely a repetition of old ones and based on the utterly groundless assumption, unsupported by facts, that Japan has any territorial rights over Dokdo, the Korean Government refutes it for the same and obvious reasons and grounds as given before.

2. The proposal of the Japanese Government that the dispute be submitted to the International Court of Justice is nothing but another attempt at the false claim in judicial disguise. Korea has the territorial rights ~~ab~~ initio over Dokdo and sees no reason why she should seek the verification of her rights before any international court of justice. It is Japan who conjures up a quasi territorial dispute where none should exist. By proposing to submit the Dokdo problem to the International Court of Justice, Japan is attempting to

place herself on the equal footing, even provisionally, with Korea in relation to the so-called Dokdo territorial dispute, thus establishing quasi claims for Japan where there were none at the compromise of the complete and indisputable territorial rights of Korea over Dokdo.

3. Furthermore, the Japanese Government is reminded of the fact that Korea had been deprived of her sovereignty for over forty years by the imperial Japanese aggression. As the Japanese Government is no doubt well aware, the aggression took place by steps, culminating in the annexation of whole Korea into Japan in 1910. For all practical purposes, however, Japan had seized the power to control Korea in 1904 when Japan had forced upon Korea the so-called Korea-Japan Protocol and the First Agreement between Korea and Japan. It was one year after these agreements that the Shimane Prefectural Government allegedly incorporated Dokdo into its jurisdiction. Thus, Dokdo was the first Korean territory which had been made a victim of the Japanese aggression. Now, in view of the unreasonable but persistent claim of the Japanese Government over Dokdo the Korean people is in serious doubt if Japan is repeating the same course of aggression.

4. The surrounding facts being such, to the Korean people Dokdo is not merely a tiny island off the Eastern Sea. It is indeed the symbol of Korean sovereignty vis a vis Japan and the test case of the integrity of Korean sovereignty. Korean people is determined to protect Dokdo and thereby the integrity of Korean sovereignty. The Korean Government, therefore, can not let the Korean sovereignty over Dokdo be open to

question, if temporarily and even before the International Court of Justice.

5. Therefore, the Government of the Republic of Korea regrets to refuse the proposal of the Japanese Government that the Dokdo problem be submitted to the International Court of Justice. The Government of the Republic of Korea, however, will remain always ready to answer any questions relating to Dokdo, which the Japanese Government may have, until such time as the Japanese Government is convinced that Dokdo is an integral part of the Korean territory.

The Mission avails itself of this opportunity to renew to the Ministry the assurances of its high consideration.

Tokyo, October 28, 1954.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan, and with reference to the postage stamps, which are being issued by the government of the Republic of Korea and which show the island of Takeshima, a territory of Japan, has the honour to make the following representation:

1. Mail matters recently arriving in Japan from the Republic of Korea bear three kinds of postage stamps, all of which show unmistakably the island of Takeshima which belongs to Japan. Words in Korean letters, meaning "Republic of Korea Post" and "Dokdo" are printed on these stamps.

2. The Japanese Government has frequently protested to the Korean Government against the illegal occupation of Takeshima by the Republic of Korea, by making it clear that the island is an integral part of Japanese territory.

3. The Korean Government, while continuing to ignore the protests of the Japanese Government, is now issuing postage stamps picturing Takeshima, which cannot but be considered a piece of propaganda on the part of Korean Government to foist upon the world its spurious claim to ownership of a Japanese possession. The Japanese Government does hereby lodge with the Korean Government a solemn protest against its unfriendly act and request rectification.

4. Furthermore, the Korean Government is hereby notified that the Japanese Government reserves all measures it may take with respect to Korean postage stamps showing the Japanese island of Takeshima.

Takyo, November 29, 1954.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan, and has the honour to make the following representation with reference to the illegal bombardment on a patrol ship of the Japanese Maritime Safety Agency by the Korean authorities unlawfully occupying Takeshima, Japanese territory:

1. The "Oki" and "Hekura", two patrol ships of the Maritime Safety Agency, arrived in the waters adjacent to Takeshima on the morning of November 21, 1954, for investigation. When "Hekura" came to a point about three miles northwest of Nishijima, the Korean authorities unlawfully occupying the said island bombarded the ship with five cannon shells between 6:58 a.m. and 7 a.m.

2. With a view to settling the dispute concerning the ownership of Takeshima in a peaceful and final form, the Japanese Government has proposed the Korean Government to refer the case to the International Court of Justice. The Korean Government, however, has not only refused the proposal, but kept its authorities stationed in Takeshima, Japanese territory, in spite of the reiterated protests of the Japanese Government. The Korean Government, still continuing its unlawful occupation of the island, has further allowed its authorities to open fire upon a Japanese Government vessel.

3. The Japanese Government cannot but have serious concern about the continuance on the part of the Korean Government of such attitude as has been mentioned above regarding it as an act to endanger maintenance of international peace and security. While lodging a strong protest with the Korean Government against such unlawfulness, the Japanese Government demands immediate withdrawal of the Korean authorities from the island in question, removal of all the equipment including the guns, and a formal apology of the Korean Government, and requests that effective and adequate measures, including the punishment of those who are responsible for the incident, be promptly taken in order to prevent the recurrence of committal of an illegal act of similar nature in future.

4. The Japanese Government hereby declares that the Korean Government, so long as it continues to refuse the request, should be responsible for all complications arising from the Takeshima issues.

Tokyo, November 30, 1954.

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, in reply to the latter's Note Verbale of November 29, 1954 regarding the issuance by the former's Government of postage stamps which show the island of Dokdo, has the honour to state as follows:

1. The Ministry stated in its note under reference that the Korean Government has continuously ignored the protests which the Japanese Government filed against the occupation of Dokdo by the Korean Government. However, in this regard, the Japanese Government is reminded that the Korean Government has repeatedly clarified its view that the said island is an integral part of the Korean territory. And it is firmly believed that the Korean Government's view taken especially in the Mission's Note dated September 25, 1954, has sufficiently proved the Korean ownership of Dokdo from the standpoint of historical facts and modern international law. Thus, there can be no doubt that the Government of the Republic of Korea has due right to exercise her territorial jurisdiction over the island.

Accordingly, it must be concluded that the Ministry's contention that the Republic of Korea illegally occupied Dokdo, etc. is based on the utterly groundless assumption, unsupported by facts.

2. In connection with the issuance by the Korean Government of postage stamps picturing Dokdo, the Ministry said in the note as if the

Korean Government had attempted to foist upon the world some spurious claim to the island by issuing such Korean postage stamps. However, as pointed out in the foregoing paragraph, since Dokdo is indisputably a part of the Korean territory, the issuance of postage stamps picturing the island is well within the jurisdiction of the Government of the Republic of Korea. Therefore, such exception to the issuance of Korean postage stamps as taken by the Japanese Government is tantamount to the Japanese Government's undue act of interfering in an internal affair of the Republic of Korea.

In view of the abovementioned facts, the Mission considers that the Japanese Government is by no means in a position to protest to the Korean Government against its issuance of postage stamps showing Dokdo which is doubtless an integral part of the Korean territory.

Tokyo, December 13, 1954.

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, with reference to the latter's Note Verbale of November 30, 1954 regarding the so-called bombardment on Japanese patrol ships by the Korean authorities, has the honor to make the following representations:

I. a) About 5 a.m., November 21, 1954 two Japanese iron vessels intruded in the territorial waters around Dokdo Island, a part of the Korean territory. One of the vessels which was identified as PM-14 was equipped with two guns, and four or five persons were seen standing on the deck of both vessels.

Korean officials on duty on the island, sighting the vessels, PM-14 at anchor at a point, some 1,500 yards off Seudo (West Island), and another unidentified vessel at anchor at a point, some 1,500 yards off Tongdo (East Island), signalled the Japanese vessels to withdraw from the area, which however, was ignored by the Japanese.

b) Further, the Korean officials ordered the Japanese vessels to withdraw by smoke-screen. The said two Japanese vessels, in total disregard of these orders, dared to come closer to the respective islands.

c) Under these circumstances the Korean officials were obliged to fire a few warning shots in order to carry out their duties of

protecting these islands from any intrusion and threat.

II. The Ministry's charge that the Korean Government not only refused the Japanese proposal for a peaceful settlement of the Dokdo dispute by referring it to the International Court of Justice but also illegally occupied the island, is quite without foundation. In this connection, the Ministry is reminded that the Mission already clarified by its Note dated October 22, 1954 that the Korean ownership of Dokdo Island is so complete and indisputable that the assignment of the Korean officials to duties on the said island, therefore, is well within the jurisdiction of the Republic of Korea. Thus, it is self-evident that the Korean officials were obliged to take and will continue to take any action necessary to safeguard the island against any unlawful acts.

Referring to the actions taken by the Korean officials on duty on Dokdo the Ministry charged in the Note Verbale under reference that the Korean Government had menaced the maintenance of international peace and security. However, it is the Japanese Government that is responsible for the failure in taking appropriate measures for prevention of recurrence of intrusion by Japanese vessels into the Korean territorial waters in the vicinity of Dokdo, and for allowing even some armed vessels to infringe the said waters with obvious intent of making illegal landing on the Korean island, particularly on May 23 and August 23, 1954. And this time again, patrol boats of the Japanese Maritime Safety Agency, one of which was armed, approached the same island, thus giving serious

threats to the safeguarding of the territory of the Republic of Korea.

From the above viewpoint it can be concluded that a series of cases of intrusion by armed Japanese vessels into Korean territorial waters doubtless constitute serious menace to the security of the Republic of Korea. Therefore, the above-mentioned charge by the Ministry is entirely groundless.

III. Such being the case, the Mission hereby informs the Ministry that the Japanese Government is not in a position to lodge any protest with the Korean Government in connection with this case. On the contrary, the Mission wishes to inform the Ministry that the Korean Government, having a serious concern in such repeated intrusion by armed Japanese vessels into Korean territorial waters as causes threats to the security of the Republic of Korea, hereby files a most energetic protest with the Japanese Government against such unlawful acts committed by the Japanese patrol boats.

The Mission further requests that the Japanese Government take effective and adequate measures for prevention of recurrence of similar cases in future, including the punishment of those who are responsible for this incident. It is added that the Japanese Government should be held responsible for all complications arising from such unlawful acts as long as it has kept ignoring due and proper requests repeatedly made by the Korean Government in this regard.

December 30, 1954.

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and has the honor to inform the latter that the light-house at Dokdo Island, Kyungsang Puk Do, Korea has recently been reconstructed by Korean authorities and is now in operation.

The following are the details of the above-mentioned light-house:

1. Name : Dokdo Light-house
2. Location : 37°14'40" N.L., 131°52'20" E-L.
3. Date of reconstruction : July 8, 1955
4. Kind of color and construction : White-colored square iron tower
5. Kind of light : White flash light. One flash per 5 seconds. Acetylene lamp.
6. Arc range : From 140° to 146°
" 150° " 179°
" 180° " 205°
" 210° " 116°
7. Height : Height from basement: 2.9m.
Height above the sea-level: 126.9m.
8. Brightness of light : 240 Watts
9. Range of light : 15 miles
10. Remarks : No light-house keeper

The Mission would appreciate if the Ministry would convey the above information to the appropriate authorities of the Japanese Government.

Tokyo, August 8, 1955.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission in Japan, and, in reference to the unlawful occupation by the Korean Government of Takeshima, territory of Japan, has the honour to state as follows:

1. On July 19, 1955, the "Hekura", patrol ship of the Maritime Safety Agency of Japan, which went to make a field investigation of Takeshima, caught sight of about 5 Korean nationals on Higashijima and found a square concrete light-house, about 4 metres high, on the southeastern side of the top of the same island, a wooden house and two buildings looking like store-houses in a sunken place to the north of the light-house, all of which were newly built, and 3 wireless poles, one of which was recently added.

2. The Japanese Government has called the attention of the Korean Government several times to the fact that Takeshima is an integral part of Japan and has repeatedly lodged serious protests with the Korean Government for such series of unlawful actions as stationing of Korean authorities and nationals and the construction of Korean landmarks, a light-house, wireless poles, etc. on Takeshima which is a Japanese territory.

3. The Japanese Government cannot but entertain serious concern about the fact that in defiance of the Japanese protests, the Korean

Government has stationed Korean authorities and nationals and constructed a light-house, houses, wireless poles etc. there. The Japanese Government again files a serious protest with the Korean Government for the above-mentioned actions, demands the latter to make the instant withdrawal of the Korean authorities and nationals from Takeshima as well as the removal of all the buildings and structures there without delay and requests that effective and appropriate steps be taken by the Korean Government with a view to preventing a recurrence of unlawful acts of a similar nature in future.

Tokyo, August 16, 1955.

The Korean Mission in Japan presents its compliments to the Japanese Ministry of Foreign Affairs and, with reference to the latter's Note Verbale of August 16, 1955 regarding the occupation of Dokdo by the Korean Government authorities, has the honor to make the following representation:

I. The Ministry charged in the Note under reference that the Korean Government's managements of Dokdo, such as stationing of Korean authorities and nationals, installation of Korean landmarks, a light-house, wireless poles in the said island, etc. were illegal.

However, the Korean Government has clarified on many occasions, especially in its Notes Verbale of June 26, 1953, September 9, 1953 and September 25, 1954, that Dokdo is doubtless an integral part of the Korean territory. Even though the Ministry attempted at laying claim to the ownership of Dokdo in its Notes Verbale of July 13, 1953 and February 10, 1954, the Mission considers that the Ministry failed to make any substantial refutation against the Korean view that the Korean ownership of the said islands is so complete and indisputable that the occupation of Dokdo by the Korean Government authorities is well within the jurisdiction of the Republic of Korea. Thus, it is self-evident that the Korean Government has due right to take any measures necessary for management of the islands. And it is the belief of the Mission that the Ministry's charge as mentioned above is

entirely groundless.

Accordingly, the Mission hereby informs the Ministry that the Japanese Government is not in a position to lodge any protest against such managements of the islands by the Korean Government.

II. On the contrary, the Mission wishes to invite the Ministry's attention to the fact that the Japanese Government has failed to take effective measures for prevention of occurrence of repeated infringement by Japanese vessels into the Korean territorial waters in disregard of the protests lodged by the Korean Government on many occasions. And this time again, about 6:00 a.m. July 19, 1955, a Japanese patrol boat, which was identified as the "HEKURA", intruded into the Korean territorial waters about 1,500 metres from the south-easterly side of the islands.

III. In this connection, the Mission wishes to inform the Ministry that the Korean Government, having a serious concern over such repeated intrusions by armed Japanese vessels into the Korean territorial waters as give threats to the security of the Republic of Korea, hereby files again a most energetic protest with the Japanese Government against such an unlawful act committed by the Japanese patrol boat.

The Mission further requests that the Japanese Government take effective and adequate measures to prevent the recurrence of similar cases in future.

Tokyo, August 31, 1955.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission, and with reference to the latter's Note Verbale dated September 25, 1954 concerning the territorial rights to Takeshima, has the honour to make the following representation:

1. Careful study by the Japanese Government of the enclosure of the same Note Verbale, "The Korean Government's View Refuting the Japanese Government's View of the Territorial Ownership of Dokdo (Takeshima), as stated in the Note Verbale No. 15/A2 of the Japanese Ministry of Foreign Affairs dated February 10, 1954," fails to reveal any reason by which the Japanese territorial rights to Takeshima may be disproved, nor does it constitute any ground on which the alleged claim for the Island may be justified.

2. In a hope to wipe out the wrong conception entertained by the Korean Government regarding Takeshima, and to make it clear repeatedly that the same islands are a part of the territory of Japan, there is forwarded, as attached hereto, the Japanese Government's Views on "the Korean Government's Version of Problem of Takeshima" under the date of September 25, 1954.

3. The Korean Government, clinging to its unwarrantable assertion of its ownership, continues to occupy the same islands, in disregard of frequent protests of the Japanese Government. The fact that the Republic

of Korea is not entitled to the territorial rights to Takeshima is utterly self-evident as explained in the annex of this Note Verbale.

The Japanese Government, therefore, renews its stern protest against the unlawful occupation of Takeshima by the Korean Government and the unlawful acts concomitantly committed by the Korean authorities. It also renews its demands for immediate withdrawal and removal of the Korean officials and facilities including wireless poles from the Islands, and further requests the prompt disposition of the postage stamps picturing the same island.

Moreover, the Japanese Government regrets that the Korean Government has filed to accede to the former's proposal for referring this controversial issue to the International Court of Justice with a view to solving it in a peaceful manner. The Government of Japan reaffirms its belief that confiding the case to the judgement of the International Court of Justice is the best policy for attaining a fair and appropriate solution of the present contention.

Tokyo, September 20, 1956.

