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The Shadow of Cold War Politics Over Territorial Sovereignty: The San Francisco Peace Treaty and Its Implications for Japan's Territorial Disputes with Korea and China

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Structured Abstract

Article Type: Research Article

Purpose—This article examines whether Japan can utilize the San Francisco Peace Treaty as historical evidence proving Japan's claims on Dokdo and the Diaoyu Islands.

Methodology and Approach—This article utilizes journal articles and monographs and conducts a textual analysis of the SFPT to examine whether there is reliable evidence in the treaty supporting Japan's claim of territorial sovereignty over Dokdo and the Diaoyu Islands.

Findings—The SFPT's fundamental purpose was to formulate a Cold War alliance between the U.S. and Japan and enable Japan's transformation from an aggressor to a pro-U.S. and anti-communist ally. Given the importance and urgency behind realizing this objective, territorial issues were auxiliary and peripheral. Therefore, Japan's intention to use the SFPT as historical evidence to prove territorial sovereignty is unjustified and irrelevant because it misunderstands the treaty's historical and real purpose.

Originality, Value—This article presents an original textual analysis of the SFPT and demonstrates that the SFPT provides insufficient evidence for a nation to claim territorial sovereignty, because determining territorial ownership was peripheral compared with the SFPT's chief objective of securing an anti-communist alliance between the U.S. and Japan.

Keywords: Diaoyu/Senkaku, Dokdo/Takeshima, San Francisco Peace Treaty, SCAPIN No. 677, SCAPIN No.1033

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I. Introduction

No other treaty has shaped the contours of East Asia's post-World War II security and international relations more than the San Francisco Peace Treaty (noted as SFPT hereafter). The SFPT not only authorized the United States' decision to install its military government in Japan and assure that Japan would be a pacifist nation but also confirmed that Japan would remain a staunchly pro-U.S. nation and act as a primary anti-communist bulwark in the Pacific against potential Chinese, North Korean, or Soviet aggression. The SFPT not only helped the U.S. contain China and the Soviet Union in East Asia with Japanese assistance but also affirmed that an anti-communist, non-militaristic Japan would be the essential political identity for a nation which once joined the Nazis and sought to destroy the foundations of the global economy and democracy. The SFPT also ultimately laid the foundation for Japan's transformation from a recipient of American financial aid to a major donor to Southeast Asian countries and a member of the OECD.¹

Yet, insofar as politics remains as a human activity, it cannot escape being colored by the passions and interests, moral or immoral, of a particular nation, which the nation may pursue even at the expense of ignoring or offending other nations' nationalisms and historical pride stemming from a coveted possession or a territory, and this pursuit may reflect competing visions of sovereignty. As historian Frank Costigliola observes from his analysis of George Kennan's writings during the Cold War, historical analysis cannot neatly be synonymous with scientific analysis, for such an assumption leads to a search for "single, clear, and unequivocal causes"; policies can become products of personal desire and emotions, and a concern for domestic politics can become "intertwined" with foreign policy. Furthermore, the pursuit of a common interest or objective whose negligence might negatively impact the security of two allied nations might often be considered to be superior to nationalism, leading nationalism to be ignored in the pursuit if the common interest.²

While all of the conditions mentioned can possibly be actualized in the name of national interest, no hierarchy among various interests can be so stable enough to be imperious to the changing demands of diverse eras. The SFPT, as a document expressing a joint interest between the United States and Japan to realize a peaceful Pacific or, specifically, an anti-communist one, cannot be an exception. After the end of the Cold War, nationalist passions quickly replaced ideological ones in shaping Japan's relations with Korea and China over territorial sovereignty.³ The core problem lies in Japan's decision to claim ownership over Dokdo/Takeshima and the Diaoyu/Senkaku Islands solely based on Japan's insistence that the SFPT "granted" Japan sovereignty over these territories. Japan believes that as a document sanctioned by international law, the SFPT gives Japan an irrevocable right to own the territories because the treaty does not explicitly identify the true owners of the islands.⁴ With regard to Dokdo and the Diaoyu Islands, Japan officially argues that these islands were not part of the territories which the treaty forced Japan to renounce.⁵ Japan believes that this fact alone "proves" that Japan could still claim Dokdo as Japanese territory, because Japan believes that when Dean Rusk told South Korea's ambassador to the United States that the United States deemed that Dokdo "[did] not appear to ever before to have been claimed by Korea," the Rusk-Yang correspondence proves that "in the San Francisco Peace Treaty, Takeshima was affirmed as a territory of Japan." With regard to the Diaoyu Islands, Japan argues that they were first administered by the United States per Article 3 of the SFPT and reverted

back to Japanese control through the Agreement Concerning the Ryukyu Islands and Daito Islands in 1972.⁶

