DISPUTE BETWEEN RUSSIA AND JAPAN CONCERNING KURIL ISLANDS

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Numerous issues arise between states.

Scholars identified approximately forty issues that have been at stake in modern wars, ranging from territory to navigation, changing (or defending) governments, protecting nationals or commercial interests abroad, protecting ethnic or religious kinsmen, and enforcing (or revising) treaty terms. To many scholars, territory is the most salient (important) and most conflict-prone issue. Among other things, territory often has tangible value to the participants in the form of strategic military positions or valuable economic resources, as well as intangible value in the form of historical importance to one's state or ties to one's ethnic, religious, or linguistic kinsmen.

Kuril Islands. The island chain known as the Kurils stretches north across the Pacific Ocean from the Japanese island of Hokkaido to the southern tip of Russia's Kamchatka Peninsula.

Four islands - which Russia calls the Southern Kurils and Japan calls the Northern Territories - are the subject of a 60-year-old dispute between the two nations. They are Kunashir (known in Japanese as Kunashiri ), Iturup (Etorofu), Shikotan and the rocky Habomai islets.

History of the conflict. The first Russo-Japanese agreement to deal with the status of Sakhalin and the Kuril Islands is the 1855 Treaty of Shimoda which first established official relations between Russia and Japan. Article 2 of the Treaty of Shimoda, which provided for an agreement on borders, states "Henceforth the boundary between the two nations shall lie between the islands of Etorofu and Uruppu. The whole of Etorofu shall belong to Japan; and the Kurile Islands, lying to the north of and including Uruppu, shall belong to Russia." The islands of Kunashiri, Shikotan and the Habomai Islands, that all lie to the south of Etorofu, are not explicitly mentioned in the treaty and were understood at the time to be a non-disputed part of Japan. The treaty also specified that the island of Sakhalin/Karafuto was not to be partitioned but was to remain under a joint Russo-Japanese condominium.

In a subsequent 1875 Treaty of Saint Petersburg Russia and Japan agreed that Japan would give up all rights to Sakhalin in exchange for Russia giving up all rights to the Kuril Islands in favor of Japan.

The Russo-Japanese war of 1904-1905 was a military disaster for Russia. The 1905 Treaty of Portsmouth, concluded at the end of this war, gave the southern half of the Sakhalin Island to Japan.

Although Japan occupied parts of Russia's Far East during the Russian Civil War following the October Revolution, Japan did not formally annex any of these territories and they were vacated by Japan by the mid-1920s.

There was practically no hostile activity between the USSR and Japan after the Battle of Khalkin Gol ended the Japanese-Soviet Border Wars in 1939 and before the USSR declared war on Japan (Manchurian Strategic Offensive Operation) on August 8, 1945. After capturing the islands between August 18 and September 3, 1945, the Soviet Union expelled the Japanese inhabitants two years later.
The modern Kuril Islands dispute arose in the aftermath of World War II and results from the ambiguities in and disagreements about the meaning of the Yalta agreement (February 1945), the Potsdam Declaration (July 1945) and the Treaty of San Francisco (September 1951). The Yalta Agreement, signed by the United States, Great Britain and the Soviet Union, stated:

The leaders of the three great powers – the Soviet Union, the United States of America and Great Britain – have agreed that in two or three months after Germany has surrendered and the war in Europe is terminated, the Soviet Union shall enter into war against Japan on the side of the Allies on condition that: [...] 2. The former rights of Russia violated by the treacherous attack of Japan in 1904 shall be restored, viz.: (a) The southern part of Sakhalin as well as the islands adjacent to it shall be returned to the Soviet Union; [...] 3. The Kurile Islands shall be handed over to the Soviet Union.

Japan, as well as the United States, claimed that the Yalta agreement did not apply to the Northern Territories because they were not a part of the Kuril Islands, although U.S. geographers have traditionally listed them as part of the Kuril chain.

The Potsdam Declaration states the following regarding the Japanese territories:

"8. The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshū, Hokkaido, Kyushu, Shikoku and such minor islands as we determine". The islands comprising the Northern Territories are not explicitly included in this list, but the U.S. subsequently maintained, particularly during the preparation of the Treaty of San Francisco, that the phrase "and such minor islands as we determine" could be used to justify transferring the Northern Territories to Japan.

The Treaty of San Francisco was officially signed by 49 nations, including Japan and the United States, on September 8, 1951. Article (2c) states: "Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of 5 September 1905." The State Department later clarified that "the Habomai Islands and Shitokan ... are properly part of Hokkaido and that Japan is entitled to sovereignty over them". Britain and the United States agreed that territorial rights would not be granted to nations that did not sign the Treaty of San Francisco, and therefore the islands were not formally recognized as Soviet territory.