竹島に関する一九五四年九月二十五日付

大韓民国政府の見解に対する日本国政府の見解

(日本政府見解 3)

一．日本国政府は、本件に関する大韓民国政府の見解を慎重に検討した。この大韓民国政府の見解の大部分は、一九五三年九月九日付同国政府の見解を反復したものであつて、竹島領有の主張を立証するために引用している文献及び歴史的事実の取扱においても、また、これに対する解釈においても公正を欠いているので、日本国政府は大韓民国政府による竹島の領有を証明する根拠を全く見出すことができなかった。

日本国政府は、以下において本件に関する大韓民国政府の見解を反駁するとともに、竹島が明白なる日本領土である事実について説明するものである。

二．そもそも竹島の領有の正当性を決定するための最も基本的な問題は、日韓両国のいずれが竹島について早くから正確な知識をもち、それをその領土の一部と考へ、また事際にこれを経営してきたか、ことにそのいずれの政府が竹島について国際法上必要とされる領土取得の要件を満たしているかの点を明らかにするにあると考へる。

三(1) まず竹島に関する知見の点については、韓国側は「世宗実録地理志」及び「新增東国輿地勝覧」を引用して于山島及び武陵（鬱陵島）の両島は蔚珍県の正東方の海上に位置する別箇の島であることは明らかであり従つて、古文書に于山島と記されているのが現在の竹島であることには疑問の餘地がないと称している。

そして、わが方が前記「世宗実録地理志」の前掲記事に引続いて「新羅時称于山国、一云鬱陵島」との一節のあること及び「新增東国輿地勝覧」にも、「一説于山鬱陵本一島」との一節のあることを指摘

したのに対しては、韓国側では前者は新羅時代の「于山国」を指したものであつて于山島を指したものではないといひまた、後者はあいまいな「物語」にすぎないと述べた。従つて、日本側のこれらの引用は、于山島、鬱陵島という名称が「世宗実録」と「新增東国輿地勝覧」の編纂された当時、確認されていた二つの島の名であつたという事実に影響を及ぼすことは決してできないと断定している。

しかしながら、韓国側のように、一つの文献の一節のみをとらえて、自己に都合のよい解釈を下すことは適當でない。この問題を正しく理解するためには、前記二つの文献のみならず、于山島、鬱陵島について記述している同種の古文献を広く比較対照して、その間の推移を検討することが必要であらう。

すなわち、まず朝鮮最古の史書といわれる「三国史記」について見るに、同書では于山国とは鬱陵島の事であるとしている。この「三国史記」の立場は、「高麗史地理志」でも踏襲されて鬱陵島はもと新羅時代に于山国であつた島であるとなし、ただし、その記述の最後において于山、武陵（鬱陵）両島説への疑を残している。またこれと前後してなつた「世宗実録地理志」では、于山、武陵二島説をとつてゐるが、その注記では、この両島が、鬱陵島であり、新羅時代の于山国であると述べている。

その後のものについては、「新增東国輿地勝覧」や「増補文献備考」等のごとく二島説をとりつつも、一島二名への疑を残しているもの、「芝峰類説」や「文献撮録」のように一島二名説を固執するもの等色々であつて、後世に至るまで于山、鬱陵両島の関係は、確信をもつて記述されていない。

ことに注目すべきは、二島説をとるものでも、全文鬱陵島についての

説明に終始し、于山島についてはなんらの具体的説明も行っていない点である。

このことは、これらの諸文献の編者が、問題の島について実地の見聞を基礎とした明確な知識に欠けており、しかもこれに関する認識は、後代に至るまであらたな発展のなかつたことを示しているといえよう。

以上のような于山、鬱陵両島に関する知識の混乱はただに上記の諸文献において見られるだけではなく「高麗史地理志」、「世宗実録地理志」等の編纂された時代の最も権威ある史書である太宗実録、世宗実録等にてくる于山島、鬱陵（武陵、茂陵等）島に関する記事を精査すれば、同様のことが判明するのであつて、韓国側のいうように「世宗実録」及び「新增東国輿地勝覧」の編纂された当時、于山島、鬱陵島という名称が確認されていた二つの別箇の島の名であつたということとはできない。

いずれにせよ、于山島と鬱陵島とが別箇の島であることについて多くの疑問が持たれていた以上、そのいう于山島が今日の竹島に該当すると断定することは困難であろう。またたとへそれが別箇の島であつたとしても、上記諸文献にある説明は、いずれも鬱陵島一島に関するもののみで于山島に関する具体的記述はないので、それが今日の竹島であることを積極的に立証することはできない。たまたま「世宗実録」卷三三の太宗十七年（一四一七年）二月壬戌の條には、于山島に関して、同島から大竹、水牛皮その他の天産物を産し、また八十六名のものが居住していたとの記事があるが、そのいう于山島は今日の竹島に該当しないことは、明らかである。一小岩島たる今日の竹島は、人の常住に適せず、また海産物以外の生産はないからである。

(2) 韓国側が今日の竹島を認知していたことを立証することのできないのに反して、わが国では鬱陵島は古く既に一〇〇四年頃「うるまの島」

として知られ（権記）且つ一三七九年から日本人にして鬱陵島に渡航せる事実が伝へられている（高麗史）。しかして同島が李朝初期完全な空島と化して朝鮮国政府によつて事実上放棄されるや、日本人の来往するものようやく多きを加え文祿役（一五九三年）後約百年にわたつて、全く日本人の漁採地と化するに至つたのである。ことに元和四年（一六一八年）には、伯耆国米子の町人大谷甚吉、村川市兵衛等は、藩主松平新太郎を通じて鬱陵島（当時竹島と称した）への渡海免許を受け、その経営に従事した。

この鬱陵島への往復の途次、船がかりの地として、またアワビ等の漁採地として利用されたのが当時松島の名で呼ばれていた今日の竹島であり、この島に対して大谷、村川両家が、さきの鬱陵島と同じく幕府から渡海免許を受けるようになったのは、明歴二年（一六五六年）またはそれ以前のことであつた（大谷九右衛門編「竹島渡海由来記抜書控」）。

この松島については、それが隠岐島の西北にあつて隠岐から竹島（当時の鬱陵島）へ渡航する途次にある島で、草木のない岩島であり、炎天下用水に不自由していること、また東西二つの島から成つていること等について記している古文献例えば寛文七年＝一六六七年齋藤某編「隠州視聴合紀」、延宝九年＝天和元年＝一六八一年大谷九右衛門勝信請書等が多くあるところから見ても、今日の竹島に該当していることは、明白である。

ことに、享保九年（一七二四年）、幕命によつて伯耆池田藩が調進した松島、竹島の図は、松島（すなわち今日の竹島）を、狭い水道を距てて東西に相對する二つの島と、これを取りまく数箇の岩礁をもつてあらわしているが、これは極めて正確に同島を表現しており当時の日本

入が竹島（当時の松島）を熟知していたことを示す決定的な証拠である。

これを要するに、韓国側が古く今日の竹島を認知していたことを立証するなんらの根拠も見出しえないのに反し、日本側は少なくとも一六〇〇年後期にはこれを熟知していた事は上記の諸文献、地図等から見てもまた当時の日本漁民の行動の実際から考えても、明白な事実といわなければならない。

四(1) 竹島に関する韓国側の知見が上述のとおり明確でない以上、かかる島を韓国側が自己の領土と考えていたかどうかは、もはや論外である。

なお韓国側は、「肅宗実録」卷三十に記載された安龜福の記事史実に照して批判考慮を加えることなく引用し、彼が鬱陵島及び独島（竹島）の水域を日本漁民の侵犯から護つたと称しているが、右は安龜福が帰国後備辺司に対して一方的に陳述したものにすぎず、これを日本側に残されている詳細な安龜福渡来に関する記録と比較対照して見れば、彼の陳述には虚偽が多くおのが行動を壮大に潤色せんがため無実のことを作為していることが明らかである、のみならず彼がいかなる言動をなしたとしても、一私人たる彼の言動は韓国としての竹島領有を主張する根拠とするにはなん等役立つものでない。

(2) 一方日本側としては、鬱陵島が李朝初期以来完全な空島と化し、朝鮮国政府によつて事実上放棄されるや日本人にして、同島に来往するものようやくその数を加え、ことに元和四年（一六一八年）の大谷、村川両家に対する幕府の竹島（鬱陵島）渡海免許以後は、両家が同島において独占的に漁採を行うようになつたので、両家はもとより、一般も竹島（鬱陵島）をもつて幕府から拝領したものと考えるに至つた。

さきに掲げた「隠州視聽合紀」（一六六七年）も松島（今の竹島）及び竹島（鬱陵島）をもつて、日本の北西部の限界と見ており、享保

九年（一七二四年）の大谷、村川両家から松平伯耆守にあてた竹島に関する七箇條返答書にも、元禄五年（一六九二年）に日本漁民が鬱陵島ではじめて、朝鮮人漁民と出遭つた際の事情について、日本側は、「此島之儀は元来日本の地にて従御公方様代々拝領仕毎年渡海いたし候島にて候所に、何とて其方共参候哉」と尋ねたと記されている。

また延宝九年＝天和元年（一六八一年）の大谷九右衛門勝信の幕府よりの、巡検使のお尋ねに対する請書にも、「大猷院様御代五拾年以前阿部四郎五郎様御取持を以竹島拝領仕其上親共より御目見迄被為御仰付難有奉存候事」とある。

韓国側では、元和四年（一六一八年）の大谷、村川両家に対する幕府の竹島（鬱陵島）渡海免許をもつて朱印状とみなし、「朱印が外国貿易の許可を受けた船舶の乗組員に対して、幕府から通常発行された身分証明書であることは、日本史上明白な事実である。この事実をとつて見ても、当時のあらゆる階属の日本人が竹島が韓国の主権下にあつたことを十分承知していたことを示すものである」といい、また「両家が許可されたのは、鬱陵島方面の遠洋に出漁することだけで日本政府が主張するような「竹島の支配」を許可されたものではなかつたことを指摘せざるをえない」とも述べている。

しかしながら、大谷、村川両家に幕府から与えられのは朱印状ではない。

それは竹島（鬱陵島）に対する渡海免許ということで、両家は右免許に基き、將軍家の葵の紋を打出した船印をたてて竹島（鬱陵島）に航してアワビ、アシカ等の採捕、木材の伐採等に従事し、特にアワビは竹島アワビと称して將軍家をはじめ閣老に献上するのを

常としていたのであつて、いわばそれは、同島の独占的經營を免許されたものに外ならなかつた。

竹島（鬱陵島）について、すでにこのようであつた以上、その渡航の途中にあつて明歴二年（一六五六年）またはそれ以前に、同じく幕府から渡海を免許された松島（今日の竹島）について、人々が日本領土と考えていたことは申すまでもない。

しかも松島（今日の竹島）の場合は、元祿九年（一六九六年）の幕府の竹島（鬱陵島）渡海禁止措置とは関係がないので、後に至るまで、この考えは變つていない。

たとえば「竹島図説」（一七五一～六三年）には、「隱岐国松島」と書かれており、また「長生竹島記」（一八〇一年）では松島（今日の竹島）をもつて、「本朝西海のはて也」としている。

これは、幕府の竹島（鬱陵島）渡海禁止以前の編者にかかる、「隠州視聽合紀」（一六六七年）が竹島（鬱陵島）及び松島（今日の竹島）をもつて日本の西北部の限界とみなしていると比べて、興味深いものがある。

五(1) 上述のとおり、韓国側が古く今日の竹島を認知していたという確証のない以上、これを経営していた証拠のないのは、申すまでもない。

韓国では、「韓国が李朝の世祖以来北辺道において四郡に対する非

開拓政策をとつていたことに照し、いわゆる空島政策が領土に対する行政権の放棄を意味するものでないことは明らかである。日本国政府はいわゆる空島政策につき論じているが、三年毎に鬱陵島及び独島（竹島）地域に韓国搜討官が派遣されていたことを想起しなければならない」と称しているが、韓国の巡検使の鬱陵島への定期的な派遣の行われるようになったのは、日本側で竹島（鬱陵島）渡海禁止措置をとつてから後のことであり、それまでは時に同島に逃避した本国人民の刷還を行つたことはあつても、初期の間にすぎず、ほとんど二百年にわたつて鬱陵島は、朝鮮国政府から放棄されていたのである。このことは元和四年（一六一八年）に幕府から竹島（鬱陵島）渡海の免許を受けた大谷、村川両家が、元祿五年（一六九二年）まで、一度も韓国本土の人に遭うことなく、竹島の経営を行うことができたことから明らかであるが、同時に『肅宗実録』の肅宗十九年（一六九三年）一月十八日の條に、左議政陸来善、右議政閔黼が鬱陵島をもつて「三百年空棄之地」と称したと載せていることから、当時の李朝要路者自身鬱陵島を空棄の地とみなしていることが知られるのである。

日本側で竹島（鬱陵島）への渡海を禁止した後、朝鮮国政府は肅宗二十三年（一六九七年）から鬱陵島に対して定期的に巡検を行うようになったが、それは空島政策を維持するためのもので、人々の入居を許さないのはもちろん、なんら経営を行つたものではない。

この禁制はその後長く続けられ、それが改められて人々の入植を企図するようになったのは、ようやく李太王二十一年＝明治十七年（一八八四年）のことであつた、しかも。その後においても、入植勸奨策の効果はよいに挙らなかつたのである。

鬱陵島の経営についてすでにしかりとすれば、ましてこの島よりもはるか東方の沖合に位置し、人々の常住することのてきないような小岩島たる今日の竹島（当時の松島）にまで、韓国側の経営の手が延びていたとは到底考えられない。

さらに韓国側では、上述のとおり「三年毎に鬱陵島及び独島（竹島）地域に韓国搜討官が派遣された」と称しているが、搜討官の派遣は前記のとおり日本側で竹島（鬱陵島）渡海禁止措置をとつてから後のことであり、しかも鬱陵島のみであつて、今日の竹島（朝国側のいう独島）にまで及んだというなんらの証拠もない。『肅宗実録』及びそれ以降の『英宗実録』、『正宗実録』等に散見している搜討官の報告は、いずれも鬱陵島のみのことに止まつて、今日の竹島らしきことに言及しているのは、一言半句も見出しえないのである。

- (2) これに反して日本側では、竹島（鬱陵島）渡海の途次松島（今日の竹島）に立寄り、これを寄港地として利用するとともに、そこで漁獵を行つたことは、多くの文献に載せられている。
たとえば、延宝九年＝天和元年（一六八一年）の大谷九右衛門勝信の請書には、

「、、、此小島（松島）にしかも海鷹漁少宛所務仕候、、、」

とあり、元禄八年（一六九五年）十二月二十六日に池田家から老中阿部豊後守に提出し返答書にも、

「、、、成年者遭難風竹島着岸不仕段御届申上候当年も渡海仕候処異国人数多見え申に付着岸不仕罷帰候節松島にて鮑少々取申候、、、」とある。また元禄九年（一六九六年）正月二十三日付松平伯耆守の覚にも、

「、、、松島へ猟に参候儀竹島へ渡海の節通筋にて御座候故立寄猟仕候、他領より猟に参候は不承候尤つとも出雲国隠岐国の者は米子の者共と同船にて参候、、、」

と記されており、『長生竹島記』（一八〇一年）には、

「、、、竹島渡海之砌竹島丸行き通いにはかならず此島（松島）江津掛りをなしと云」とも述べられている。

韓国側は幕府の竹島（鬱陵島）渡海禁制措置については、「東宗二十二年＝一六九六年の二月に至り、当時の日本国政府は鬱陵島及び同島から僅か四十九マイル、島根県隠岐島から約八十六マイルの海上にる鬱陵島の属島（独島）に対する韓国の領有権を再確認し、

かつて以後において日本人が漁猟のため同水域に立入ることを禁止した」と称しているが、当時の朝鮮国政府とわが国との間に問題となつたのは、鬱陵島（竹島）であり、従つてまた幕府が渡海禁制措置をとつたのも、竹島（鬱陵島）に対してである。韓国側が独島（今日の竹島）に対する韓国の領有権を再確認し、それ以後日本人の漁猟を禁止したと称していることは、なんらの根拠もない。

天保八年（一八三七年）には、石見国浜田藩廻船問屋会津屋八右衛門の竹島（鬱陵島）密貿易事件が発覚し、八右衛門ははりつけの刑に

処せられたが、これに連累した浜田藩家老岡田頼母の家来橋本三兵衛は、八右衛門に対し鬱陵島への渡海を松島への渡海の名目をもつて取計う方法のあることを同事件の判決文中において申述べている。

このことは、竹島（鬱陵島）渡海禁制後も、松島（今日の竹島）への渡航はなんら問題でなかつたことを示している。

六・上述のとおり、今日の竹島は、松島の名において古くから日本人に知られ、日本領土の一部と考えられ、また日本人によつて利用されてきたが、日本側では、明治三十八年に至り、同年一月二十八日の閣議決定及び同年二月二十二日の島根県告示を経てこの島を正式に島根県に編入する措置をとつた、

この点に関して韓国側では、「独島（竹島）は、韓国領土の一部であつて、決して国際法による占有の対象にはなりえない。

よつて疑いもなく韓国領土の一部である独島（竹島）が無主の島であつたという仮定に基づいて日本政府がその議論を展開したことは全く意味のないことである」と称しているが、竹島がかつて韓国領の一部であつたというなんらの証拠もないことは、屢述したところからも明らかである。

現に、明治二十年（一八八七年）頃から隠岐島民が竹島においてアシカ猟やアワビの採取を行い、明治三十六年（一九〇三年）からはこれを本格的に開始するようになつたが、その際にも、韓国において同島を占拠し、またはこれに行政権を及ぼしていた事実はなく、同島における日本漁民の活動について抗議して来たこともない。

さらに韓国側は、「いわゆる島根県告示はきわめて秘密裡に行われたので、外国についてはもちろんのこと、日本の一般国民でさえもこれを知らなかつた。それ故それは決して一国の意思の公示とみなすことは