II. A Review of the Scholarly Literature

However, Japan's insistence that the SFPT had an official stature as a document confirming territorial sovereignty is misleading because the real purpose behind drafting the SFPT was not primarily to make a historical judgment on Japan's ownership of Dokdo or the Diaoyu Islands based on pre-20th-century history, but to politically confirm that Japan would remain the United States' ally during the Cold War. As historian Michael Schaller demonstrates, the SFPT's primary aim was to nurture Japan into being a faithful ally of the United States by mitigating the weight of Japan's crimes during World War II by declaring the contested islands as no-man's-lands so the U.S. could solely concentrate on utilizing Japan's resources to counter communist aggression in East Asia. The United States was not truly interested in ascertaining Japan's sovereignty over Dokdo and Diaoyu Islands *per se* but, rather, wanted to quickly direct Japan's attention to authorizing American use of Japan's military bases in anti-communist operations and make Japan the starting point of Dean Acheson's "anti-communist crescent" across the Pacific and South Asia.⁷

The idea of the SFPT as a cornerstone for post-World War II U.S.–Japan alliance has been a popular and an important theme in historical analysis ever since the SFPT's origination. Robert Butow concentrated on the American domestic politics leading to the peace treaty, while Bernard Cohen wrote about Japan's domestic politics in the process behind the peace settlement.⁸ Frederick Dunn first provided original analyses of the negotiations surrounding the SFPT as an international process involving 48 nations, and Michael Yoshitsu provided another classic analysis, which, unlike Dunn's, focused more on Japan's negotiating behavior, evaluating Japan's diplomatic success and failures by highlighting events such as the Dulles-Yoshida talks during 1950 and 1951 and the Okazaki-Rusk talks, which settled the stationing of American forces in Japan.⁹ Michael Schaller provided perhaps the most comprehensive analysis on the geopolitical significance of the SFPT, arguing that the SFPT laid the foundations of Dean Acheson's plan for an "anti-communist crescent" stretching from Japan to India against possible Chinese or Soviet aggression in the Pacific.¹⁰

Recent scholarship on post-war Japan and the SFPT has moved away from understanding the SFPT's historical value as the originator of the U.S.–Japan alliance and has instead closely examined the alliance's implications for the global Cold War order and the 21st century. Scholars such as John Dower and Jennifer Miller laid particular emphasis on the treaty as a cornerstone for building democracy in Japan and East Asia as a preventative measure against America's fear of a spread of communism and Washington's belief in the "Domino Theory." In contrast to the classic accounts, Dower specifically focused on the impact on post-war Japanese society of the American decision to "reconstruct" Japan as a pacifist nation. Using a wide array of American and Japanese diplomatic papers, memoirs, private and public collections, Dower showed that a social history of the treaty necessarily has to examine the turbulent and often violent Japanese public responses to American efforts to impose democracy. Embracing defeat in Japanese eyes was by no means smooth or a matter of fact. Rather, there was a tenuous balance between Japanese nationalism and the American

vision for a pro-American and anti-communist Japan, and examining the Japanese public's struggle to maintain that balance provides a more accurate and vibrant historical account of post-war Japan—a history which words in a treaty cannot describe.¹¹ Jennifer Miller has shown that American officials sought to reach a compromise for the tenuous balance described in Dower's book by assuring that Japan could establish a "psychological democracy" by emphasizing the need for rapid capitalist growth.¹²

By contrast, Leszek Buszynski has suggested that a "San Francisco system" must not be rendered synonymous with the origination of a U.S.–Japan alliance, because it is a more collective term which encompasses the U.S.'s alliance with South Korea, the Philippines, Australia, and New Zealand and must therefore be limitedly applied to mean the U.S.'s support of Japan's readjustment to East Asia and the Pacific by divesting Japan of formerly conquered territories while leaving ownership over Dokdo and the Diaoyu Islands ambiguous.¹³ Kimie Hara and others (2007; 2015) have analyzed territorial disputes between Japan and its East Asian neighbors and showed that the San Francisco Peace Treaty not only served as a landmark treaty initiating the post-World War II international order centered around the U.S.'s formation of alliances with East Asia during the early years of the Cold War, but also that territorial disputes inherited the shadow of the Cold War by igniting a sharp debate about how to accurately interpret the SFPT.¹⁴

