Book Review

Kimie Hara, Ed.


This year marks the 70th anniversary of the end of World War II. Prime Minister Shinzo Abe’s speech commemorating the occasion was carefully watched in Beijing and Seoul. While he expressed his “feelings of profound grief” and “eternal, sincere condolences,” the immediate reaction from both China and Korea was of disappointment in that there was “left much to be desired” and no “sincere apology”. The continuing rift between Japan and her immediate neighbors, China and South Korea, are not limited to the nuances of Japanese expressions of remorse over the actions by Japan during World War II, but also includes the visits of Japanese officials to the Yasukuni Shrine, the failure to include mention of Japanese atrocities in history textbooks, and ignoring the calls for an official apology and compensation over the so-called “comfort women” and forced labor issues. Tensions in Northeast Asia have been running high in recent years as Japan has sought to assert itself in the region with support from the United States in the face of a rising China. Prime Minister Abe and his Liberal Democratic Party have made clear their intention to revise Article 9 of the Japanese Constitution which bars Japan from engaging in war and maintaining an offensive military force. Perhaps the most troubling aspect of these tensions are expressed through the territorial disputes Japan has been engaged in with China over the Diaoyudao/Senkaku Islands and with South Korea over Dokdo/Takeshima and to some degree with Russia over the Kurile Islands/Northern Territories. These conflicts have prevented true reconciliation and a complete resolution of Japanese aggression in Northeast Asia in the 20th century.

The current strain in relations between Japan and her neighbors can be traced back to the conclusion of World War II and is in no small part due to the dynamics created by the San Francisco Peace Treaty which came into force
in 1952. The Peace Treaty provided for the legal resolution of Japan’s involvement in the War and aimed to “settle questions still outstanding as a result of the existence of a state of war between them.” Since then, Northeast Asia has seen a dramatic reordering of the interstate relations and balance of power that has tested the efficacy of the Peace Treaty. Its lasting impact and the problems that have arisen due to its terms is the subject of The San Francisco Peace Treaty and Its Legacies edited by Professor Kimie Hara of the University of Waterloo. In this edited volume, Professor Hara attempts to examine some of the major issues left unresolved or ambiguous by the Peace Treaty to pay “attention to their common foundation” in the effort to consider “solutions for these problems in a broader multilateral context beyond the immediate disputants, which could lead East Asia toward greater regional cooperation and community-building.”

Professor Hara includes chapters that cover a diverse set of problems which deal with the territorial and boundary disputes Japan currently has with countries in Northeast Asia and on the implications of the Peace Treaty for the South China Sea dispute China has with various Southeast Asian nations (chapters 1–4). Her volume also includes a wide-ranging set of topics such as discussions of Korea’s exclusion from the Peace Treaty and its impact on Korean affairs (chapter 5); the status of Taiwan’s sovereignty (chapter 6); the Peace Treaty’s impact on Okinawa as a separate territory (chapter 7); the treatment of “comfort women” under the Peace Treaty (chapter 8); the Peace Treaty’s impact on indigenous peoples (chapter 9); the racism that was engendered by the Peace Treaty in Japan and elsewhere (chapter 10); the impact of the Peace Treaty on United States-China-Japan relations (chapter 11); an examination of the historical legacy of Asian wars and its impact on peaceful regional cooperation (chapter 12); the proposal for a settlement formula in a multilateral framework to bring about a resolution to the problems caused by the Peace Treaty (chapter 13); and an epilogue that identifies the contemporary challenges and looks for a way forward for the region in coming to terms with the past and the impact of the Peace Treaty. Given the focus and readership of the Korean Journal of International and Comparative Law, the scope of this book review will be limited to chapters that deal with the legal implications of the San Francisco Peace Treaty on the territorial disputes in the region; chapters one through four.

Professor Hara’s own perspective of the San Francisco Peace Treaty, as outlined from her introduction, is that it “was a by-product of the Cold War.” As such, it should be understood from the perspective of the circumstances created by the commencement of the struggle between the United States and the Soviet Union upon the conclusion of World War II. As the Cold War intensified, Professor Hara observes that “the peace terms with Japan changed