できない」 と称している。

しかしながら、竹島の島根県編入に関する島根県告示は、「きわめて秘密裡に行われた」 ものではなく、閣議決定に基いて島根県知事から発せられたものであつて、編入の国内法形式のいかんにかかわらず、そこに表明されたものは、疑いもなく日本の国家意思の表明である。のみならず右形式は、当時日本が領土取得の際に慣行した告示方法であり、竹島編入に際してとくにとられた措置ではない。

この公示の問題と関連して、外国への通告の問題がある。この点に関しては、大多数の学者はこれをもつて領土取得の絶対的要件とするような国際法の原則は現在存在しないと見ている。また一九二八年のバルマス島事件及び一九三一年のクリッパートン島事件の仲裁裁判においても、外国に対する通告は必要な旨の判決が下されており、米国のグアノ島の先占に関しても、外国への通告は行わないことを例としている。

みぎの外韓国側では、日本の挙げている竹島支配の事実に関して、「いわゆる調査なしアシカ漁は、日本の侵略行為の一つにほかならず、したがつて国際法に基く『領土支配権力の継続的行使』とは関係がない」 と称しているが、竹島が韓国領土でない以上、右はまつたくの的はずれの議論にすぎない。

なお、韓国側では、竹島に対する韓国としての有効的経営の証拠を積極的に提示しえないため、日本側の文献を引用し、竹島が、島根県編入の前後において韓国領土の一部であつたかの如くに主張しようとしてゐるが右はその領有に対する直接的証拠とはなりえないのみならず、これらの文献の引用は、自己に都合よく恣意的解釈を下したもののか、

又は、現在の竹島と鬱陵島とを混同したものであつて、なんら傍証とするにも値しない。

七．以上述べてきたところから、竹島がいかなる意味においても日本の領土であることについて疑をさしはさむ餘地はない。従つてもはやこれ以上韓国側で挙げている区々たる事例に対していちいち、反駁を加える必要はないと考えるが、ただここで竹島の領有と韓国側が竹島の韓国領たる最も有力な理由の一つとして挙げている一九四六年（昭和二十一年）一月二十九日付連合軍司令部覚書 SCAPIN 第六七七号（若干の外廓地域を政治・行政上日本から分離することに関する件）との関係及び竹島の領有と日本国との平和条約との関係について一言する。

(1) さきに韓国側は、一九四六年一月二十九日付の SCAPIN 第六七七号によつて竹島は日本の領域から明らかに排除されたと主張した。右に対しわが方は、右覚書は日本政府の竹島に対する政治上または行政上の権力を行使すること及び行使しようとすることを停止することを指令したに止まり、竹島を日本の領域から除外したのではなく、同覚書第六項にも、「この指令中の条項はいずれもポツダム宣言の第八条にある小島嶼の最終的決定に関する連合軍側の政策を示すものと解釈してはならない」旨を規定して、前記の趣旨を明かにしていることを指摘した。

しかもなお韓国側は依然として右 SCAPIN 第六七七号が、小島嶼を日本の領有から明らかに排除したとの前言を固執し、さらに平和条約は、この問題に関する連合軍最高司令官の処置を全くなんらの実質的变化を加えることなしに確認したものとしよう解することができることを主張した。

しかしながら、連合軍最高司令官に与えられた権能は、占領管理の目的を達成するためにする行動の範囲に制約され、且つその期間も、占領管理期間中に限定されるものであるから、占領目的達成のために被占領国の領土権の行使になんらかの制限を加える旨の指令を発することがあつても、それは日本の占領管理が行われた期

間だけのことであつて、覚書第六項にあるとおり、日本領土の最終的決定とはなんらの関係もない。右覚書によつて竹島が日本の領有から排除されたと断じている韓国側の見解は、明らかに誤りである。

またさらに平和条約が、SCAPIN第六七七号に基く連合軍最高司令官の措置を実質的变化を加えることなしに確認したという韓国側の主張は根拠がない。

前記覚書によつて日本政府の政治上または行政上の権力の行使を停止されていた諸小島のうち、北緯三〇度から二九度までの間の南西諸島は、平和条約の発効される以前にすでに日本政府に返還され、また平和条約第三条に規定された北緯二十九度以南の南西諸島、燐婦岩の南の南方諸島並びに沖の鳥島及び南鳥島に対しても「残存主権」のあることが明らかにされ、ことに南西諸島中の奄美群島については、その後日本政府に行政管轄権が返還されている。また、齒舞群島についても日本が平和条約に基いて権利、権限及び請求権を放棄すべき千島列島の中には包含されていないことが、サン、フランシスコ会議においてダレス米全権によつて明らかにされている。

この点を日本側から指摘されたため韓国側では、その後は日本政府の行政管轄権に返還されたこれらの諸島は「合衆国を唯一の施政権者に指定した国際連合の信託統治下にあつたものののみであり」、「SCAPIN第六七七号及び平和条約のいずれにも、竹島に対する韓国政府の正当な領有権の主張と矛盾する条項は何ら存在しない」と主張している。

しかしながら、日本政府の行政管轄権に返還された諸島が、国際連合の信託統治下にあつたという韓国側の見解も明らかに誤りである。北緯二九度と三〇度との間の南西諸島も、奄美群島もいまだかつて国際連合の信託統治下に置かれたことはない。

前者は日本政府に返還されるまで、連合国最高司令官がこれを管理しており、後者は、平和条約第三条後段の規定に基づき、合衆国が行政、立法及び司法上の権力を行使していたにすぎない。

- (2) 次に日本国との平和条約と竹島の領有との関係については、韓国側では、「平和条約により竹島が、鬱陵島の属島として陵鬱本島とともに韓国領土として承認されていることを意味するものと解釈される」と称しているが、かかる韓国側の解釈は、平和条約の条文上からは導き出すことはできない。平和条約第二条の「日本国は朝鮮の独立を承認し」という規定は、さきにも日本側で指摘したとおり、日韓併合前の朝鮮が、日本から分離独立したことを日本が認めたことをいうのであつて、日韓併合前に日本領土であつた領土をあらたに独立朝鮮に割譲するとの意味は全く含まれていない。他方竹島は、日韓併合以前において島根県の行政管轄下にあり、また併合後も同県管轄下に置かれていた。
- 従つて日韓併合以前に竹島が韓国の領土であつたという法的根拠が示されない以上、平和条約第二条に関する韓国側の解釈は成立しえない。

八. これを要するに、韓国側には、古く竹島が韓国領であつたなんらの証拠もないのはもちろん、近代国際法上の領土取得の要件たる国家としての領有の意思、その意思の公示、適当な支配権力の確立等について、なんらの措置もとられていない。

これに対して日本側は、早くから竹島について正確な知識をもち、それをその領土の一部と考え、また実際にこれを経営してきたが、さらに、竹島の島根県編入に関連してとられた一連の措置ならびにその後の経営によつて近代国際法上から見ても、竹島の日本領有についての要件は、完全に具備されるに至つたのである。

従つて、日本国政府は、一九五四年九月二十五日付在本邦韓国代表部口上書附屬において示された竹島の領有権に関する韓国政府の見解には、全然同意することができない。

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and has the honour to make the following representations relative to the unlawful occupation by the Korean Government of Takeshima a Japanese territory:

1. Report was received from the "Tsugaru", a patrol ship of the Maritime Safety Agency which arrived in the neighbourhood of Takeshima for investigation in the morning of April 9, 1957, that some Koreans and a building believed to be lighthouse were sighted on Higashi-jima of the Island.

2. The Japanese Government has made it clear on more than one occasion to the Korean Government that Takeshima is an integral part of the Japanese territory, and has repeated strong protest against a series of illegal acts committed by the latter Government such as stationing Korean officials and civilians and establishing the lighthouse on the Island.

3. The Japanese Government cannot but entertain serious concern about the failure of the Korean Government to meet the Japanese demand to remove its nationals and structures from the Island. It hereby again files its vigorous protest with the latter Government. The Japanese Government at the same time demands the Korean Government to

withdraw and remove forthwith its nationals and installations from the same Island and to take without delay pertinent and effective measures to prevent the recurrence of similar cases in the future.

Tokyo, May 8, 1957.

The Korean Mission presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note Verbale No. 63/A1 of May 8, 1957 concerning the Dokdo Island, has the honor to make the following representations:

1. As has been pointed out on many occasions in the past, the Dokdo Island is an integral part of the territory of the Republic of Korea, historically and geographically. It is natural that the Korean Government has due right to manage the said Island by stationing its nationals and constructing a lighthouse thereon.

2. Accordingly, the Korean Government cannot recognize the propriety of the so-called protest filed by the Japanese Government in an attempt to reiterate the same groundless allegations contained in the Ministry's Note Verbale under reference.

3. The fact that the "Tsugaru", a patrol boat of the Japanese Maritime Safety Agency, infringed upon the Korean territorial waters surrounding the said Island is a matter of serious concern of the Korean Government which cannot but regard it as a threat to the security and peace of the Republic of Korea. Under these circumstances, the Mission wishes to file again a most energetic protest with the Japanese Government against the illegal action committed by a Japanese

Government vessel and request the latter to take appropriate and effective measures to prevent the recurrence of the similar cases in future.

Tokyo, June 4, 1957.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, regarding the unlawful occupation by the Korean Government of Takeshima, a part of Japanese territory, has the honour to state as follows:

1. The Japanese Government has had the occasions to point out the fact that Takeshima is doubtlessly a part of the Japanese territory in the light of the historical facts and international law, and has repeated its energetic protest against the continuation of occupation of the island by the Korean Government.

2. Nevertheless, the patrol boats which were dispatched to the island by the Maritime Safety Board of Japan for inspection on August 11 and October 20, 1957, found that the lighthouse, wireless poles and other facilities constructed by the Korean Government were still existing and that the island was inhabited by Korean nationals.

3. That Takeshima is an integral part of the Japanese territory, leaves no room for doubt as stated in the Ministry's Note Verbale No. 102/A1 dated September 20, 1956.

The Japanese Government cannot but entertain a serious concern over the fact that the Korean Government is continuing the occupation of the island in defiance of the repeated protests of the Japanese Government. It hereby renews its most stern protest against the

Korean Government and demands the same Government to remove immediately from the island all Korean nationals and facilities it has constructed thereon, and at the same time, to take promptly effective and appropriate measures in order to repress the recurrence of similar cases in the future.

Tokyo, December 25, 1957.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission, and has the honour to make the following representation with reference to the unlawful occupation by the Korean Government of Takeshima, a territory of Japan:

1. According to investigations made twice on May 7 and September 10, 1958, by the "Hekura", a patrol boat of the Maritime Safety Agency of Japan, it has been made clear that, in defiance of the repeated protests of the Japanese Government, the Korean authorities and nationals are still stationed in the Island, and the light-house, houses and other establishments constructed by the Korean Government have not yet been removed.

2. The reasons that Takeshima is unquestionably an integral part of the Japanese territory have frequently been given.

Accordingly, the Japanese Government which cannot but entertain serious concern about the continuation of the unlawful occupation of Takeshima, a Japanese territory, by the Korean Government lodges again hereby a strong protest with the Korean Government, demanding the instant withdrawal of the Korean authorities and nationals from Takeshima as well as the removal of all the buildings and structures there without delay, and requesting that effective and appropriate steps be promptly taken by the Korean Government with a view to preventing the recurrence of unlawful acts of similar nature.

Takyo, October 6, 1958.

The Korean Mission presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Notes Verbale No. 102/A1 and the attachment thereto of September 20, 1956, No. 199/A1 of December 25, 1957, and No.175/ASN of October 6, 1958, regarding the ownership of Dokdo, has the honour to state as follows:

As the Government of the Republic of Korea has repeatedly made it clear on many occasions, the fact that Dokdo is an integral part of the territory of the Republic of Korea has unequivocally been vindicated by authoritative historical and geographical evidences and literatures, and there is no room at all for any argument thereon under international law. In view of her territorial ownership of the Island, it is the right of the Republic of Korea to exercise an exclusive jurisdiction over the Island and to administer it.

Therefore, the Mission wishes to state that the Government of the Republic of Korea cannot recognize the propriety of the arguments and the protests made by the Ministry in its Notes Verbale under reference.

In this connection, having a serious concern over the fact that patrol boats of the Japanese Maritime Safety Agency trespassed the Korean territorial waters around the Island, the Government of the Republic of Korea lodges a strong protest with the Japanese Government against such unlawful acts and, at the same time, strongly requests that the Japanese Government immediately take appropriate and effective measures to prevent the recurrence of similar cases in future.

Stating once again that Dokdo is an indivisible and integral part of the territory of the Republic of Korea, the Mission wishes to present the just and pertinent views of the Government of the Republic of Korea on the ownership of the Island, as attached hereto, refuting the Japanese view contained in the attachment to the Ministry's Note Verbale No. 102/A1 dated September 20, 1956.

Tokyo, January 7, 1959.

一九五六年九月二〇日字

獨島에 관한 日本政府의 見解를 反駁하는

大韓民國政府의 見解(韓國政府見解 3)

→. 大韓民國政府는 表題件에 관하여 日本國政府의 見解를 慎重히 檢討하였다. 大韓民國政府는 日本國政府의 見解가 그 引用한 文獻과 歷史的事實에 對한 認識에 있어서 도리어 公正性을 잃었고 또 그 見解가 明白히 不當한 理論의 粉飾으로 偽裝되고 있음을 遺憾으로 생각한다. 따라서 大韓民國政府는 日本國政府가 獨島領有에 관한 大韓民國政府의 見解를 否認할 何等의 根拠도 提示할수 없었다는 點을 再闡明하지 않을수 없다. 이에 大韓民國政府는 本件에 관한 一九五六年九月二〇日字 日本國政府의 見解를 反駁하는 同時에 獨島領有에 관한 大韓民國政府의 見解가 明白 公正한것임에 틀림없다는 事實을 說明하고자 한다.

二(1)大韓民國政府는 韓國이 이미 李朝初期로부터 于山島와 鬱陵島가 各己 別稱의 二島임을 認知하고 있었으며 또 그 于山島는 獨島(日本所謂 現在의 竹島)와 同一하다는 點을 正確한 文獻에 依拠하여 主張하여왔다. 이에 對하여 日本國政府는 韓國側이 提示한 李朝初期의 官撰記錄인 「世宗實錄 地理志」 中の 「于山, 武陵二島 在嶺正東海中」 이라한것과 亦是 當時의 官撰인 「新增東國輿地勝覽」 中の 「于山島 鬱陵島 二島 在嶺正東海中」 이라한 二島認知的 明確한 記事를 否認하기 爲하여서 本文에 各各添入된 註記 即 「新羅時 稱于山國 一云 鬱陵島」라한것과 「一說于山鬱陵本一島」라한것을 들 어 于山, 鬱陵이 同一島를 가리킨 것이라고 牽強附會하였으나 韓國側은 이미 島名(울릉島)과 國名(于山)이 表示하는 概念의 外延을 混同하는데서 오는 日本側의 誤解를 指摘한바 있고 또한 「一說云云」의 註記는 本文의 記錄 事實을 否認하는것이 될수 없다는 것을 闡明하였든 것이다. 特히 地理的

知識이 發達되지 않았든 時代に 있어서는 一島에 二名이 混用되다가 正確한 知識의 獲得과 더불어 二島二名으로 分離 指稱되어지는 經緯를 說明하고 더욱이 日本이 바로 「明治」初期에 있어서도 鬱陵島一島를 「松島」「竹島」라는 二名으로 混稱하다가 其後에야 鬱陵島와 独島(日本所謂 現在의 竹島)를 各各 指稱하게 되었다는 實質적인 眞實을 日本人 學者의 學究적인 論證을 빌어서 提示하기까지 하였던 것이다.

또한 日本側이 「文献撮錄」中の 記號를 들어서까지 于山・鬱陵이 同一島를 指摘한것이라는 그릇된 主張을 補強하려는데 對하여 韓國側은 그것이 李朝末葉의 一個 私人的 隨錄으로서 李朝初期의 歷史地理에 關하여 典拠가 될 수 있는 文献的 価値가 全無한것이라는 點을 指摘하였던 것이다.

(2) 그런데 韓國側의 이같은 正當 且 公正한 見解에 對하여 日本側은 또 다시 이를 反駁하는 見解를 提示하고 있으나 이는 從來의 牽強附會한 見解를 反復한것에 지나지 않으며 따라서 日本側은 依然히 그引用文献의 文意와 歷史的事實을 曲解하는 것이라고 하지않을 수 없다.

即 日本側은 「三國史記」에 記錄된 「于山國…或名 鬱陵島」라고한것을 들고 「高麗史地理志」에서도 이것이 踏襲되었다는것을 말하고 또 上述한바와같이 「世宗實錄地理志」에서 「于山武陵二島 在嶺正東海中」이라한 本文記事에 添記된 「新羅時 稱于山國 一云 鬱陵島」라고한것을 拳論하면서 于山 鬱陵이 同一島를 指稱한것이라고 臆斷하고 있으나 이는 어느文獻의 한 句節을 自己에게 有利하게 引用解釋함으로써 그 全體的인 眞實을 隱蔽하려는 日本側의 그릇된 偏見에서 導出된 結論에 지나지않는 것이다. 왜냐하면 于山國을 鬱陵島라하고 또는 鬱陵島를 于山國이라고하였다하더라도 그 어느쪽도 鬱陵島附近의 無人小島가 于山國에 包含되어있지 아니하였다는 事實을 말하는것이 아닌것이다. 더욱이 日本側은 「世宗實錄 地理志」中の 一註記를 引用하여 이로써 于山 武陵兩島를 鬱陵島라고

하였다고 牽強附會하고 있으나 本文의 「于山武陵二島在鼎正東海中」「二島相去不遠風日清明 即可望見」이라한 別稱의 二島로서 明白히 認知된 事實에 秋毫의 疑問도 있을수 없는 것이다.