Although both the classic and recent literature on the SFPT's history pays a great deal of attention to the SFPT's implied value as a cornerstone of America's post-World War II foreign policy towards East Asia, the extent to which the SFPT could be used as historical evidence for territorial sovereignty remains unclear, which leads the Japanese Ministry of Foreign Affairs and scholars such as Hara (2007) to oscillate between (a) framing discussion of the dispute strictly as a 20th-century problem because it links territories such as Dokdo primarily with the SFPT while ignoring Korea's pre-20th-century historical evidence and (b) invoking pre-20th-century history during their discussion of the Kurile Islands to dispute the treaty's requirement that Japan must forfeit the Kuriles. Both the Japanese Ministry of Foreign Affairs and Hara provide no rationale for why such oscillation about invoking only the SFPT for Dokdo and invoking pre-20th-century history on the Kuriles is justified.¹⁵

III. Research Question, Main Thesis, and Methodology

This paper will address the question, "What does the SFPT support about Japan's territorial claims?" The main thesis, especially with regard to Hara's invocation of the SFPT on Dokdo, is that Japan cannot invoke the SFPT as "historical evidence" to assert Japanese sovereignty over Dokdo and the Diaoyu Islands as if the SFPT is a "witness" or "guarantee" of Japan's historical nationalism and sovereignty over the islands it covets. If Japan is truly eager to claim the disputed islands as its own, Japan must legitimately show the basis of its territorial sovereignty over them without depending on the SFPT's rhetoric. If Korea and China's claims to Dokdo and the Diaoyu Islands are based on a longer period of historical and national consciousness over these territories than the SFPT, then Japan must acknowledge that it is the depth and longevity of historical nationalism, not merely words written on

a treaty whose original purpose was not to be a substitute for historical nationalism, which must be the true and single yardstick to determine territorial sovereignty.

With regard to territorial sovereignty, Japan must fully adhere to the SFPT's terms because those terms were also meant to place a significant constraint on the boundaries of Japan's territory and assure that the territories of an ally or a former colony of Japan be respected as those of sovereign nations. Moreover, because earlier documents such as SCAPIN No. 677 already clarified that Japan ought to return Dokdo, Jeju, and Ulleungdo to Korea, the SFPT only briefly mentioned *examples* of islands which Japan had to return to Korea, for the SFPT's ultimate goal was to ensure that Japan would become a peaceful and pro-American nation, a measure which was crucial for the U.S. to ascertain that Japan would be the core of an anti-communist Pacific. The SFPT was only relevant insofar as Japan could become an anti-communist ally of the U.S. in the Pacific after World War II without posing any military threats to any other nation, or, as Victor Cha puts it, part of an American design to realize the logic of "powerplay," or the construction of an asymmetric alliance to monitor a weaker Japan.¹⁶

Therefore, Japan cannot use the SFPT as a justification for claiming sovereignty over territories whose history of national consciousness far outstretches the historical purpose and function of the SFPT, which was to restrict Japan from launching or preparing another global war and to limit Japan's potential to become an imperialist and militarist nation. Conversely, Japan must not make claims on territories about which the treaty makes no explicit claim implying that they must be under Japanese jurisdiction. If Japan truly believes that Dokdo and the Diaoyu Islands belong to it, then it must, as do Korea and China, invoke believable and legitimate evidence dating from before the rise of an imperialist Japan to morally and historically prove that these territories are undoubtedly and unquestionably under Japan's jurisdiction. Since the SFPT's purpose was not to "prove" any claims or evidence relating to historical nationalism, it is an oxymoron for Japan to invoke the SFPT as "historical evidence" when Korea and China do not consider the SFPT to be very important and instead primarily present ancient historical records to prove their territorial sovereignty.¹⁷

This paper will analyze the SFPT's important articles which show that the Allies primarily wished to mold Japan into a pacifist state, and for the United States, a faithful follower of American Cold War policy and demonstrate that Japan has no basis on which to claim the SFPT as historical evidence of Japanese sovereignty over Dokdo or the Diaoyu Islands. The analysis will specifically engage with Articles 2, 3, 4, 5, 6, 9, 10, 12(a), 14(a)2, 19, and 21 in numerical order, with the common aim of proving that the treaty's foremost objective was to transform Japan into a sufficiently industrialized anti-communist buffer state in the Pacific, not to provide historical evidence directly proving Japan's ownership over Dokdo or the Diaoyu Islands.