The Soviet Union refused to sign the Treaty of San Francisco and publicly stated that the Kuril Islands issue was one of the reasons for its opposition to the Treaty. Japan signed and ratified the San Francisco treaty. However, both the Japanese government and most of the Japanese media currently claim that already at the time of the 1951 San Francisco peace conference, Japan held that the islands of Kunashiri, Etorofu, Shikotan and the Habomai rocks were technically not a part of the Kuril Islands and thus were not covered by the provisions of Article (2c) of the treaty. The timing of this claim is disputed by Russia and by some western historians.

The US Senate Resolution of April 28, 1952, ratifying of the San Francisco Treaty, explicitly stated that the USSR had no title to the Kurils, the resolution stating:

As part of such advice and consent the Senate states that nothing the treaty [San Francisco Peace Treaty] contains is deemed to diminish or prejudice, in favor of the Soviet Union, the right, title, and interest of Japan, or the Allied Powers as defined in said treaty, in and to South Sakhalin and its adjacent islands, the Kurile Islands, the Habomai Islands, the Island of Shikotan, or any other territory, rights, or interests possessed by Japan on December 7, 1941, or to confer any right, title, or benefit therein or thereto on the Soviet Union.
1956 Soviet-Japanese Joint Declaration and dispute over the composition of the Kuril islands. During the 1956 peace talks between Japan and the Soviet Union, the Soviet side proposed to settle the dispute by returning Shikotan and Habomai to Japan. In the final round of the talks the Japanese side accepted the weakness of its claim to Etorofu and Kunashiri and agreed to settle for return of Shikotan and the Habomais, in exchange for a peace treaty. However, the Americans intervened and blocked the deal. The United States warning to Japan that a withdrawal of the Japanese claim on the other islands would mean the United States would keep Okinawa caused Japan to refuse these terms. The United States had asserted that the San Francisco Peace Treaty "did not determine the sovereignty of the territories renounced by Japan," but that "Japan does not have the right to transfer sovereignty over such territories. Nevertheless, on October 19, 1956 in Moscow, the USSR and Japan signed the Soviet-Japanese Joint Declaration. The Declaration ended the state of war between the Soviet Union and Japan, which technically had still existed between the two countries since August 1945. The Joint Declaration did not settle the Kuril Islands dispute, the resolution of which was postponed until the conclusion of a permanent peace treaty between USSR and Japan. However, Article 9 of the Joint Declaration stated: "The U.S.S.R. and Japan have agreed to continue, after the establishment of normal diplomatic relations between them, negotiations for the conclusion of a peace treaty. Hereby, the U.S.S.R., in response to the desires of Japan and taking into consideration the interest of the Japanese state, agrees to hand over to Japan the Habomai and the Shikotan Islands, provided that the actual changing over to Japan of these islands will be carried out after the conclusion of a peace treaty."

The question of whether Etorofu and Kunashiri islands are a part of the Kurils, and thus whether they are covered by Article (2c) of the Treaty of San Francisco, remains one of the main outstanding issues in the Kuril Islands dispute. Based on a 1966 book by a former Japanese diplomat and a member of the 1956 Japanese delegation for the Moscow peace talks, Clark traces the first Japanese claim that Etorofu and Kunashiri islands are not a part of the Kurils to the 1956 negotiations on the Soviet-Japanese Joint Declaration of 1956. The Soviet Union rejected the view at that time, and subsequently, Russia has maintained the same position since then.

The positions of the two sides have not substantially changed since the 1956 Joint Declaration, and a permanent peace treaty between Japan and Russia still has not been concluded.

On July 7, 2005, the European Parliament issued an official statement recommending the return of the territories in dispute, which Russia immediately protested.

As late as 2006, Russia's Putin administration offered Japan the return of Shikotan and the Habomais (about 6% of the disputed area) if Japan would renounce its claims to the other two islands, referring to the Soviet-Japanese Joint Declaration of 1956 which promised Shikotan and the Habomais would be ceded to Japan once a peace treaty was signed.

Japan has offered substantial financial aid to the Kuril Islands if they are handed over. However, by 2007, residents of the islands were starting to benefit from economic growth and improved living standards, arising in particular from expansion in the fish processing industry. As a result, it is thought that islanders are less likely to be won over by Japanese offers of financial support.

The dispute over the Kuril Islands was further exacerbated on July 16, 2008, when the Japanese government published new school textbook guidelines directing teachers to say that Japan has sovereignty over the Kuril Islands. The Russian Ministry of Foreign affairs announced on July 18, "[these actions] contribute neither to the development of positive cooperation between the two countries, nor to the settlement of the dispute" and reaffirmed its sovereignty over the islands.

Japanese Prime Minister Taro Aso and Russian President Dmitry Medvedev met in Sakhalin on February 18, 2009 to discuss the Kuril Islands issue. Aso said after the meeting that they had agreed to speed up efforts to resolve the dispute so that it would not be left to future generations to find a solution.

I November 2010 Dmitry Medvedev has paid the first visit by a Russian president to the disputed Kuril Islands, sparking a diplomatic row with Japan. Mr Medvedev met local residents in
Kunashir, the second-largest of the four islands, and pledged more investment for the region. He visited a kindergarten, a power station and a fishery, and promised greater investment in the region.