이와같이 明白히 是認하지 않을수 없는 事實에도 不拘하고 日本側은 韓國側이 引証한 文献이 當時韓國에서의 政府에 依한 官撰物이었다는 事實에는 조금도 留意하지 않고 如何間 韓國側에서 于山島와 鬱陵島가 別個의 섬(島) 이라는 것에 對하여 많은 疑問을 가졌었던것처럼 主張하기 爲하여서 本問題에 對한 何等의 文献的價值도 認定할수없는 一個 私人的 隨錄에 不過한 「芝峯類說」과 「文献撮錄」의 記事를 또다시 拳論하는데 對하여 韓國側은 더 解明할 必要조차 느끼지 않는 바이다.

또한 日本側은 「增補文献備考」에서도 二島說을 取하면서도 亦是一島二名에의 疑問을 남긴것이였다고하나 實際로는 「增補文献備考」에서도 「于山島 鬱陵島 鬱一作蔚 一作芋 一作羽 一作武 二島 卽 芋山」이라하였다. 이를 說明하면 于山島와 鬱陵島 中 鬱陵의 鬱字를 或은蔚, 或은芋, 或은羽 或은 武로도쓰고 있으나 實上 于山과 鬱陵은 二島이니 中의 一인 于山은 卽芋山이다. 換言하면 鬱陵의 上字가 于山の 上字와 混用되고 있으나 于山과 鬱陵은 二島라는 것이다. 이로써 此文献에서도 于山, 鬱陵이 二島로서 確認되어 있음은 明白한 것이다. 日本側은 當時의 于山島가 今日의 獨島에 該當한다고 断定하기는 困難할 것이라고 臆測하고 있으나 「增補文献備考」中의 「輿地志」를 引用하면 「鬱陵, 于山 皆于山國于山則倭所謂 松島也」(訳=鬱陵島와 于山島는 다「于山國」이니 于山島는 倭의 이른바 松島)라고 明記한 記事는 日本國政府의 曲解를 一掃할만한 것이라 하겠다. 卽 于山國이라 하는것은 鬱陵于山 兩島를 包含하여 指稱한 것이며 中 于山島는 日本의 所謂 松島(日本所謂 今日의 竹島) 卽 獨島를 가리킨것이 分明하다. 이와같은 記述이 私人的 隨錄이나 體驗記에서

가 아니고 一國의 官撰地理志에 收錄되어 있다는것은 再論할 余地도없이 곧 그것이 國家的인 認識을 말하는 것이며 따라서 獨島가 分明히 國家領土의 一部로 看做되어 있는 事實을 立証하는 것이다.

(3) 于山島가 今日의 獨島의 指稱인 것은 非但 韓國側記錄에서만 分明할뿐 아니라 日本側記錄(松島之記)에서도 또한 的確한것을 忘却하여서는 안될 것이다. 即 一八七六年~一八七八年(明治九年~明治十一年)에 一部 日本漁民들이 所謂 竹島開拓願을 提出함에 當時 日本政府는 惶慌하여 朝野의 學者에 請託하여 松島問題에 對한 意見을 물었을때 外務省公信局長 田辺太一은 曰「松島(獨島)는 我 邦人의 命名이나 其実は 朝鮮 鬱陵島에 屬한 于山이다. 只今 까닭없이 사람을 보내어 巡視한다는 것은 他人의 寶배를 慾心내는 것이다. 하물며 隣境을 侵越함과 類似함에 있어서라 云云」이라하여 그所謂 開拓을 不許하자는 結論을 내렸던 것이다. 이로써 名稱問題, 所屬問題가 韓國側自身의 解明을 기다릴 必要조차없이 이미 明治時代의 日本國官史에 依하여 雄辨으로 代言되고 있음을 알 수 있다.

또한, 日本側은 自己의 主張을 有力케 하기 爲하여

「隱州視聽合記」를 引用하였는데 그引用이 큰 誤謬에 基因된것임으로 다시 그 原文을 精說할 必要가 있다. 이책은 嶺名과 같이 隱州郡隱岐島에 관한 記事로써 隱州가(主題로 되어) 日本의 乾地(西北限界)로 되어 있다는 것이다. 그 原文을 引用하면

隱州在北海中 故云隱岐島 倭倭訓海中
言遠故名与

南方至雲州美穗關 戊亥間行二日一夜有松島 又一日程有竹島 此二島無人之地 見
高麗 如自雲州 望隱州 然則 日本之乾地以此州為限 矣

여기에所謂 松島는 即 獨島, 竹島는 鬱陵島를 말한것으로 此二島에서 高麗(韓國)本土를 望見하는 距離關係가 마치 雲州에서 隱州를 望觀한것 같

으니 그런즉 日本의 西北部는 此州로서 限界를 삼는다는 것이다. 이것을 日本側은 誤讀하여 前二島로서 「日本의 西北部의 限界」라고 한것은 큰잘못이다.

「隱州視聽合記」의 記事야말로 正當한 見解라고 보지아니하면 아니되겠다.

三(1) 위와같이 明明白한 事實을 日本国政府는 故意로 隱蔽하여 否認하고 日本人이 일찍부터 鬱陵島에까지 渡航하였다는 事例와 日本人이 十七世紀頃 幕府에서 鬱陵島 渡航免許를 받게 되었다는 事實 및 그 渡航途中에 獨島가 그들의 漁採地로 利用되고 十七世紀後半期에 이르러서는 또한 獨島에 對한 渡海免許를 幕府에서 받게되었던 것이라고 말하고 있으나 이같은 引証은 日本国政府가 獨島領有에 對한 權利를 主張하는데 있어 何等의 도움도 되지 못하는 것이다.

實로 日本人은 三国時代로부터 特히 高麗王朝末期에 이르러서는 韓國의 沿岸各地와 內陸에까지 깊이 出沒入寇하여 韓國의 人民과 財産을 虜掠하였었다는 事實을 想起하고 나아가 當時에 있어서의 日本人들의 侵寇虜掠을 爲한 渡海가 非但 鬱陵島一帶에만 그쳤던것이 아니었다는 事實을 虛心坦懷하게 想起是認한다면 日本国政府는 本問題에 關한 스스로의 主張이 根本的으로 그릇된 立場에서 出發되고 있다는것을 率直히 是認하지 않을수 없을 것이다. 當時에 日本人들이 韓國沿海各地를 寇略함으로써 그 寇略地區에 關한 「地理를 熟知」하였던 것이라고 한다면 이로써 韓國沿岸各地의 領有를 主張할 수 있는가 우리는 質問하고 싶다.

(2) 日本国政府는 앞서 韓國側이 有力한 資料의 하나로써 安龍福의 英雄的活動에 關한 歷史的事實을 提示하였음에도 不拘하고 또다시 이를 故意로 否定하려고 하는것은 結局 自己네 主張에 不利한 하나의 障礙 事實로 여기는 所以에 不過하다고 밖에는 解釋되지 않는다. 安龍福의 渡日談判事件은 우리의 許多한 官私記錄에서 分明할뿐 아니라 또한 日本側記錄(三国通

航一覽)에도 나타나는 著名한 事實이며 이것이 當時 日本国政府에 큰 衝擊을 주어 마침내 이것으로 말미암아 日本側이 自国民의 이方面에로의 出漁를 禁하였던 것은 속일 수 없는 昭然한 事實이다.

日本側은 이에 對하여 出漁禁制後에도 松島에의 渡航은 問題가 아니었다고 하는 文獻을 引用하였으나 위에서 累言한바와 같이 이것은 一種의 侵寇行爲밖에 되지않는 것이며 日人이 이같은 侵寇行爲를 爲한 寄港地 乃至는 碇泊地로서 人間의 常住가 不可能한 小岩島인 独島를 利用하였었다는것을 말하여 이로서 同島의 經營을 云謂함은 전혀 正軌를 脫한 論理의 展開라고 하지 않을 수 없다. 또한 當時 日本의 所謂 「竹島」「松島」가 지금 鬱陵 独島의 어느것을 指稱한것인지 分別키 어렵다. 換言하면 「竹島」「松島」란 이름이 都大体 서로 바뀌어 二名 共히 鬱陵島, 独島를 混稱하였기 때문에 日本側記錄은 그 어느것을 独島 어느것을 鬱陵島로 指稱한것인지 實로 區別하기 어려운 까닭이다. 이러한 各稱의 混亂은 무엇보다도 二島에 對한 當時 日本人의 地理的 知識이 明確치 못하였다는 것을 証明하는 것이며 또 이러한 地理的 知識의 欠陷은 結局 이것이 日本의 管轄權外에 屬하였던것을 말하는 것이다.

要컨데 이미 新羅 智証王當時에 于山國이 新羅에 歸屬하였다는 事實과 그 于山國은 李朝初期에 이르러서는 分明히 鬱陵 于山 兩島를 包含한 것으로 認知되어 官撰地理志를 비롯한 其他 公私記錄에 收錄되었고 따라서 鬱陵島의 屬島인 于山島 即 独島도 領域의 一部로 分明히 看做되어 있었다는 事實에 秋毫의 疑問을 품을 余地가 없다.

四(1) 上述한 바와같이 独島가 韓國領土의 一部分이라고 하는 歷史的事實을 論駁할 充分한 証拠를 가지지 못한 日本国政府는 所謂 島根県告示라는 一方的 措置를 들어 國際法上的 領土取得의 要件이 充足된것처럼 金科玉條로 내세우려는 從來의 態度를 今般에도 依然히 反復하고 있으나 이와같은

日本側の 見解는 韓國側の 独島領有에 對한 主張에 何等의 影響도 주지 못할뿐 아니라 一顧의 價值조차 없는것임을 밝히고자 한다.

日本側은 이른바 一九〇五年一月二十八日の 日本閣議決定과 同年二月二十日の 島根県告示를 經過하여 独島를 正式으로 島根県에 編入하였다고 主張한다. 그러나 이러한 日本의 国内措置는 独島가 近古로부터 日本의 領土였다는 日本国政府의 執拗한 主張에 對하여 조금도 도움이 되지않는 것은 勿論 오히려 적어도 一九〇五年當時까지 日本国이 独島를 그領土의 一部分으로 생각하고 있었지않았다는 하나의 有力한 反証을 提示하는 것이다. 왜냐하면 日本側이 眞實로 独島의 領有權을 確立하였을진대 그當時에 새삼스러이 이를 日本国의 領土로 編入할 必要가 奈辺에 있었든가. 日本国政府의 이러한 行動은 그當時 日本이 韓國을 侵略하여 窮極적으로 이를 併呑하기 爲한 前哨工作으로 優先独島에 對한 그들의 侵寇行爲를 合理化할 하나의 口實로서 마치 無主物의 先占과 같은 国内的措置를 取한데 不遇한 것이다. 日本側の 論理를 따르다면 独島가 島根県에 「正式으로」 編入될때까지 그것은 日本의 어느県에도 屬하지 않는 非正式의 日本領土였다는 結論이 나오는데 이야말로 荒唐無稽한 詭辨이 아닐수 없다. 이와 反對로 独島는 歷史上으로나 地理上으로나 分명한 韓國領土인 鬱陵島와 不可分離의 關係를 가진 即 共同運命體의 關係에 놓여온 것이고 絶對로 無主物이 아니었음을 想起하여야 한다. 따라서 所謂 島根県告示라고 하는 日本国의 一方的 国内措置는 國際法의 效果를 發生하지 않는다.

(2) 또한 日本側은 韓國側이 「竹島의 島根県編入에 關한 島根県告示는 『極히 秘密裡에 行하여졌다.』라고 한데 對하여 이것을 否認하면서 「閣議決定에 依하여 島根県知事로부터 發布」된것임으로 秘密裡編入이 아니고 公開的編入인것처럼 말하려 하고있다. 그러나 外國에는 勿論 日本의 一般國民에게도 알려지지않은 所謂 「竹島編入」이 어떻게 秘密裡가 아니라고

말할 수 있겠는가. 外國의 例는 姑捨하고라도 日本國의 文部省自身이 日本人의 學校教科用으로 認可한 現代地圖가 獨島를 決코 日本領土의 一部分으로 取扱하지 않고 있으며 日本全國教育圖書株式會社가 一九五二年六月十日에 發行한 標準世界地圖의 第六版에도 漢字竹島를 韓國語로 音表하고있는 事實은 所謂 島根縣告示라고 하는것이 秘密裡에 行하여 진것이아니란 日本側의 主張을 翻覆시키는 有力한 傍証이 되는 것이다.

- (3) 이와같은 이른바 島根縣告示에 依한 「日本의 國家意思의 表明」이란것이 當時 日本이 領土取得時에 慣行한 告示方法이든 또는 竹島編入에 際하여 特別히 取한 措置이든간에 그러한 編入의 國內法形式은 우리에게 何等의 關係도 없고 또한 國際的慣行에도 없는 일이다. 如何한 國際的先例에 있어서도 他國의 領土를 一個地方庁의 告示로서 秘密裡에 編入하였다는 實例을 우리는 들은바 없다. 日本側은 自己의 主張을 正當化하고자 몇個의 國際的先例를 들은바 있으나 「크립 퍼어튼」島 事件에 있어서는 嚴然히 「하와이」政府에 對한 通告가 있었고 또한 「하와이」에서 發行되는 「포리네시아」紙上에 英文으로 「크립 퍼어튼」島에 對한 外國主權의 樹立을 公告하였던 것이다. 이것은 正히 日本國의 隱密한 「領土取得의 慣行」과는 天壤의 差異가 있는 것이다. 또 一九二八年의 「팔마스」島 事件에 對한 仲裁裁判에 있어서는 外國에 對한 通告가 其他의 公式的인 行爲와 同樣으로 「팔마스」島에 對한 和蘭의 行爲를 正常化하는 條件이 됨을 認定하고 있으며 絶對로 「通告가 必要없다」고 하지는 않았던 것이다. 다만 「팔마스」島와 같은 住民이 살고있는 地域에 있어서는 隱密한 主權의 行使란 不可能하다는 前提下에 「아프리카」大陸의 土地의 先占에서 보는바와같은 通告의 義務가 發生하지 않는다고 判定하였을 뿐이다. 또 日本側이 「구아노」島의 先占에 關하여 例示하고 있는 一八九〇年의 美國大法院의 判決(존스對美國事件)에서 보드라도 問題의 점이 明白

히 無主의 地域이라는 確証이 然後에 비로서 그 섬의 美國에의 編入을 決定하기로 된 것이며 그렇기 때문에 外國에의 通告를 行하지 않았던 것이고 또 이事件은 純全히 國內的事件으로서 外國과의 紛爭이 惹起된일이 없었다.

이와같이 上記 어느 國際的事件도 日本의 荒唐한 獨島占有論을 合理化할 何等의 傍証도 될 수 없음을 指摘하는 바이다. 自己側의 有利한 事件처럼 보이는 國際的事例라고 하여 全然事情과 條件이 判異한 獨島問題에 對하여 斷片的인 部分을 함부로 援用하려고 하는 日本側의 態度는 오히려 國際法에 關한 理解의 不足함을 表示하는外에 아무런 所得이 없으리라고 생각한다. 우리는 도리어 一八八八年의 「國際法協會」의 宣言이 先占에 關한 要件으로서 隱密한 告示가 아니라 外國에 對한 通告를 要求하고 있는데에 日本側의 注意를 喚起하고자 한다.

五. 다음으로 對日平和條約 第二條에 關하여 論述한다면 此條의 解釋에 있어서의 우리의 見解는 日本國이 韓國의 獨立을 承認하고 또한 原來의 韓國領土一切를 大韓民國에 返還할 것을 聯合國에 嚴肅히 約束하였으며 同時에 大韓民國은 權利로서 第二條의 利益을 主張할 수 있다는 것이다. 領土返還의 要求는 原來의 韓國領土에 局限하는 것이고 原來의 日本領土에 對하여 要求하는 것은 勿論아니다. 그럼에도 不拘하고 日本側이 獨島가 原來의 日本領土인 것처럼 主張하여 平和條約을 歪曲하는所以는 오로지 一九〇五年의 問題의 島根県告示에 依한 所謂 獨島의 編入이 一九一〇年の 韓日併合以前에 成就되었다는데에 基因한다. 그러나 이러한 編入의 法的効果는 先占의 要件을 具備하지 못하였기때문에 無効일뿐만 아니라 實로 淸日戰爭以後 日本帝國主義의 一連의 侵略行爲의 一環이었다는 意味에서 그編入措置는 斷然코 容認될 수 없는 것이다.

獨島는 韓日併合以前에 正確히 말하면 一九〇五年에 先占이 아니라 日本

의 強奪的 方法에 依하여 一地方自治團體의 告示로서 此所謂 編入을 當하였던 것임은 累述한바와 같다. 이것이 果然合法的인 것이었는가.