The paper will argue that the treaty is exclusively Clausewitzian—using the policies determined by the SFPT to force Japan to fulfill the Allies' will and administer the terms of justice and peace to facilitate Japan's observance of victors' justice. The SFPT could afford to be Clausewitzian by focusing only on such terms because SCAPIN No. 677 had already concluded the issue of territorial sovereignty by limiting Japan's territories to its four main islands and some thousand small islands. The SFPT was first and foremost an alliance treaty between the U.S. and Japan. Its specific and primary aim was to reconstruct Japan as an anti-communist bastion in the Pacific—a goal whose importance is clearly emphasized by

the fact that only Article 2 explicitly mentions that Japan is entitled to have the four main islands which originally formed its national territory and nothing further.¹⁸ If Japan wishes to fairly contend with its disputants, then Japan must look elsewhere for its disputes with Korea and China, preferably to pre-19th-century documentation, to stake Japanese territorial claims based on historical nationalism. Only then will there be some hope for an earnest dialogue between Japan and its East Asian neighbors.

IV. An Analysis of the SFPT as a Clausewitzian Document

The SFPT begins with a declaration that relations between the Allies and Japan will be “those of nations which, as sovereign equals, cooperate in friendly association to promote their common welfare and to maintain international peace and security.” The maintenance of such peace and security can only be possible when “questions still outstanding as a result of the existence of a state of war” are settled—the key objective behind signing the SFPT. In short, as Emma Rothschild has argued, if the purposes of security are to “provide some sort of guidance to policies made by governments and influence the distribution of power,” the SFPT had an exclusive objective of assuring that Japan could be guided by the Allies in transitioning to a “normal” sovereign state which will be less powerful than the United States, Britain or the Soviet Union, but still be able to commit itself to preserving global peace.¹⁹

To meet this objective, all problems which existed either before, during, or after World War II between the Allies and Japan had to be conclusively settled through this treaty. Therefore, territorial sovereignty over lands that Japan had possessed by force as an imperial power naturally fall within the scope of “questions outstanding as a result of the existence of a state of war,” since Japan’s identity prior to and during the war was an empire rather than a nation-state. Due to the deep connection between Japan’s identity during the war and the problems induced from that very identity, Article 2 minces no words in pointing out that a redistribution of lands which Japan illegally seized as an imperial power is necessary. Hence, Japan was required to “renounce all right, title, and claim to Korea, including the islands of Quelpart (Jeju), Port Hamilton (Geoje), and Dagelet (Ulleungdo).”²⁰ In addition, Japan was required to forfeit “all right, title, and claim to Formosa (Taiwan) and Pescadores,” as well as the “Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired as a consequence of the Treaty of Portsmouth.”²¹

Three points can be noted about Article 2. First, for all of the territories which Japan is required to relinquish, Japan does not merely forfeit its claim on particular islands, but as it can be seen in the case of Korea and Taiwan, *territories* which were formerly and historically part of entire *nations*. Therefore, the specific islands mentioned in relation to Korea are examples of islands which Japan must forfeit because Japan is required to give up its imperial control of Korea, not because they were also contested by Korea as foreign territories. Likewise, with regard to Taiwan, Japan is not only required to forfeit its claim on Formosa, or Taiwan, but also the Pescadores, which currently comprises Taiwan’s Penghu County. In short, the Allies’ intention behind their demand that Japan forfeit “all right, title, and claim” is to suggest that when Japan is obliged to forgo the aforementioned islands, Japan is relinquishing control over a specific country’s national territory, not merely individual islands

which had no owner prior to the rise of Japanese imperialism. Second, because Japan's relinquishment of control over such territories serves as an effective solution to "outstanding questions" of a state of war, Japan has the responsibility to end the continuation of such an undesirable situation by returning the territories of Japan's former colonies to the colonies themselves, since the rise of Japanese imperialism was a major cause behind the outbreak of World War II.²²

Finally, because the SFPT desired the termination of the Treaty of Portsmouth as a legally binding document, and dismissed Japan's occupation of the Kurile Islands as a "legal action," it is clear that the SFPT wished to not only put a definitive end to imperialism as a legitimate political practice, but also assure that the Soviet Union was able to reclaim control over the Kurile Islands not only because it participated as an Ally, but because the Soviet Union was no longer a "defeated power" due to the Russo-Japanese War. In other words, Article 2's main objective was to territorially limit Japan by forcing Japan to return illegally seized territories to nations Japan had once colonized and by nullifying a major treaty which originally catapulted Japan as an imperial power. Article 2 thereby does not mention anything about territories which Japan can keep after the end of World War II but aims to identify imperialism as the core cause behind the outbreak of World War II and encourage Japan to liberate itself from that ominous identity, which is essential to securing international peace.