"We have an interest in people remaining here. It is important that there be development here, we will invest money here without fail," Interfax news agency quoted him as saying. Japanese Prime Minister Naoto Kan called Mr Medvedev's visit regrettable, and Russia's envoy was summoned. Separately, Japanese Foreign Minister Seiji Maehara warned that the visit would "hurt the feelings of the Japanese people".

Russia called Japan's reaction to the visit "unacceptable".

Recent events, concerning Kuril Islands. A bullet was mailed to the Russian Embassy in Japan on Tuesday, an embassy spokesman said, the day after a day of protest in Japan over the Kuril Islands sparked a diplomatic exchange.

Sergei Yasenev confirmed local media reports that the Russian embassy in Tokyo had received an envelope containing a bullet and a letter which said "The Northern Territories are Japanese land."

"We link this with activities of ultra-right forces or mentally unstable people," he said, adding that the Japanese police were investigating the incident.

The incident took place amid the heating up of a diplomatic row between Russia and Japan over four islands off Russia's far eastern coast, called the Northern Territories in Japan and the Kuril Islands in Russia.

On Monday, during Japan's Northern Territories Day, Japanese Prime Minister Naoto Kan called Russian President Dmitry Medvedev's recent visit to one of the islands an "inexcusable rudeness," sparking an angry reaction from Moscow.

Russian Foreign Minister Sergei Lavrov said the statement, which he said "sharply" contrasted with the "respectable and positive tone" of bilateral meetings between Medvedev and Kan last fall, was "clearly not diplomatic."

Medvedev paid a visit to the island of Kunashir in November 2010. Tokyo described the visit as "very regrettable," while Moscow said the Russian authorities would decide by themselves on their domestic trips. Following Medvedev's visit, Japan temporarily recalled its ambassador to Russia.

Japanese right-wing campaigners dragged the Russian flag along the ground outside the Russian Embassy in Tokyo on Monday and called for the return of the disputed islands. The embassy sent a protest note to the Japanese Foreign Ministry over the incident.

The sparsely populated islands in the Kuril chain between Japan's northern island of Hokkaido and Russia's far eastern Kamchatka Peninsula were annexed by the Soviet Union at the end of World War II.

February 7 marks the anniversary of the signing in 1855 of the Russian-Japanese Treaty of Commerce and Navigation, known as the Shimoda Treaty, which Japan is citing as a legal ground for its territorial claims.

Conclusion.
Japan's view

Japan's current view of the dispute is given in the official pamphlet of the Japanese Ministry of Foreign Affairs:

– The Cairo Declaration and the Potsdam Declaration did not apply to the Northern Territories because those islands had never belonged to Russia even before 1904-1905.

– Russia had not previously claimed the disputed islands, not in all the time since it began diplomatic relations with Japan in 1855. Therefore the disputed islands could not be considered part of the territories acquired by Japan "by violence and greed".

– The Yalta Agreement "did not determine the final settlement of the territorial problem, as it was no more than a statement by the then leaders of the Allied Powers as to principles of the postwar settlement. (Territorial issues should be settled by a peace treaty.) Furthermore, Japan is not bound by this document, to which it did not agree."
Russia's 1945 entry into the war against Japan was a violation of the Soviet–Japanese Neutrality Pact, and the occupation of the islands was therefore a violation of international law. The Soviet Union repudiated the neutrality pact on April 5, 1945, but the pact remained in effect until April 13, 1946.

Although by the terms of Article (2c) of the 1951 San Francisco treaty, Japan renounced all rights to the Kuril Islands, the treaty did not apply to the islands of Kunashiri, Etorofu, Shikotan and the Habomai rocks since they are not included in the Kuril Islands. Also, the Soviet Union did not sign the San Francisco treaty.

**Russia's view**

Russia maintains that all the Kuril Islands, including those that Japan calls the Northern Territories, are legally a part of Russia as a result of World War II, and that this acquisition was as proper as any other change of international boundaries following the war. Moscow cites the following basic points:

- The explicit language of the Yalta Treaty gave the Soviet Union a right to the Kurils, and the Soviet Union upheld its own obligations under that treaty.
- Russia inherited possession of the islands from the former Soviet Union, as its successor state, in accordance with international law.
- The Japanese assertion that the disputed islands are not part of the Kurils is simply a tactic to bolster Tokyo's territorial claim and is not supported by history or geography.

Russia has said it is open to a negotiated "solution" to the island dispute while declaring that the legality of its own claim to the islands is not open to question. In other words, Japan would first have to recognize Russia's right to the islands and then try to acquire some or all of them through negotiations.

**Whatever** the issues under contention between them, states need to choose appropriate techniques to manage or settle their issues, which could range from bilateral negotiations to seeking the binding or non-binding assistance of third parties.

**References**