一八九五年 淸國과의 戰爭에 勝利한 日本은 一九〇四年 露西亞와 戰爭을 開始하여 帝國主義的 膨脹政策을 敢行하고 獨島를 所謂編入하기 前年인 一九〇四年八月二十二日에는 所謂 韓日協約을 強要하여 事實上韓國의 實權을 掌握하였다. 따라서 當時의 韓國은 形式上으로는 獨立을 維持하고 있었으나 實質上으로는 日本의 支配下에 있었다. 事實上 日本은 韓國의 完全併合을 爲한 豫備工作으로서 韓國의 國際社會에 있어서의 發言權을 封鎖할 目的으로 韓日協約의 第二項에 依하여서 「스티븐」을 買收派遣하여 그로하여금 韓國의 外交上의 實權을 掌握케 하였던것이다. 日本의 走狗인 外交顧問이 이처럼 韓國의 外交를 掌握하고 있었던 當時의 獨島編入에 對하여 「外國에 依하여서 問題된 일이없다」고 하여 마치 韓國이 獨島編入을 認定한것처럼 내세울 수 있는가. 이 對答은 否定的이 아닐 수 없다. 이것은 客觀的인 期待可能性이 全적으로 欠如되었고 그러한 情勢의 造作은 바로 日本側에 責任이 있기 때문이다. 이리하여 우리는 韓日合併前이라할 지라도 그와같은 政治情勢下에 取하여진 日本의 措置는 全혀 承認할 수 없는 것이다.

六. 끝으로 우리는 獨島問題의 解決에 重大한 關鍵이 되는 聯合國의 日本領土處理方針과 그 基本精神에 言及하고자 한다. 聯合國의 日本領土의 處理는 「카이로」宣言과 對日平和條約에 이르는 一連의 國際文書에 依拠하였다. 一九四三年十一月二十七日의 「카이로」宣言에서 美, 英, 中 三大國은 韓國人民의 奴隸狀態에 留意하고 適當한 經路를 밟아서 韓國을 自由獨立國家로 할 決意를 한다고 規定한後 다시 「三大聯合國의 目的은 一九一四年의 第一次世界大戰의 開始以後에 日本國이 奪取하였거나 또는 占領한 모든 太平洋諸島를 日本國으로부터 剝奪하는것 그리고……日本國이 淸國으로부터 盜取한

모든 地域을 中華民國에 返還하는데 있다」고 하였으며 또 「日本國은 또 暴力 및 強力에 依하여 略取한 其他 모든 地域으로부터 驅逐된다」고 規定하였다. 이 「카이로」宣言은 日本의 「포스담」宣言의 受諾과 同時에 同宣言 第八項에 依하여 日本을 嚴然히 拘束하는 國際文書가 되었다. 이와같이 聯合國의 日本領土處理에 關한 基本方針은 日本領土를 淸日戰爭 以前의 狀態로 還元시키려고 한 것이 分明할진대 一九〇五年 日本이 韓國政府에 外交顧問을 派遣하고 財政顧問과 警務顧問까지 派遣하여 놓고 島根県告示라는 一地方自治團體의 告示로서 編入하였다는 獨島의 取得은 바로 「暴力과 強力에 依하여 略取」한 것임이 明白하며 日本은 마땅히 이러한 地域으로부터 驅逐되어야 하는 것이다.

또다시 獨島는 「스캇인」 第六七七號에 依하여 非隣接島嶼로서 隣接諸小島와는 明白히 區別되었고 一九四七年六月十九日 日本에 對한 降伏後의 基本政策에 依하여 日本의 領土는 隣接島嶼에만 局限되었음으로 日本으로부터의 獨島의 分離는 이로써 確定되었다. 따라서 對日平和條約에 獨島를 日本에 編入한다는 積極的인 規定이 없는限 日本으로부터 分離가 確定된 地位에는 아무런 變動도 있을수 없는 것이다. 이와같이 獨島의 處理는 「포스담」宣言으로부터 「日本의 降伏後의 基本政策」에 이르는 一連의 文書에 依하여 統一的으로 理解되어야 하며 그러한 用意없이 「스캇인」 第六七七號의 第六項만으로 全体를 歪曲하려는 日本側의 態度는 不當한 것이다. 特別히 留意하여야 할 點은 韓國은 對日平和條約에 앞서 이미 一九四八年八月에 獨立을 達成한 以來 獨島의 管理 統治를 回復하였으며 그러한 狀態下에서 對日平和條約의 該當事國으로부터 正式承認을 받고 있었다는 事實이다. 이 事實은 獨島가 韓國의 領土임을 더욱 明白히 하여주는 것이다.

獨島는 聯合國最高司令官이 管理하는 周辺小島도 아니고 또 韓國獨立後 合衆國의 立法 및 司法權의 行使에 留保된 地域도 아니었다. 더욱이 獨島에

관한 日本의 所謂 「殘存主權」이 設立된 일도 없는 것이다.

七. 上述한바 諸般權威있는 文獻과 歷史的事實이 立証하는바와같이 獨島는 歷史上 地理上으로 또한 否認할 수 없는 法理論에 依하여 大韓民國의 嚴然한 領土의 一部임에도 不拘하고 日本國政府가 不法적으로 이의 領有權을 主張함은 그 眞實한 意圖가 奈辺에 있는지 疑心되지 않을 수 없다. 大韓民國政府는 日本側의 이러한主張이 何等의 正當한 根拠도 가지고 있지 못한것이며 따라서 韓國이 古來로부터 認知하여 왔고 또한 鬱陵島의 不可分の 屬島로서 分明히 그領域의 一部로서 看倣하여 왔으며 大韓民國의 主權確立과 더불어 그 管轄權을 回復한 獨島의 地位에 何等의 影響도 미칠 수 없다는 것을 指摘코저 한다. 故로 大韓民國政府는 一九五六年九月二〇日字 日本外務省 口上書附添에 表明된 日本國政府의 見解를 秋毫도 容認할수 없는 것이다. 獨島는 大韓民國의 領土의 不可分の 一部임을 再三 宣言하는 바이다.

The Korean Mission presents its compliments to the Ministry of Foreign Affairs and, with reference to the trespassing of the Korean territorial waters surrounding Dokto by the "HEKURA", a patrol boat of the Japanese Government, has the honour to state as follows:

1. On the morning of September 15, 1959, the "HEKURA" (About 600 tons), a PM-14 type vessel of the Japanese Government infringed upon the Korean territorial waters surrounding Dokto. The Korean authorities concerned found that the said Japanese vessel turned up from the point of 37°24'50" N.L. and 131°52'22" E.L. at 6:20 a.m., September 15, 1959. After cruising around the island with a distance of about five hundred (500) metres from the shore, the said Japanese vessel withdrew itself toward Japan from the point of 37°25'10" N.L. and 131°52'25" E.L. at 7:30 a.m. of the same day.

2. As the Government of the Republic of Korea has clarified on many occasions, Dokto was and is a part of the Korean territory from time immemorial. Thus, the Government of the Republic of Korea has refuted all kinds of Japanese allegations claiming territorial rights over Dokto as not only groundless but also unjust.

3. The Government of the Republic of Korea cannot but entertain a serious concern over the trespassing of Korean territorial waters around Dokto committed by Government vessels of Japan in defiance of

the repeated protests of the Korean Government. The Korean Mission renews its most energetic protest against the Japanese Government and requests that the same Government takes promptly effective and appropriate measures in order to repress the recurrence of similar cases in future.

Tokyo, September 18, 1959.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, with reference to the latter's note verbale PKM-20 dated September 18, 1959 concerning the recent inspection of the conditions of Takeshima by a Japanese Government patrol boat, has the honour to make the following representations:

1. The Japanese Government has already fully elucidated to the Korean Government on numerous occasions in the past that Takeshima is indisputably a part of the Japanese territory in the light of the historical facts, legal evidence and the provisions of the Peace Treaty with Japan, and has protested strongly against the illegal occupation of the Island by the Korean authorities.

2. It is within the unquestioned right of the Japanese Government recognized under international law to inspect at any time the island which is an integral part of the Japanese territory and take any other steps which may be deemed necessary. There exists no justifiable ground whatsoever on which the Korean Government can lodge a protest with the Japanese Government against any such action. Therefore, the Japanese Government can never admit the Mission's protest made in its note verbale under reference.

3. Meanwhile, "HEKURA," a patrol boat of the Japanese Maritime Agency, which was dispatched to the island for inspection on September

15, 1959, ascertained that the island was still occupied by Korean Government officials and the lighthouse, houses, and other facilities constructed by the Korean Government had not yet been removed.

4. Under the above-mentioned circumstances, the Japanese Government hereby renews its most vigorous protest to the Korean Government against its continued unlawful occupation of the island effected in defiance of the repeated protests of the Japanese Government, and strongly demands that the Korean Government immediately remove from the island all Korean officials and all structures, and promptly take effective and appropriate measures for suspending the illegal fishing operations by Korean fishermen in the Japanese territorial waters around the island.

Tokyo, September 23, 1959

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, regarding the unlawful occupation by the Korean Government of Takeshima, part of Japanese territory, has the honour to make the following representations:

1. The Japanese Government has pointed out on several occasion in the past that, in the light of historical facts as well as international law, Takeshima is undoubtedly a part of Japanese territory, and at the same time reiterated a most energetic protest against the occupation of Takeshima by the Korean Government authorities.

2. Meanwhile, a patrol boat of the Maritime Safety Agency, the "Hekura," which visited the island to conduct a field investigation on December 8, 1960, found that the lighthouse, buildings and other structures built by the Korean Government remained there without being removed, and that Korean officials were observed staying there.

3. Such being the case, the Japanese Government renews its vigorous protest against the Korean Government which, in defiance of the former's repeated protests, still continues to occupy Takeshima, part of Japanese territory, and strongly demands that the Korean Government take prompt steps to have its officials withdrawn and its installations removed from the same island.

Tokyo, December 22, 1960

The Korean Mission in Japan presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note Verbale No.371/ASN of December 22, 1960 regarding Dokto, referred to as "Takeshima" in the Ministry's Note, has the honour to state as follows:

1. As the Government of the Republic of Korea has made it clear to the Government of Japan on numerous occasions in the past, it is an undisputable fact that Dokto is an integral part of the territory of the Republic of Korea in the light of historical and geographical facts as well as international law.

2. The Government of the Republic of Korea, therefore, finds itself in no position to receive protests by foreign Governments against its national's staying on the Island, an integral part of the Korean territory, and against the construction and maintenance of necessary structures and facilities on the same Island.

3. Stating once again that Dokto is an integral part of the territory of the Republic of Korea, the Government of the Republic of Korea strongly requests the the Government of Japan immediately take appropriate and effective measures to keep Japanese patrol vessels as well as fishing boats from intruding into the territorial waters

around Dokto if such measures have not been taken.

January 5, 1961

Tokyo

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, regarding the unlawful occupation by the Korean Government authorities of Takeshima, part of Japanese territory, has the honour to make the following representations:

1. The Japanese Government, on many occasions in the past, pointed out that, in the light of historical facts and international law, Takeshima is undoubtedly a part of Japanese territory and at the same time reiterated a most energetic protest against the unlawful occupation of Takeshima by the Korean Government authorities.

2. In spite of these, when "Hekura", patrol vessel of the Japanese Maritime Safety Agency, visited Takeshima for inspection on December 3, 1961, it discovered that the light house, buildings, flag-post, wireless facilities and other objects constructed by the Korean Government on the island still remained there without being removed, and that Korean Government officials were stationed.

3. Such being the case, the Japanese Government presents a most energetic protest to the Korean Government against the fact that, in spite of the repeated protests by the Japanese Government, the Korean Government still continues the unlawful occupation of Takeshima, part of Japanese territory, and it demands strongly that the Korean Govern-

ment withdraw immediately the Korean officials from the island and remove all the structures constructed there.

Tokyo, December 25, 1961

The Korean Mission in Japan presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note Verbale No. 375/ASN of December 25, 1961, regarding the ownership of Dokto, has the honour to state as follows:

1. It is an unequivocally vindicated fact that Dokto is an integral part of the Republic of Korea in the light of historical facts and international law, and this undisputable fact has been repeatedly made clear to the Japanese Government through the Mission's Notes transmitted to the Ministry in the past.

2. In view of the inherent right of a Government over its territory, the Korean Government can not but consider the demand of the Japanese Government to withdraw the Korean officials from Dokto, an integral part of the Korean territory, and to remove structures constructed thereon, as an intervention in the domestic affairs, and the Korean Government is obliged to lodge the most energetic protest with the Japanese Government against such an intervention in domestic affairs.

3. In connection with the present case, it is stated that, on December 3, 1961, around 8:20 a.m., the Japanese patrol vessel "P.N.14 Hekura" approached Dokto as close as 500 metres from the direction of Okinoshima located to the east of Dokto and after sailing around the

Island once, disappeared around 9:30 a.m. to the direction from which it came. Since this is an apparent intrusion of the Korean territorial waters, the Korean Government is obliged to lodge the most energetic protest with the Japanese Government against the intrusion of the Korean territorial waters by the Japanese government vessel and strongly demands that the Japanese Government take immediate and appropriate measures to prevent the recurrence of a similar case in the future.

December, 27, 1961

Tokyo

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, with reference to the illegal landing of Korean nationals on the Japanese territory Takeshima and their engagement in illegal communication activities thereon, has the honour to make the following representations:

1. According to the reports which appeared in "Hanguk Ilbo", Korean newspaper, on February 3 and February 4, five members of the Korean Amateur Wireless League and two reporters of the said newspaper, having been given sea passage aboard a Korean naval vessel, landed Takeshima on February 2 for a scheduled stay of one week and were engaged in transmitting to foreign countries messages to the effect that Takeshima is Korean territory.

2. The Japanese Government, on many occasions in the past, pointed out to the Korean Government that, in the light of historical facts and international law, Takeshima is undoubtedly a part of Japanese territory and at the same time reiterated a most energetic protest against the unlawful occupation of Takeshima by the Korean Government authorities.

3. If the contents of the newspaper reports referred to above are true, the Japanese Government is obliged to make the most energetic protest to the Korean Government for the illegal landing on Takeshima

of the Korean nationals and their engagement in illegal wireless communication activities thereon and for the provision of sea passage and other facilities by the Korean authorities to assist the illegal acts of the Korean nationals. The Japanese Government demands strongly that the Korean Government take all the effective and appropriate measures to prevent the recurrence of similar illegal acts.

Tokyo, February 10, 1962

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, concerning the problem of the territoriality of Takeshima, has the honour to make the following representations:

1. The Japanese Government, being firmly convinced that Takeshima constitutes an integral part of Japanese territory, has repeatedly protested most vigorously to the Korean Government against the unlawful occupation of the island by the Korean Government authorities and has explained in detail to the Korean Government, the fact that, in the light of historical facts and international law, the island is undoubtedly a part of Japanese territory. The Japanese Government considers it highly regrettable that, in spite of the repeated protests by the Japanese Government, the Korean Government authorities still continue the unlawful occupation of Takeshima. The Japanese Government, therefore, is obliged to make a most vigorous protest to the Korean Government against the unlawful occupation and demands strongly that the Korean Government withdraw the Korean officials immediately from the island and remove all the structures constructed there.

2. Despite the well-founded views expressed by the Japanese side concerning the territoriality of Takeshima, the Korean Government attempted, in its Views attached to the Korean Mission's Note Verbale of January 7, 1959, to refute the Japanese Government's Views of

September 20, 1956. After a careful study of the Korean Views, the Japanese Government has reached a conclusion that the Korean Views fail to make any effective refutation at all against the indisputable fact that Takeshima is a part of Japanese territory, and that they do not present any ground that can support the Korean contention for the possession of the island. Therefore, in order to enunciate again that the views entertained by the Korean Government concerning Takeshima are entirely erroneous and that the island is an integral part of Japanese territory, the Japanese Government presents, enclosed herewith, "The Japanese Government's Views on the Korean Government's Views of January 7, 1959, concerning Takeshima".