Articles 3 and 4 affirm that the U.S. will maintain administrative control over Japan, and as a consequence of this decision, properties and debts of Japanese civilians will be discussed between Japan and the Allies such that in the case of properties which were not returned to citizens of Allied nations or the nations themselves, it will be arranged for Japan to promptly return them. Articles 5 and 6 are complementary, for they collectively suggest an exchange between the Allies' respect for Japan's national sovereignty and Japan's pledge to transform into a pacifist nation, "settling international disputes by peaceful means" such that "international peace and security, and justice are not endangered," and "ensuring that Japan does not resort of force which can harm the territorial integrity or political independence of any state."²³ In short, international security is the essential pivot which maintains both Japanese national sovereignty and the independence of nations which had directly experienced the violence ensuing from Japan's pursuit of imperialism. Any Japanese intention to cause an imbalance between Japan's national sovereignty and that of other nations by force will cause the entire scale to collapse, jeopardizing both the sovereignty of nations which Japan invades and that of Japan itself as a punishment for repeating its past crimes.

Article 6 assures that the U.S. will serve as a main watchtower to maintain and police Japan's orderly diplomatic conduct and the possibility of Japan's deviance, which would cause grave harm to international peace. Furthermore, in assuring that Japan does not feel too restricted in exercising its national sovereignty, the Article requires all foreign forces to leave Japan within 90 days after the SFPT goes into effect.²⁴ Articles 3 to 6 are designed to maintain a delicate balance between respecting Japan's national sovereignty and its duty to become a pacifist nation while assuring that the maintenance of that balance falls primarily on the United States as an Allied nation and a nation which produced the general framework for the SFPT. In addition, Article 6 reinforces the idea that respect for national sovereignty is a universal value which must be adhered to regardless of a particular nation's status in relation to those of other nations as a consequence of a major war. In conjunction with the

requirements from Article 2, it is clear that Article 6 implicitly shows why Japan's relinquishment of control over its colonial possessions is necessary: because it constitutes a respect for other nations' sovereignty.

Articles 9 and 10 reinforce the message of Article 6 by suggesting that Japan has an obligation to enter negotiations with the Allies concerning the restriction of fishing rights or the conservation and development of fishing rights and that Japan cannot have any imperialist designs toward China, for the objective of policing Japan in accordance with Article 6 extends to the purpose of monitoring Japan's actions that might be aimed at restoring and protecting Japanese economic interests in China by using force.²⁵ Moreover, per Article 12(a), Japan must be prepared to negotiate with the Allies towards the goal of trading and conducting "maritime and other commercial relations on a stable and friendly basis."²⁶ Article 14(a) clarifies the nature and purpose behind the "preparedness" mentioned in Article 12(a) by stating that Japan must be ready to "pay reparations to the Allies for the damage and suffering caused by it during the war."²⁷ Furthermore, since China is entitled to Article 14(a)2, which states that Allied Powers have the right to "seize and retain all property, rights and interests of Japan and Japanese nationals," China as an Ally is entitled by the SFPT to declare the Diaoyu Islands as its national territory, since Japan had illegally occupied the islands in 1895 and is, via Article 14(a)2, obliged to let China decide the ownership of the Diaoyu Islands.²⁸

Japan has the obligation to return territories which Japan illegally occupied as an imperial power to Korea and China, since the nature and essence of "reparations" is not just temporary or monetary but is connected to all actions undertaken during wartime. Article 19(a) reinforces this point by stating that Japan must "waive all claims of Japan and its nationals against Allied Powers and their nationals arising out of actions taken because of the existence of a state of war."²⁹ Finally, Article 21 clearly states that the Articles considered so far are essential to Korea and China despite the fact that both nations were not officially part of the Allied forces, meaning that Korea and China earn the right to keep islands under their national jurisdiction, win reparations from Japan, and also the right to deny any Japanese claims to properties which Japan stole as a result not just of World War II but also of the outbreak of any state of war.³⁰

If Article 21's meaning is considered more closely, and if Articles 9, 10, 12(a), 14(a) and 19(a) are applied to Korea and China, it becomes clear that Japan not only must negotiate fishing rights off Dokdo and the Diaoyu Islands but also must frame the negotiation not towards winning particular territories or waters, but towards maintaining a balanced and sustainable bilateral relationship with Korea and China which respects Korea and China's maritime sovereignty over their respective territories, including Dokdo and the Diaoyu Islands.

