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TERRITORIAL SETTLEMENT BETWEEN RUSSIA AND JAPAN AFTER WORLD WAR II: MODERN VIEWS FROM MOSCOW

Nowadays there are two views on this problem: first one is the view that the Northern boarder of Japan should be limited with Hokkaido and such minor islands, i.e., Shikotan and Habomai as it has been determined by the Soviet-Japan Declaration (1956), and the second one is the view that it should be limited with Hokkaido without any Kuril island as it has been determined by San-Francisco Peace Treaty (1951) with Japan, insisted by co-chairman of Russia-Japan Council of the Sages, mayor of Moscow Yury Luzhkov.1

The current normative base of the Russian-Japanese relations after World War II consists of: the Cairo Declaration of the coalition allies against the “Axis” states of Germany, Japan and Italy, 1943; the Yalta Accord of the three great powers, the USA, the USSR and Great Britain, joined later by China, 1945; the Potsdam Declaration of the above allies above, 1945; the Act of capitulation of Japan, 1945; the Soviet-American Agreement on repatriation of Japanese from the regions controlled by the USSR, 1946; the San Francisco Peace Treaty with Japan, 1951; the Joint Declaration of the USSR and Japan, 1956, recognized on March 24, 2001 in Irkutsk as a fundamental document in the Joint Declaration of the Russian President V. V. Putin and the Japanese Prime-Minister E. Mori; and also the Tokyo Declaration on Russian-Japanese relations, 1993, and the Moscow Declaration on constructive partnership and cooperation between the Russian Federation and Japan, 1998, confirmed in the documents signed by the heads of the two states during the visit of the Russian President V. V. Putin to Japan on September 4-5, 2000.

Most differences in the interpretation of these documents are caused by the territorial settlement between our countries after World War II in connection with the commitment of the parties to conclude a peace treaty.

The position of Japan

The Japanese government has been persistently seeking to return all, without exception, the so-called Northern Territories of Japan, including Iturup, Kunashir, Shikotan and Habomai. If Japan wished to limit itself to getting from the USSR/Russia just Shikotan and Habomai, it could have done it long ago by implementing Paragraph 9 of the Soviet-Japanese Declaration, 1956, which provided that those islands would be given back by the Soviet Union after the conclusion of a peace treaty. But Japan did not do it in the past, and it is not likely to limit itself

1. Expert (Moscow), No. 12 (March 2005), pp. 68-69. See also Vitaly Aladjin, Preface, in Rossiia i Iaponia: propuscheye vekhi na puti k mirnomu dogovoru (Moscow, 2001).
to this serious concession on the part of the Russian Federation in the visible prospect. It is evident that its main goal is to obtain, without fail, the transfer of Iturup and Kunashir, aside from Shikotan and Habomai.

Japan has been insisting that the USSR did not meet international recognition for including Southern Sakhalin and the Kuril Islands into its territory. Yet Japan, as it was pointed out in official documents circulated by the Japanese Embassy in Moscow in 1992, "would never demand the territories it had renounced." Therefore, the thesis on international recognition put forward by Japan is most likely a tactical manoeuvre to reach the main goal of getting Iturup and Kunashir. However, another variant cannot be ruled out: depending on the situation in Russia and the international scene in general the Japanese might try to secure recognition of certain rights in the southern part of Sakhalin and the whole of the Kurils.

Arguments put forward by Japan to substantiate its position

The Japanese government has worked out a number of arguments in defense of its position and has been actively furthering them in diplomatic and propaganda work. Generally, they could be reduced to the following:

1. References on history. Japan states that Iturup, Kunashir, Shikotan and Habomai were discovered and put to use by the Japanese. The Japanese also point to the treaties with Russia of 1855 (Shimoda), 1875 (St. Petersburg) and 1905 (Portsmouth) which influenced the fate of those islands on different stages of the Russian-Japanese relations. The Japanese emphasize that according to all those documents the islands in question were recognized as belonging to Japan.

2. The Japanese also state that the tearing away of those islands from Japan does not comply with the Cairo and Potsdam Declarations containing the conditions under which it capitulated in 1945. In the Cairo Declaration, say the Japanese, it was stated that the purpose of the allies was to expel Japan away from the territories "she has taken by violence and greed." And since historically Iturup, Kunashir, Shikotan and Habomai have always been the Japanese territory and have not been seized by force, they do not fall within the conditions of capitulation set out in the Potsdam Declaration.

3. The San Francisco Treaty says that Japan renounces its rights to the Kuril Islands and the southern part of Sakhalin, but does not indicate whom they are given to. The Yalta Agreement, 1945, under which the U.S.A. and Great Britain committed themselves to give over the mentioned territories to the Soviet Union, is not obligatory for Japan, since, as the Japanese think, it did not participate in it and at the moment of capitulation this treaty, which was secret, was not known to Japan. The USSR did not sign the San Francisco Treaty and did not enjoy the rights given by the treaty to its participants.