Tokyo, July, 13, 1962

竹島に関する 1959 年 1 月 7 日付

韓国政府の見解に対する日本国政府の見解

(日本政府見解 4)

- (1) 日本国政府は、竹島が古くより日本固有の領土であると従来から明らかにして来たが、この立場をここに再び強調するものである。
- (2) そもそも、国際法上、ある地域が古くより一国の固有の領土であるか否かについては、その国が問題の地域について、これをいかに実効的に支配経営してきたかが最も決定的な要素となるものである。

日本は、古くより竹島についての正確な知見を有し、これをその領土として実効的に支配経営してきた。このことについて、日本国政府は従来の見解においてくりかえし多くの具体的証拠をあげて立証してきたにもかかわらず、韓国政府はその事実を十分に認識することなく誤った主張を固執しているので、今一度日本がいかに古くより実効的に竹島を支配経営してきたかの事実をまとめて記述すれば、次のとおりである。

なお、後記(6)で詳述するとおり明治時代のはじめまで、日本では今の竹島を「松島」といい鬱陵島を「竹島」といつていた。

日本の竹島経営はわが国が鬱陵島を経営していたときに遡る。鬱陵島は 1004 年ごろ日本人に「うるまの島」として知られ、14 世紀後半には日本人が鬱陵島に渡航していた記録がある。李朝初期に朝鮮政府が空島政策をとつてその経営を放棄してから日本人で同島に来往するものが多くなり、16 世紀末から約 100 年間、鬱陵島は日本人の漁採地となつていた。ことに米子の町人大谷甚吉と村川市兵衛は元和 4 年(1618 年)に正式に幕府から鬱陵島への渡海免許を得てその経営に従事していた。

竹島には、この鬱陵島への往復の途中で寄港していたのである。寛文 7 年(1667 年)に出雲藩士斎藤某が編した「隠州視聴合紀」は隠岐の

漁夫らの実見談を採録したものであるが、その巻1に、

「隠岐嶋、、、西北方に行くこと二日一夜にして松島（今の竹島）あり、また一日程で竹島（今の鬱陵島）があり、この二島人なき地、、、」と記している。1656年もしくはそれ以前に、大谷家は竹島も幕府から拝領し漁猟をふくめてそれを独占的に経営する免許を得ていた。これについては、大谷甚吉の3代目大谷九右衛門勝信の延宝9年（天和元年1681年）5月13日の請書につぎの記述がある。

「厳有院様（徳川家綱）の御代、竹島（今の鬱陵島）への道筋て船まわり20町ばかりの小島がある。これは草木のない岩島である。25年以前に阿部四郎五郎様の取りつぎで幕府から拝領し船で渡つた。この小島でもあしかの油を少しずつとつた。隠岐の国島後の福浦から小島へ海上60里余りもある。」

この小島はいうまでもなく、今の「竹島」である。すなわち大谷家は幕府から竹島に渡海し漁猟する免許を得て幕府の公認の下に竹島を経営していたのである。元禄8年（1695年）12月26日に池田家から老中阿部豊後守に提出した返答書は、その年に鬱陵島の帰途に「松島（今の竹島）であわびを少々とつた」ことを記し、また、元禄9年（1696年）1月23日付の松平伯耆守の覚は、「松島（今の竹島）は竹島（今の鬱陵島）に赴く途中なので立寄つて猟をした。出雲、隠岐の国の者が米子のものどもと同じ船で赴いた。福浦から松島（今の竹島）まで80里、松島（今の竹島）から竹島（今の鬱陵島）まで40里」と記している。

元禄9年（1696年）1月に徳川幕府は鬱陵島の経営を放棄することに決したが、今日の竹島への渡航は禁止されず依然として日本領土と考えていた。

18世紀中頃に著述された北園通莽の「竹島図説」には、「隠岐の国

松島（今の竹島）の西島より海上道のりおよそ40里ばかり北方に一島あり、名づけて竹島（今の鬱陵島）という」ととくに「隠岐の国松島」と記しており、また松島の西島と記している点からも松島（今の竹島）が東西両島からなつていることを熟知していたことが明らかである。矢田高当の「長生竹島記」（1801年）には、松島について具体的に記したのち「炎天のときには用水が不自由である。竹島（今の鬱陵島）渡海のとくに竹島丸の往復にはかならずこの島に寄港した。、、、本朝西海の果なり」とのべている。

また今に残つていゝる地図についてみると、伯耆の池田藩が享保9年（1724年）に幕府の命令によつて調進した松島・竹島の図には、松島（今の竹島）をせまい水道をへだてて東西に相對する2島と、これをとりにくく数個の岩礁をえがき、また東島の水道側の浜に「船寄場」と記し、また小屋を画いていて、日本人の竹島経営とその認識の正確さを示している。長久保赤水「日本輿地路程全図」（安永4年1775年）、近藤守重「辺要分界図考」（文化元年1804年）をはじめ、江戸時代の中期以降の多くの日本地図に、隠岐と朝鮮の間に2島をえがき、隠岐に近い方を「松島」、朝鮮に近い方を「竹島」としているが、これはその位置からみて今の竹島と鬱陵島である。

天保8年（1837年）に浜田の回船問屋の会津屋八右衛門が密貿易をして発覚し、死刑に処せられた事件があつた。この密貿易は竹島（今の鬱陵島）との間に行なわれたものとされていたが、同事件の判決文中に※橋本三兵衛が会津屋八右衛門に「ちかい松島（今の竹島）へ渡海の名目で竹島（今の鬱陵島）に渡る方法のある」ことをいつたと記されている。これは竹島（今の鬱陵島）への渡航は禁ぜられていても、松島（今の竹島）への渡航は、なんら問題でなかつたことを示している。

（注）※ 浜田藩家老岡田頼母の家来

また後記(7)のように明治初年(1877-78年)においても、当時の日本外務省の首脳部は竹島が日本領土であることについて明確な認識を持っていた。

以上のような歴史的根拠を背景にして、明治38年(1905年)1月28日の閣議決定および同年2月22日の島根県告示をへて、日本政府は竹島を島根県に編入する措置をとったものである。

- (3) 韓国政府は、朝鮮の古文献に朝鮮半島東方海上に鬱陵島と于山島という二つの島が存在することが記述され、その于山島はすなわち現在の竹島であると主張することにより日本による竹島の認知並びに経営に先立って朝鮮側で竹島を認知していたと強弁しようと試みているが、日本国政府が従来から指摘して来たとおり、朝鮮の古文献を客観的に検討すれば、そこには朝鮮側がこのように竹島を認知していたとの証拠は何ら見出されないのである。

すなわち、日本国政府が「1956年9月20日付見解」で指摘したとおり、朝鮮の古文献中には鬱陵島と于山島の兩名について、これが別個の二島を指すものか、あるいは兩名とも一島を指すものかにつき両説があるのであり、二島説をとる古文献においても一島二名の疑いを残しているばかりでなく、全文鬱陵島の説明に終始していて、于山島については単に島名をあげるのみで何ら具体的な記述が行なわれていない。このことは二島説をとっている古文献の編者が于山島の島名をあげるに際し何ら実地についての明確な知識に基づいていたのではないことを証明しており、于山島が今日の竹島であることを立証することはできない。

また韓国政府は「増補文献備考」の「輿地志」の「鬱陵、于山皆于山国、于山則、倭所謂松島也」との記事を引用して于山島が竹島をさすものであると実証せんと試みているがこの記述は日本側で「松島」と命名

して経営していた島（今の竹島）のあることを知つて、古文献にあらわれた于山島をその松島にあてはめたものにすぎず、高麗史地理志、世宗実録地理志、新增東国輿地勝覧に記された于山島が現在の竹島であると立証する資料には何等ならない。

まして日本国政府が「1956年9月20日付見解」において述べたとおり、李朝太宗17年2月の金麟雨の報告にみられる「于山島」は、大竹、生苧、綿子等を産し、15戸86名の人民の住む島として記され、明らかに鬱陵島を指している。

また、韓国側が鬱陵島と于山島が別個の島であるという自己の主張の根拠として引用する「新增東国輿地勝覧」にはその最初に掲載された「八道総図」および巻44の「江原道」の地図に于山島は鬱陵島と朝鮮本土の間に大きく画かれており、ここに記された「于山島」はまったく実在しない島である。

かくのごとく日本による竹島の認知と経営に先立つて朝鮮側が同島を認知していたという証拠は朝鮮の古文献中に何ら存在しないのであり、いわんや竹島に対する実効的経営を行なつた形跡は何らみられないのである。

- (4) 日本国政府が歴史的に諸資料を列挙して、竹島経営の事実を証明したのに対して、韓国政府は「1959年1月7日付見解」で、これは「日本人の侵寇虜掠のための渡海」であると規定し、「地理を熟知」していたことも、その侵寇のためのものなので領有権を主張し得ないとしている。このような韓国政府の主張の前提としては、日本の竹島に対する実効的経営以前に、朝鮮が同島を実効的に経営していたことが立証されなければならないが、前述したとおりこれを証明するものは何らないので、いずれにしろこの主張はまったく根拠のないものである。

5) また、韓国政府は「1959年1月7日付見解」においても安竜福の供述をもつて竹島を韓国領とする根拠にしようと試みているが、同事件に関する「肅宗実録」および「増補文献備考」の記述は、国禁を犯して海外に出た犯人が帰国後取調べを受けた際の供述であり、日本側に存する安竜福渡来に関する莫大にして詳細な記録に照してその内容を客観的に検討するとき、その供述が虚偽に満ちていることは、すでに日本国政府が「1956年9月20日付見解」において指摘したところである。

韓国側の記録にある安竜福の供述によれば、安竜福は隠岐から伯耆に向うにあたつて「鬱陵子山両島監税将」と称したとあるが（「増補文献備考」には「鬱陵監税官」と称したと記されている）、朝鮮にはこのような官名はなかつたのであり、彼は朝鮮政府から何の委任もうけていなかったのである。

また「肅宗実録」によれば安竜福は最初に来日した際（元禄6年、1693年）に「鬱陵・子山等の島をもつて朝鮮地界と定める」書契を江戸幕府から得たが対馬の藩主がその書契を奪い取つたので、2度目に来日した際（元禄9年、1696年）にこのことやその他の不法行為を江戸幕府に訴えようとしたところ日本側は当惑して、先に朝鮮の国境を犯した日本人15人（鬱陵島で安竜福を逮捕した大谷家手代等）を処罰したと述べているが、事実は全くこの供述と異なる。

鬱陵島漁撈は大谷、村川両家が幕府からみとめられて永年つづけていたところに、朝鮮人が出漁して来た。そこで元禄6年に朝鮮人出漁の生き証人として安竜福らを捕えて日本につれて来た。幕府は安竜福を朝鮮に送還するとともに、対馬藩主の宗義倫をして朝鮮人の鬱陵島への出漁禁止を朝鮮側に交渉せしめたのである。したがつて幕府が鬱陵島を朝鮮

領とした書契をかれに与えたことはあり得ない。また、かれを逮捕したものが処罰されたこともない。このように安竜福は備辺司の取調べに対する供述において、自己の行動を壮大に潤色作爲している。元禄6年に安竜福が日本につれてこられて朝鮮に送還されるまでの間に、鬱陵島問題は日本と朝鮮との間の大きな外交問題になつていた。この時期に来日した安竜福は鬱陵島をめぐるこの動きを知つていたので、自己に有利な創作をして備辺司に供述したのであつた。

以上述べて来たように、安竜福の供述は虚偽に満ちており信憑性の乏しいものであるが、いずれにしろ日本国政府が「1956年9月20日付見解」において述べたとおり一私人たる彼の言動は、韓国としての竹島領有を主張する根拠とするにはなんら役立つものではない。

また韓国政府は「安竜福の渡日談判事件が当時の日本国政府に大きな衝撃をあたえ、これによつて日本国が自国民のこの方面の出漁を禁じた」とのべているが、これが時期的にみて誤りであることは明白である。すなわち安竜福が再度の渡日で、伯耆についたのは元禄9年6月の初めであり、米子の大谷、村川両家の鬱陵島への渡海禁制が対馬藩主および伯耆藩主に通達されたのは、これより前の元禄9年1月28日である。

- (6) 韓国政府は「1959年1月7日付見解」の中で日本の文献中、松島と竹島の名が混同し、いずれが鬱陵島と竹島を指称するか判らないとして、日本の竹島に対する明確な知識に疑問を投げかけようと試みている。

松島と竹島両島の変遷については、すでに「1953年7月13日付日本国政府見解」において述べられているところであるが、これを改めて述べれば、日本では明治時代のはじめまで一貫して鬱陵島を「竹島」、今日の竹島を「松島」と呼んでいた。その後、ある時期の名称の混乱は下記のように鬱陵島に対するヨーロッパ人の測定の誤りに起因している。

すなわち、その経緯をみると、1787年にフランスのガロウ・ド・ラ・ベルウズ (Galaup de la Perouse) が鬱陵島に到り、これを Dagelet 島と命名したところ、さらに1797年にイギリスのウィリアム・ロバート・ブロートン (William Robert Broughton) が同じ鬱陵島に対して Argonaute 島との名を与えた。しかるにブロートンが同島の経緯度を間違えて測定したので、その後のヨーロッパの地図に鬱陵島が Dagelet, Argonaute の二島として記載された。1840年にシボル트가日本図を作るときに、従来の日本の地図に竹島 (今の鬱陵島)、松島 (今の竹島) と記されていたことから誤つて竹島を Argonaute 島に、松島を Dagelet 島にあてはめた。

その後ブロートンの測定は不正確であつたことが判明してヨーロッパの地図から Argonaute 島が抹消され、鬱陵島は Dagelet 島 (松島) としてだけ記されるようになり、ヨーロッパの地図においては従来「竹島」と呼ばれていた鬱陵島が「松島」となつたのである。

このようにヨーロッパ人の測定の誤りに起因する竹島、松島両島名の混乱をさけるため、1905年2月に従来の「松島」が島根県に編入された際、これが「竹島」と正式に命名されたものである。

(7) 明治9年、10年、11年の間にウラジオストックに赴く船上から今の鬱陵島を望見したものが、これを「松島」だとして開拓願を日本国政府に提出した：

韓国政府は「1959年1月7日付見解」において、この開拓願審議に際し、外務省田辺公信局長は「松島 (独島) はわが邦人の命名であるが、その実は朝鮮鬱陵島に属する于山である、」として開拓を許さないこととしようとの結論を下したのであると主張しているが、韓国政府のこの主張は、ただ自己の主張に有利なようにゆがめて記録中の一節だけ

を引用したにつきる。

当時の外務省では、松島なる島の開拓願の提出に際し、この松島なるものは果していかなる島を指しているのであるかを明らかにするため視察を行なう必要があるかどうかを検討したのである。

その際、田辺公信局長は「松島が于山島であるというものがあるが」と前置きして、このような仮説について論じているのである。

韓国政府の見解の第一の誤りは、この引用句を田辺局長の説としてい
ることであり、第二の誤りは、この仮説であげた松島を独島として今の竹
島を指したものと曲解していることである。ここにいう松島は、現在の
竹島をいうのではなく、開拓願がでていて実体の明確でない松島を意味
するものである。田辺局長はこの松島が鬱陵島に属する于山島であるとい
うものがあるが（この場合、于山島の名は、朝鮮側の古文献をみてあ
げたものであり、それが今の竹島を指すものでないことは前記(3)で詳述
したとおりである。）もし、本当にそうであるなら開拓すべきではない
と述べているに過ぎない。

また、この議論に際し、渡辺記録局長は「このいわゆる松島なるもの、
竹島（今の鬱陵島）なれば彼に属し、もし、竹島（今の鬱陵島）以外に
ある松島なればわれに属せざるをえざるも、、、その松島「デラセ」
島なるものは本来、竹島すなわら鬱陵島にして、わが松島なるものは洋
名「ホルネットロックス」なるがごとし、、、このホルネットロ
ックスのわが国に属するは各国の地図みな然り」、「旧幕府無事を好む
より、、、竹島（今の鬱陵島）をもつて、、、朝鮮に譲渡せりといえど
も松島（今の竹島）は竹島（今の鬱陵島）よりわが近き方にあれば、日
本に属し、朝鮮また異論ある能わず」とのべ、もし視察の結果、この松
島が鬱陵島と別物ならば、因播、隠岐、石見などに帰せざるを得ずとい

う見解を示していた。

明治13年9月、軍艦天城が赴いて実際にこの島を測量した結果として、この問題の松島は鬱陵島そのものであり、鬱陵島付属の島に竹島があることが明確にされた。

このような松島開拓願の審議に際して明らかにされていることは、明治初期においても日本国政府が竹島を日本固有の領土として認識し、その上に立つて議論していたことである。

- (8) 韓国政府は、日本が島根県告示により竹島を島根県に編入したことは、1905年までは日本が竹島をその領土の一部として考えていなかったことの有力な証拠であるとしている。しかしながら、日本国政府が従来の日本側見解及び今回の見解に述べているとおり、竹島が古来から日本の領土であることは明らかであつて、前記(6)においても述べたとおり、島根県告示に先立つこと20余年前に問題となつたいわゆる「松島開拓願」の審査に当つた外務省の要路は、竹島が日本領に属し、朝鮮側も異論ある能わざることを明確にしていた。

閣議決定につづく島根県告示は、日本が近代国家として、竹島を領有する意思を再確認し、これを日本の近代行政区分の中に編入し、このことを公示したものであつて、それにつづく一連の事実は、竹島に対する実効的な占有及び経営による主権の行使を示すものにほかならない。

上記のとおり、島根県告示は閣議決定に基づき島根県知事により発せられたものであつて、かかる手続は、当時日本が採用していた通常の編入方法によつたものであり、竹島について特にとられた措置ではない。

韓国側は、島根県告示が秘密裡に行なわれ、竹島編入を日本の一般国民すらも知らなかつたと主張しているが、これは全く事実と反する驚くべき主張であつて、現に島根県告示は明治38年2月22日付の島根県県

報に掲載されており、また、例えば同年2月24日付の山陰新聞第5912号には右告示があつた事実及びその内容を報道しているのである。

また、韓国政府は、かかる日本国内の告示は、外国に通報せられなかつたが故に、国際法上なんらの効果ももたないと断じている。しかし、国際法上一般に、条約上特別の義務を負う場合（例えば、コンゴ地域に関する1885年のベルリン議定書）を除き、領土の取得を他国に対して通告することは義務的とされていないのである。

これを学説についてみれば、例えばオッペンハイム (International Law I、8版559頁) も、グッゲンハイム (Traité de Droit International public Tome I、441頁) も他国への通報をもつて領土取得の条件とはしていないのである。

判例については、すでに日本国政府の指摘したとおり、1928年のパルマス島事件においてはコンゴに関する1885年のベルリン議定書の規定の適用がないからオランダ政府が他国に対し通告を行なう義務は存在しなかつた (An obligation for the Netherlands to notify to other Powers...did not exist.) と判決されたのであり、1931年のクリッパートン島事件の判決においても、フランスが領土の取得を他国へ通報しなかつた点について1885年のベルリン議定書に規定されているような通報の義務はこの場合に適用なく、いかなる方法にせよ領土取得という行為に公示性が与えられれば充分であると判決したのであつて、これら兩判決はいずれも領土取得の要件として外国政府への通報を義務的であるとはしていないのである。

また、韓国政府は、国際法協会の1888年の宣言が外国への告示を必要なものとしたと述べているが、同協会は同年に会合を行なっていない。

従つて、これは、1888年の国際法学会による宣言と思われるが、同宣言においても外国への通報は必要要件とされておらず、

"La notification de la prise de possession se fait, soit par la publication dans la forme qui, dans chaque Etat, est en usage pour la notification des actes officiels, soit par la voie diplomatique."