Even if the SFPT implies in principle that Japan's obligation to observe Korean and Chinese sovereignty over these territories does not stem from a historical recognition of such sovereignty, there is no justification for Japan to assume that the obligation is also nullified. Japan is obliged as a former Axis power to acknowledge that all claims to territories which it seized as a result of war must be forfeited and the territories ought to be returned to their former owners. Article 19(a)'s key feature is that Japan's acknowledgment of its crime is not limited to World War II alone but applies to any state of war Japan had created prior to World War II through which it conducted illegal seizures of foreign territories. A common

feature of all the articles to which Article 21's principle applies is that contrary to Japan's claim that the SFPT addresses legal issues concerning territorial sovereignty, Japan's obligation to observe Korea and China's territorial sovereignty arises not as an independent issue, but as an issue directly dependent on the SFPT's general objective of encouraging Japan to end its connections with its imperialist past by forcing Japan to forfeit territorial claims over territories which it had seized without Korea or China's consent because both countries were victims of Japanese imperial aggression.

In addition, as Article 12(a) states, Japan only has the right to negotiate with other Allied nations toward forming stable and friendly commercial relations, not necessarily towards forming relations which are favorable to Japan alone. Article 12(a)'s implication, considered in conjunction with Japan's history of imperialism, helps explain the rationale behind Articles 10 and 19(a). World War II ended not merely Japanese aggression during the 20th century but Japan's entire history of imperial aggression, which began in the late 19th century.³¹ Therefore, even if Japan still contests sovereignty over the Diaoyu Islands, per Article 12(a), Japan is not allowed to negotiate its claim to territorial sovereignty, but only conditions concerning maritime and commercial trade. If we also incorporate Article 2's logic to understand Article 12(a)'s intention, since China is entitled to regain control over the Spratly and Paracel islands as examples of territories which formerly were under Chinese jurisdiction but were annexed by the Japanese, it follows under the same logic that Japan must also recognize Chinese sovereignty over the Diaoyu Islands. Moreover, because Article 10 specifically expresses concern over the possibility of Japan reasserting imperialist designs on China and Article 19(a) applies to any state of war, which includes Japan's annexation of the Diaoyu Islands in 1895, the SFPT does not display any possibility for Japan to legally claim that the Diaoyu Islands are naturally part of Japan's territory.

The more general and important point is that even articles which seem to exclusively focus on territorial sovereignty are auxiliary to the Allies' need to monitor Japan's transformation from a World War II aggressor to a pacifist nation. The need to define the territorial parameters of Japan are not definitive because that need is not central to the task of compelling Japan to accept the Allies' management of the country out of a post-war need to restrict Japan's military capacity to wage another world war. In addition, the SFPT understands the administration of justice to specifically concern Allied governance of Japan towards nurturing Japan into a pacifist and "normal state" which will be divested of the ability to display belligerence while settling disputes through the installment of foreign occupational forces to guide and direct Japan towards maintaining international peace. The SFPT is Clausewitzian in its pursuit of *realpolitik*, for as analysis of an earlier draft for Article 10 shows, the SFPT was also interested in preventing Japan from becoming too intimate and close to China. This intent is succinctly expressed in Article 10's demand that Japan forfeit all claims to interest in the Chinese market in the guise of forcing Japan to relinquish all claims to China which Japan made after the end of the Boxer Rebellion. Considering the articles considered in the earlier section's analysis, it is clear that the SFPT's prime and sole objective was to transform Japan's political identity from a belligerent nation in World War II to a pacifist nation.