と述べ、各国における慣行たる形式による公表であつてもよいことを明らかにしている。

以上の如く、無主地の先占についての学説、先例が外国政府への通報をもつてこれを義務的でないとしているのであれば、すでに古来から日本がこれを認識し、これを有効に経営してきた地域であつて、しかも他国によつて争われたことのない地域については一層かかる通報義務はないものとみなしなければならない。

また、竹島の場合には、島根県より告示が発せられているのであり、右告示は、まさに上記学説又は判例のいう公示(notoriety)又は公表(publication)に該当するものにほかならない。

韓国政府が日本の行政機関による告示のかかる明白な性格に目をおおひ、単に外国への通報がなされなかつたことのみをもつて竹島の島根県編入措置の秘密性を云々することは全くいわれの無いことである。

なお、韓国政府は「1959年1月7日付見解」において、島根県告示による竹島の編入は、「日清戦役以後の日本帝国主義の一連の侵略行為の一環であつた」と述べ、また、1904年の日韓協約による外交顧問の任命が、竹島編入の有効性に関係がある如く述べているが、韓国が島根県告示より以前から竹島を有効に経営していたということが立証されない限り、かかる議論は全く根拠がなく、同島編入が侵略行為であるとい

う如き主権国に対する重大な非難は、最も高度な確実性をもつて立証されるべきであつて、韓国が全く事実と反する独断をもつてかかる非難を行なうことは断じて容認できない。

- (9) 韓国政府はさらに、「1959年1月7日付見解」において、戦後における連合国による日本領土処理方針について、これを竹島問題解決の重大な鍵であるとし、カイロ宣言や連合国総司令部覚書 SCAPIN 677 号等によつて竹島の日本国からの分離は確定したと述べている。

しかしながら、日本国政府が「1956年9月20日付見解」で述べたように戦後の日本領土処理は、サンフランシスコ平和条約によつてはじめてなされたものである。平和条約は、日韓併合前の朝鮮が日本から分離独立することを認めたものであるが、日韓併合前から日本の領土であつた領土を独立した韓国にあらたに割譲するとの意味は全く含まれていないのである。

韓国政府は、竹島はカイロ宣言にいう「暴力及び強慾により略取した」地域であると主張しているが、日本国政府が従来の見解で繰返し述べてきたように、竹島は古来より日本国及び日本国民が平和裡に、かつ公然とこれを領有し有効に経営してきたものであり、いかなる外国からもこれを争われたことのない地域であるから、いかなる意味においてもこれが韓国より日本国が略取したものではないことは明らかである。

韓国政府は SCAPIN 677 号及び 1947 年 6 月 19 日付の「日本に対する降伏後の基本政策」に基づいて竹島の日本からの分離が確定したと主張しているが、日本国政府がすでに指摘したとおり、SCAPIN 677 号はポツダム宣言第 8 条を特に引用して同指令が連合国による日本の諸小島の最終的決定ではないことを明らかにしており、1947 年の対日基本政策は「降伏後の日本国に関する一般的声明」であつて、いずれも竹島の帰

属を具体的に確定したものではない。

また、SCAPIN 677号自体においても、竹島は明らかに朝鮮とは別個の対象として朝鮮とは別個の項目の中に規定されているのであつて、平和条約がSCAPIN 677号によつて行政分離された鬱陵島、濟州島及び竹島3島のうら鬱陵島及び濟州島の2島について日本の放棄を規定し、竹島について何らの規定もおいていない事実は、竹島は日本国がその独立を承認した「朝鮮」あるいは日本国が権利、権原、及び請求権を放棄した「朝鮮」の中に含まれていないことを示すものである。

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, regarding the unlawful occupation by the Korean Government authorities of Takeshima, part of Japanese territory, has the honour to make the following representations:

1. The Japanese Government, on many occasions in the past, pointed out to the Korean Government that, in the light of historical facts and international law, Takeshima is undoubtedly a part of Japanese territory and, at the same time, reiterated the most energetic protest against the unlawful occupation of Takeshima by the Korean Government authorities.

2. In spite of these, when "Oki", patrol vessel of the Japanese Maritime Safety Agency, visited Takeshima for inspection on December 22, 1962, it discovered that various kinds of structures constructed by the Korean Government on the island still remained there without being removed, and that Korean Government officials were stationed.

3. The Japanese Government considers it deeply regrettable that, in spite of these repeated protests by the Japanese Government, the Korean Government still continues to occupy Takeshima unlawfully at this time when friendly atmosphere between Japan and Korea is increasing. Therefore, the Japanese Government lodges again the most energetic protest with the Korean Government against the unlawful occupation, and demands strongly of the Korean Government the immediate withdrawal of

the Korean officials from the island and the removal of all the structures constructed there.

4. Further, in connection with the above, the Japanese Government desires to point out the following fact. On January 8, "Hwarang-Ho", patrol boat belonging to the Ulneung Police Station of the Kyongsangbuk-do Police Bureau, Republic of Korea, (8 tons, the number of crew: 6 including the squad leader Park Hong Chu, policeman of the Ulneung Police Station, and the captain Kim Bong Gap) reached Urago Harbour, Nishinoshima-cho, Chifu-gun, Shiname-ken, after drifting on for some time. On board the boat were 2 sets of wireless transmitters, 13 rifles and 1 carbine with 18 bullets attached. Upon being questioned by the Japanese authorities, the crew of the boat stated that the boat had set sail on January 4 from Ulneung Island to Takeshima to transport the above equipment to the Korean officials occupying the island, that, unable to reach the shore of Takeshima owing to the rough condition of the sea, it had set on the return journey on January 5, that it had begun to drift on the way due to the stormy condition of the sea and that it had reached Urago Harbour. With regard to this case, the Japanese Government lodges the most energetic protest with the Korean Government against the fact that the crew of the boat attempted unlawfully to land Takeshima, part of the Japanese territory, and also against their attempt to transport the equipment to the Korean officials who occupy the island unlawfully.

Tokyo, February 5, 1963.

The Korean Mission presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note Verbale No.41/ASN dated February 5, 1963, has the honor to state as follows:

1. On numerous occasions in the past, the Korean Government made it unmistakably clear on the basis of historical facts and international law that Dokdo is an integral part of the Korean territory. Accordingly, the exercise of territorial sovereignty by the Korean Government on the said islands is entirely lawful and proper. The Korean Government wishes to point out that the allegation by the Japanese Government to the effect that Dokdo is occupied unlawfully by the Korean Government authorities is entirely without ground and that it can, by no means, recognize any propriety of the protest to the same effect, made by the Japanese Government in the Note under reference.

2. Although the Korean Government is grateful to the Japanese authorities concerned for the cooperation rendered in rescuing the Korean patrol boat "Hwarang Ho," which went adrift in January, 1963, the Korean Government also takes the position that, as Dokdo is an integral part of the Korean territory, the Japanese Government is not in a position to lodge such a protest as specified in paragraph 4 of the said Note, nor does the Korean Government recognize any propriety of it.

3. The Korean Government cannot but express grave concern over the fact that the Japanese patrol vessel "Oki" violated without prior permission the Korean territorial waters adjacent to Dokdo at a time when both the Korean and Japanese Governments are making sincere efforts for the settlement of the various pending issues and the normalization of relations between the two countries. The Korean Government hereby lodges the most energetic protest with the Japanese Government against the unlawful activities perpetrated by a Japanese public vessel "Oki" and demands strongly of the Japanese Government to take immediate and appropriate measures to prevent the recurrence of a similar incident in future.

Tokyo, February 25, 1963

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, regarding the unlawful occupation by the Korean Government authorities of Takeshima, part of Japanese territory, has the honour to make the following representations:

1. The Japanese Government, on many occasions in the past, pointed out to the Korean Government that, in the light of historical facts and international law, Takeshima is undoubtedly a part of Japanese territory and, at the same time, reiterated the most energetic protest against the unlawful occupation of Takeshima by the Korean Government authorities.

2. In spite of these, when "Hekura", patrol vessel of the Japanese Maritime Safety Agency, visited Takeshima for inspection on January 31, 1964, it discovered that various kinds of structures constructed by the Korean Government on the island still remained there without being removed, and that Korean Government officials were stationed.

3. The Japanese Government considers it deeply regrettable that, in spite of the repeated protests by the Japanese Government, the Korean Government still continues to occupy Takeshima unlawfully. Therefore, the Japanese Government lodges again the most energetic protest with the Korean Government against the unlawful occupation, and demands strongly of the Korean Government immediate withdrawal of the Korean officials from the island and removal of all the structures constructed there.

Tokyo, March 3, 1964.

The Korean Mission presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note Verbale No. 72/ASN of March 3, 1964, regarding the ownership of Dokto, Korean territory, has the honour to state as follows:

1. As the Government of the Republic of Korea has repeatedly made it clear on numerous occasions, Dokto is an integral part of the territory of the Republic of Korea and there can be no doubt whatsoever about this fact in the light of authoritative historical evidences, geographical realities and international law. The Government of the Republic of Korea, accordingly, cannot recognize any propriety of the protest made by the Japanese Government in the Note under reference against the lawful exercise by the Korean Government of its territorial jurisdiction over the Island.

2. The Government of the Republic of Korea, cannot but express a grave concern over the incident in which the Japanese patrol vessel, "Hekura", engaged in an unlawful investigation of Dokto which is unequivocally an integral part of the Korean territory as pointed out in the above. Therefore, the Korean Government hereby lodges the most energetic protest with the Japanese Government against such an unlawful act perpetrated by the said Japanese public vessel, and strongly requests the Japanese Government to take immediate and appropriate

measures to prevent the recurrence of such a similar incident in future.

March 18, 1964
Tokyo.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, with reference to the latter's Note Verbale No. PKM-21 of November 2, 1964 regarding the denotation of Takeshima in "The Japan of Today", an information material issued by the Ministry of Foreign Affairs, has the honour to state as follows:

The Japanese Government, on many occasions in the past, pointed out to the Korean Government that, in the light of historical facts and international law, Takeshima is undoubtedly a part of Japanese territory. (Reference is especially made to the points of view of the Japanese Government on the ownership of Takeshima presented to the Korean side by the Ministry's Notes Verbales dated July 13, 1953, February 10, 1954, September 20, 1956 and July 13, 1962).

In view of the foregoing, the Japanese Government considers that the Korean insistence on this matter is groundless and, therefore, is unable to accept it.

Tokyo, November 12, 1964.

The Ministry of Foreign Affairs presents its compliments to the Korean Mission and, regarding the unlawful occupation by the Korean Government authorities of Takeshima, part of Japanese territory, has the honour to make the following representations:

1. The Japanese Government, on many occasions in the past, pointed out to the Korean Government that, in the light of historical facts and international law, Takeshima is undoubtedly a part of Japanese territory and, at the same time, reiterated the most energetic protest against the unlawful occupation of Takeshima by the Korean Government authorities.

2. However, when "Oki", patrol vessel of the Japanese Maritime Safety Agency, visited Takeshima for inspection of February 13, 1965, it discovered that various kinds of structure constructed by the Korean Government on the island still remained unremoved, and that Korean Government officials were stationed there.

3. The Japanese Government considers it highly regrettable that, in spite of the repeated protests by the Japanese Government, the Korean Government still continues to occupy Takeshima unlawfully. Therefore, the Japanese Government lodges again the most energetic protest with the Korean Government against the unlawful occupation, and demands strongly of the Korean Government immediate withdrawal of the Korean officials from the island and removal of all the structure constructed there.

Tokyo, April 10, 1965.

The Korean Mission presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note Verbale No. 134/ASN of April 10, 1965 regarding the ownership of Dokto, Korean territory, has the honour to state as follows:

1. As the Government of the Republic of Korea had repeatedly made clear on many occasions, in the light of authoritative historical evidences, geographical realities and international law there can be no doubt whatsoever to the fact that Dokto is an integral part of the territory of the Republic of Korea. Therefore the Government of the Republic of Korea cannot recognize any propriety of such an unfounded protest as made by the Japanese Government in the Note under reference against the lawful exercise by the Korean Government of its territorial jurisdiction over the Island.

2. With regard to the unlawful acts committed under the pretext of the so-called inspection of the Korean territory by the Japanese patrol boat, "Oki", the Korean Government hereby lodges the most energetic protest with the Japanese Government against the illegal acts perpetrated by the said Japanese public vessel, and strongly requests the Japanese Government to take immediate and appropriate measures to prevent the recurrence of such unlawful acts in future.

Tokyo, May 6, 1965.

The Korean Mission presents its compliments to the Ministry of Foreign Affairs of Japan and, with reference to the latter's Note Verbale No.228/ASN dated July 13, 1962, has the honor to state as follows:

As has been made indisputably clear on numerous occasions in the past, Dokto is an integral part of the territory of the Republic of Korea and is under the exercise of its lawful territorial jurisdiction. Any allegation to be made by the Japanese Government with regard to the ownership of Dokto does not deserve any consideration at all.

The Korean Mission avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

Tokyo, December 17, 1965.

The Ministry of Foreign Affairs presents its compliments to the Embassy of the Republic of Korea and, regarding the unlawful occupation by the Korean Authorities of Takeshima, part of Japanese territory, has the honour to make the following representations:

1. The Government of Japan, on many occasions in the past, pointed out to the Government of the Republic of Korea that, in the light of historical facts and international law, Takeshima is undoubtedly a part of Japanese territory and, reiterated a strong protest against the unlawful occupation of Takeshima by the Korean authorities.

2. However, when "Hekura", patrol vessel of the Japanese Maritime Safety Agency, made a tour for inspection of Takeshima on August 15, 1969, it was observed that not only various kinds of constructions built by the Government of the Republic of Korea on the island still remained unremoved, but also new installations had been added, and Korean officials were stationed there.

3. The Government of Japan considers it highly regrettable that, in spite of the repeated protests by the Government of Japan, the Government of the Republic of Korea still continues to occupy Takeshima unlawfully. Therefore, the Government of Japan lodges again the strong protest with the Government of the Republic of Korea against the

unlawful occupation, and requests the Government of the Republic of Korea to withdraw immediately the Korean officials from the island and to remove all the constructions.

Tokyo, October 28, 1969.

62. 1969.11.25 字 我側口述書

The Embassy of the Republic of Korea presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note No.164/ASN dated October 28, 1969 regarding the ownership of Dokto, Korean territory, has the honour to make the following representations:

1. As the Government of the Republic of Korea has repeatedly made clear on many occasions, Dokto is an integral part of the territory of the Republic of Korea and is under the exercise of its lawful territorial jurisdiction. The Government of the Republic of Korea, therefore, can not recognize any propriety of such an unfounded protest as made by the Japanese Government in the above-referred Note.

2. The Government of the Republic of Korea takes a serious view on the unlawful acts committed by a Japanese patrol boat under the pretext of the so-called inspection. The Government of the Republic of Korea lodges the most energetic protest with the Government of Japan against the illegal acts perpetrated by the said Japanese patrol vessel, and strongly requests the Japanese Government to take immediate and appropriate measures to prevent the recurrence of such unlawful acts in future.

Tokyo, November 25, 1969.

The Ministry of Foreign Affairs presents its compliments to the Embassy of the Republic of Korea and, regarding the unlawful occupation by the Korean Authorities of Takeshima, part of Japanese territory, has the honour to make the following representations:

1. The Government of Japan, on many occasions in the past, pointed out to the Government of the Republic of Korea that, in the light of historical facts and international law, Takeshima is undoubtedly a part of Japanese territory and, reiterated a strong protest against the unlawful occupation of Takeshima by the Korean authorities.

2. However, when "Hekura", patrol vessel of the Japanese Maritime Safety Agency, made a tour for inspection of Takeshima on September 13, 1970, it was observed that various kinds of constructions built by the Government of the Republic of Korea on the island still remained unremoved, and that Korean officials were stationed there.

3. The Government of Japan considers it highly regrettable that, in spite of the repeated protests by the Government of Japan, the Government of the Republic of Korea still continues to occupy Takeshima unlawfully. Therefore, the Government of Japan lodges again the strong protest with the Government of the Republic of Korea against the unlawful occupation, and requests the Government of the Republic of Korea to

withdraw immediately the Korean officials from the island and to remove all the constructions.

Tokyo, November 13, 1970.

The Embassy of the Republic of Korea presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note No. 163/ASN dated November 13, 1970 regarding the ownership of Dokto, part of Korean territory, has the honour to make, under the instructions from its home Government, the following representations:

1. As the Government of the Republic of Korea had repeatedly made clear on many occasions, in the light of authoritative historical evidence, geographical facts and international law, there can be no doubt whatsoever to the fact that Dokto is an integral part of the territory of the Republic of Korea. Therefore the Government of the Republic of Korea cannot recognize any propriety of such an unfounded protest as made by the Japanese Government in the Note under reference against the lawful exercise by the Korean Government of its territorial jurisdiction over the Island.

2. The Government of the Republic of Korea considers it highly regrettable that the Japanese patrol boat, "Hekura", violated the territorial waters of the Republic of Korea, while engaged in the so-called inspection tour of Dokto on September 3, 1970. Therefore, the Government of the Republic of Korea lodges a most energetic protest with the Government of Japan against the illegal acts committed

by the said Japanese patrol boat, and strongly requests the Japanese Government to take immediate and appropriate measures to prevent the recurrence of such unlawful acts in the future.

Tokyo, November 24, 1970.

The Ministry of Foreign Affairs presents its compliments to the Embassy of the Republic of Korea and, regarding the unlawful occupation by the Korean Authorities of Takeshima, part of Japanese Territory, has the honour to make the following representations:

1. The Government of Japan, on many occasions in the past, pointed out to the Government of the Republic of Korea that, in the light of historical facts and international law, Takeshima is undoubtedly a part of Japanese territory and, reiterated a strong protest against the unlawful occupation of Takeshima by the Korean Authorities.

2. However, when "Nagara", patrol vessel of the Japanese Maritime Safety Agency, made a tour for inspection of Takeshima on July 1, 1971, it was observed that various kinds of constructions built by the Government of the Republic of Korea on the island still remained unremoved.

3. The Government of Japan considers it highly regrettable that, in spite of the repeated protests by the Government of Japan, the Government of the Republic of Korea still continues to occupy Takeshima unlawfully. Therefore, the Government of Japan lodges again the strong protest with the Government of the Republic of Korea against the unlawful occupation, and requests the Government of the Republic of

Korea to withdraw immediately the Korean officials from the island and to remove all the constructions.

Tokyo, September 6, 1971.

The Embassy of the Republic of Korea presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note No. 163/ASN dated September 6, 1971 regarding the ownership of Dokto, an integral part of Korean territory, has the honour to make, under the instructions from its home Government, the following representations:

1. The Government of the Republic of Korea repeatedly made clear on numerous occasions in the past that, in the light of authoritative historical evidence, geographical facts and international law, there can be no doubt whatsoever as to the fact that Dokto is an integral part of the territory of the Republic of Korea. The Government of the Republic of Korea cannot, therefore, recognize any propriety of the unwarranted protest by the Government of Japan in the Note under reference against the lawful exercise by the Korean Government of its territorial sovereignty and jurisdiction over the Island.

2. The Government of the Republic of Korea considers it extremely regrettable that the Japanese patrol boat "Nagara" violated the territorial waters of the Republic of Korea, while engaged in the so-called inspection tour of Dokto on July 1, 1971. Therefore, the Government of the Republic of Korea is obliged to lodge a most energetic protest with the Government of Japan against the illegal acts committed

by the said Japanese patrol boat, and strongly requests the Japanese Government to take immediate and appropriate measures to prevent the recurrence of such an unlawful act in the future.

Tokyo, October 12, 1971.

The Ministry of Foreign Affairs presents its compliments to the Embassy of the Republic of Korea and has the honour to make the following representations regarding the unlawful occupation by the Korean Authorities of a Japanese territory, Takeshima:

1. The Government of Japan has pointed out to the Government of the Republic of Korea, on many occasions in the past, that Takeshima is undoubtedly a Japanese territory in the light of historical facts and in international law, and has repeated strong protests against its unlawful occupation by the Korean Authorities.

2. Meanwhile, it has been confirmed that the Government of the Republic of Korea is planning to change the lighthouse on Takeshima into a semi-permanent one using the sunlight as power source, and it should be regarded as nothing but an indication of that Government's intention to continue the unlawful occupation of the island for a long period to come.

3. The Government of Japan considers it extremely deplorable that the Government of the Republic of Korea, ignoring the repeated protests by the Government of Japan, should continue to occupy Takeshima unlawfully and attempt to change the lighthouse into a semi-permanent one. Therefore, the Government of Japan lodges afresh

a strong protest with the Government of the Republic of Korea against the unlawful occupation and requests that the Korean officials be immediately withdrawn from the island and all the constructions including the lighthouse on the island be removed.

Tokyo, April 1, 1972.

The Embassy of the Republic of Korea presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note No. ASN/30 dated April 1, 1972 regarding Dokto, an integral part of Korean territory, has the honour to make, under instructions from its home Government, the following representations;

1. As the Government of the Republic of Korea has repeatedly pointed out to the Government of Japan on numerous occasions in the past, the fact that Dokto is an integral part of the territory of the Republic of Korea is obvious and indisputable in the light of authoritative historical evidences, geographical facts and international law. The Government of the Republic of Korea can not recognize any propriety of the unfounded protest by the Government of Japan in the Note under reference against the lawful exercise by the Korean Government of its territorial sovereignty and jurisdiction over the Island.

2. It is extremely regrettable that the Japanese Government, despite the repeated protests by the Government of the Republic of Korea, should continue to send patrol boats around the territorial waters of the Republic of Korea under the pretext of so-called inspection tour. The Government of the Republic of Korea strongly requests once again the Japanese Government to take appropriate measures to prevent any recurrence of such an unlawful act in the future.

Tokyo, May 15, 1972.

The Ministry of Foreign Affairs presents its compliments to the Embassy of the Republic of Korea and has the honour to make the following representations regarding the unlawful occupation by the Korean Authorities of a Japanese territory, Takeshima:

1. The Government of Japan has pointed out to the Government of the Republic of Korea, on many occasions in the past, that Takeshima is undoubtedly a Japanese territory in the light of historical facts and in international law, and has repeated strong protests against its unlawful occupation by the Korean Authorities.

2. However, when "Hekura", patrol vessel of the Japanese Maritime Safety Agency, made a tour for inspection of Takeshima on August 22, 1972, it was observed that various kinds of constructions built by the Government of the Republic of Korea on the island still remained unremoved, and that Korean officials were stationed there.

3. The Government of Japan considers it extremely deplorable that the Government of the Republic of Korea, ignoring the repeated protests by the Government of Japan, should continue to occupy Takeshima unlawfully. Therefore, the Government of Japan lodges afresh a strong protest with the Government of the Republic of Korea against the unlawful occupation and requests that the Korean officials be immediately withdrawn from the island and all the constructions on the island be removed.

Tokyo, October 26, 1972.

The Embassy of the Republic of Korea presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note No. ASN/30 dated April 1, 1972 regarding Dokto, an integral part of Korean territory, has the honour to make, under instructions from its home Government, the following representations;

1. As the Government of the Republic of Korea has repeatedly pointed out to the Government of Japan on numerous occasions in the past, the fact that Dokto is an integral part of the territory of the Republic of Korea is obvious and indisputable in the light of authoritative historical evidences, geographical facts and international law. The Government of the Republic of Korea can not recognize any propriety of the unfounded protest by the Government of Japan in the Note under reference against the lawful exercise by the Korean Government of its territorial sovereignty and jurisdiction over the Island.

2. It is extremely regrettable that the Japanese Government, despite the repeated protests by the Government of the Republic of Korea, should continue to send patrol boats around the territorial waters of the Republic of Korea under the pretext of so-called inspection tour. The Government of the Republic of Korea strongly requests once again the Japanese Government to take appropriate measures to prevent any recurrence of such an unlawful act in the future.

Tokyo, December 11, 1972.

The Embassy of Japan presents its compliments to the Ministry of Foreign Affairs and, with reference to the survey project for the development of fishing around the area of Takeshima Island which will reportedly be conducted in the very near future, has the honour, under instruction from its home Government, to state as follows:

If the projected survey is to involve the waters within twelve miles of Takeshima Island, it would constitute the contravention of the provisions that Japan exercises over the waters to that extent the exclusive jurisdiction in matters of fisheries (cf. paragraph 1, article 1 of the Agreement on Fisheries between Japan and the Republic of Korea, and the Japanese Government Ordinance concerning the establishment of the fishery limit waters based on the said provisions), and if the survey is to be conducted in Takeshima Island itself or over the waters within three miles of the Island, then it would come into conflict with the position of the Government of Japan that Takeshima Island is a territory of Japan.

The Government of Japan wishes to emphasize that the conduct of a fishing survey by the Republic of Korea in such a manner as may be incompatible with the established position of the Government of Japan as set forth in the preceding would be liable to stir up the dispute between the two countries over the Takeshima question, thus disturbing the friendly relations between the two countries.

The Government of Japan, therefore, has the honour to honestly request the Government of the Republic of Korea to be good enough to reconsider the matter to see to it that the above-mentioned survey project, if ever carried out, will be limited to the areas of waters not within twelve miles of Takeshima Island.

The Embassy of Japan avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Seoul, April 25, 1973.

The Ministry of Foreign Affairs presents its compliments to the Embassy of Japan and, with reference to the latter's Note No.P-155 dated April 25, 1973 regarding the reported survey project for the development of fisheries around the Island of Dokto, part of Korean territory, has the honour to state as follows:

As the Government of the Republic of Korea has repeatedly made clear on many occasions, in the light of authoritative historical evidence, geographical facts and international law, there can be no doubt whatsoever that Dokto is an integral part of the territory of the Republic of Korea.

The Government of the Republic of Korea, therefore, can not recognize the propriety of such an unfounded protest as made by the Japanese Government in the Note under reference against the lawful exercise by the Korean Government of its territorial sovereignty and jurisdiction over the Island of Dokto.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of Japan the assurances of its highest consideration.

Seoul, May 7, 1973.

The Ministry of Foreign Affairs presents its compliments to the Embassy of the Republic of Korea and, regarding the unlawful occupation by the Korean Authorities of Takeshima, part of Japanese territory, has the honour to make the following representations:

1. On many occasions in the past, the Government of Japan has pointed out to the Government of the Republic of Korea that in the light of historical facts and according to international law Takeshima is undoubtedly a part of Japanese territory, and has repeatedly made strong protests against the unlawful occupation of Takeshima by the Korean authorities.

2. In spite of these, when "Hekura", patrol vessel of the Japanese Maritime Safety Agency, made a tour for inspection of Takeshima on September 9, 1975, it was observed that, on the island, not only various kinds of constructions built by the Government of the Republic of Korea still remained unremoved, but also new installations had been added, and that Korean officials were stationed there.

3. The Government of Japan considers it extremely regrettable that, in spite of the protests repeated by the Government of Japan, the Government of the Republic of Korea still continues to occupy Takeshima unlawfully. Therefore, the Government of Japan hereby

lodges a strong protest again with the Government of the Republic of Korea against the unlawful occupation, and demands the Government of the Republic of Korea to immediately withdraw the Korean officials from the island and to remove all the constructions there.

Tokyo, November 19, 1975.

The Embassy of the Republic of Korea presents its compliments to the Ministry of Foreign Affairs and, with reference to the latter's Note No.229/ASN dated November 19, 1975 regarding Dokto, has the honour to make, under instructions from its home Government, the following representation:

1. The Government of the Republic of Korea repeatedly made it clear on numerous occasions in the past that, in the light of authoritative historical evidence, geographical facts and international law, there can be no doubt whatsoever as to the fact that Dokto is an integral part of the territory of the Republic of Korea. The Government of the Republic of Korea cannot, therefore, recognize any propriety of the unwarranted protest by the Government of Japan in the Note under reference against the lawful exercise by the Korean Government of its territorial sovereignty and jurisdiction over the Island.

2. The Government of the Republic of Korea considers it extremely regrettable that the Japanese patrol boat "Hekura" violated the territorial waters of the Republic of Korea, and engaged in the so-called inspection tour of Dokto on September 9, 1975. Therefore, the Government of the Republic of Korea hereby lodges the most energetic protest with the Government of Japan against the unlawful acts committed by the said Japanese patrol boat, and strongly requests the Japanese

Government to take immediate and appropriate measures to prevent the recurrence of such unlawful acts in the future.

Tokyo, November 24, 1975.

覺

- 1 . 8 月 4 日付朝鮮日報紙は 7 月 27 日、 17 名の韓国アマチュア無線家より成る「韓国ハム連盟独島（竹島）遠征隊」が墨湖から韓国政府の海洋警備艇便で竹島に到着し、「アマチュア移動無線局」を設置した旨報じている。また、8 月 31 日付中央日報紙は 7 月 27 日、韓国の「学術調査団」が韓国政府の海洋警備艇で竹島に到着した旨報じている。
- 2 . 日本政府としては、この報道内容が事実であるか否か、韓国側に確認を求めたい。
- 3 . 仮にこの報道が事実であるとするならば、日本政府としては韓国人アマチュア無線家及び韓国の「学術調査団」が竹島に不法に上陸したことのみにならず、韓国政府の公船である海洋警備艇がこれらアマチュア無線家及び韓国の「学術調査団」を竹島に輸送し、これを支援したことに重大な関心を有する。

かかる韓国政府の行為は従来の竹島に関する紛争をさらに紛糾せしめる挑発的行為と言わざるを得ず、日韓友好関係にかんがみても極めて遺憾な行為であり、日本政府は韓国政府に抗議するとともに、かかる遺憾な事件の再発防止措置方を韓国政府に要求する。
- 4 . 日本政府はこの機会に韓国政府が日本政府の累次にわたる抗議にもかかわらず、今なお竹島を不法に占拠し続けていることを極めて遺憾とするものであり、ここに重ねて同政府に対し嚴重抗議するとともに、韓国官憲の竹島よりの即時退去及び同島における一切の建物の撤去を強く要求する。

1. 大韓民國 政府가 過去 敎次에 걸쳐 거듭 闡明한 바와 같이, 獨島는 歷史的 證據, 地理的 事實 및 國際法에 비추어, 大韓民國 領土의 不可分의 一部分이다.
2. 따라서 獨島는 大韓民國의 主權下에 있으며, 大韓民國 政府는, 1976年 9月 8日字 日本 外務省 文書에 言及된 日本政府의 主張에 對하여 何等의 妥當性도 認定할 수 없고 또한 그 抗議는 根拠가 없는 것임을 通報한다.

The Ministry of Foreign Affairs presents its compliments to the Embassy of the Republic of Korea and, regarding the unlawful occupation by the Korean authorities of Takeshima, part of Japanese territory, has the honour to make the following representations:

1. On many occasions in the past, the Government of Japan has pointed out to the Government of the Republic of Korea that, in the light of historical facts and according to international law, Takeshima is undoubtedly a part of Japanese territory, and has repeatedly made strong protests against the unlawful occupation of Takeshima by the Korean authorities.

2. In spite of these, when "Kuzuryu", patrol vessel of the Japanese Maritime Safety Agency, made a tour for inspection of Takeshima on August 13, 1976, it was observed that, on the island, not only various kinds of constructions built by the Government of the Republic of Korea still remained unremoved, but also new installations had been added, and that Korean officials were stationed there.

3. The Government of Japan considers it extremely regrettable that, in spite of the repeated protests by the Government of Japan, the Government of Republic of Korea still continues to occupy Takeshima unlawfully. In particular, the Government of Japan considers that

the setting up of new installations in the island by the Government of the Republic of Korea constitutes an extremely unfriendly action against Japan.

Therefore, the Government of Japan hereby lodges a strong protest again with the Government of the Republic of Korea against the unlawful occupation, and demands the Government of the Republic of Korea to immediately withdraw the Korean officials from the island and to remove all the constructions there.

Tokyo, October 25, 1976.

The Embassy of the Republic of Korea presents its compliments to the Ministry of the Foreign Affairs and, with reference to the latter's Note No. 247/ASN, dated October 25, 1976 regarding DOKTO, has the honour to state as follows:

1. As has been stated repeatedly on numerous occasions in the past, the Government of the Republic of Korea maintains that, in the light of historical evidences and geographical facts, and also under the principle of international law, DOKTO is an integral part of the territory of the Republic of Korea. The Government of the Republic of Korea, therefore, cannot recognize any propriety of the unwarranted protest lodged by the Government of Japan as contained in the Note under reference against the lawful exercise of territorial sovereignty and jurisdiction by the Korean Government over the Island.

2. The Government of the Republic of Korean greatly regrets to note that, as referred to in the said Note, the "Kuzuryu", a patrol vessel of the Japanese Maritime Safety Agency, made its tour for so-called "inspection" of DOKTO on August 13, 1976, in grave violation of the territorial waters of the Republic of Korea.

3. The Government of the Republic of Korea lodges a firm protest with the Japanese Government against the unlawful act committed by

the above-mentioned Japanese vessel and strongly requests that such unlawful acts should not be repeated by the Japanese Government in the future.

Tokyo, December 12, 1976