Therefore, the specific function of Article 2, which mentions every territory Japan had to forfeit as a consequence of its former status as an imperialist and an Axis power, is to relieve Japan of its obligations as a former aggressor and quickly transform it into a Cold War ally of the U.S. Regarding Japan's claim that it possesses the right to own Dokdo because

it was not mentioned as a territory which Japan had to cede, it is an unconvincing argument that fundamentally rests on an absence of stated facts and negative reasoning. It does not positively demonstrate the existence of any concrete evidence based on a reading of what Article 2 explicitly and directly states. Although the article does not explicitly mention Dokdo, it does mention Ulleungdo as an *example* of a Korean territory which Japan must forfeit because the treaty deemed it impractical to mention every single Korean island, for it would mean that the treaty would also have to mention every Chinese island formerly under Japanese occupation in addition to the Spratly Islands, which would needlessly take up too much space. Finally, given this particular function of the article, Japan cannot use Article 2 as evidence for the historicity of its claim of sovereignty over Dokdo because Japan annexed it without Korea's consent while Korea remained as Japan's colony. Given the illegal nature of the circumstances surrounding Japan's occupation of Dokdo, and considering that Japan occupied all the islands mentioned in the article as an imperial power, it follows that Dokdo is implicitly part of the territories which Japan must forfeit.

Moreover, from a more concrete and historical perspective, another fundamental reason behind the SFPT's brief consideration of territorial issues with a single article is that the issue had already been sufficiently addressed six years earlier through SCAPIN No. 677 and No. 1033. The General Headquarters of the Supreme Command of the Allied Powers had stated unequivocally in Article 3 of SCAPIN No. 677 that Japan is defined to include the four main islands of Japan (Hokkaido, Honshu, Kyushu, and Shikoku) and exclude Utsuryo, Liancourt Rocks, and Quelpart Island. Moreover, according to Article 6, "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."³² Since Article 8 of the Potsdam Declaration had already identified Japan's four main islands and left "other minor islands" to the judgment of the Allied powers, and because SCAPIN No. 1033 clearly stated in Article 3(b) that Japanese vessels "would not approach closer than 12 miles to Takeshima nor have any contact with said island," it is clear that these stipulations were aimed at identifying the exact non-Japanese nationalities of the "other minor islands."³³ In short, as John Allison, the U.S. assistant secretary of state, had argued, the SFPT "embodied" Article 8 of the Potsdam Declaration by not merely "delimiting Japanese sovereignty, but specifying precisely the ultimate disposition of *each of the former* Japanese territories," suggesting that none of the "minor islands" are *actually* of Japanese origin other than the four main islands which comprise Japanese national territory proper.³⁴

Fundamentally, the specific meaning of "minor" is not provided in the Potsdam Declaration, and because Korea has numerous "minor islands" around the main peninsula, it is unclear whether that phrase can be stretched to only mean whether *only Dokdo* is a contested territory. Although Japan's Ministry of Foreign Affairs still continues to assert that the SFPT abolished the MacArthur line and "nullified the directive to cease Japan's political and administrative power in the aforementioned areas," it follows that in accordance with such nullification, Japan would also contest Korean sovereignty over Ulleungdo and Jejudo because these islands can also be considered "minor islands" in terms of geographical size.³⁵

However, Japan returned these islands upon Korea's liberation without any protest because it was already aware that when it colonized Korea, it was colonizing not only the peninsula proper but also islands adjacent to the peninsula, which included Ulleungdo, Jejudo and Dokdo. Therefore, if Japan's claim about the directive's nullification is to be valid,

Ulleungdo and Jejudo would also have to still be contested between Korea and Japan, as well as countless other small islands such as Hongdo, Hwado, Yeongsando, Goodo, and Yeoseodo, which are indisputably and undeniably Korean islands but were omitted because the islands already mentioned in the SFPT were representative examples of Korean islands, not their entire essence. Finally, because SCAPIN No. 677 and No. 1033 specifically identified which islands were outside Japan's jurisdiction, the SFPT's Article 2 did not necessarily have to repeat the same list of islands verbatim because the central message would remain identical to the SCAPIN documents.

The main point is that when the SFPT's specific purpose and its Clausewitzian character are simultaneously considered, territorial sovereignty is peripheral compared with the larger aim of administering victor's justice and clarifying the limits of Japan's reconstruction. Although the spirit of the document does lend itself to drawing conclusions about the return of Imperial Japan's acquisitions to their proper owners, providing proof of such a spirit is not the treaty's main purpose. Aside from Article 2, there is no specific mention of Dokdo, and the function of Article 2 is not to confirm Japan's sovereignty over Dokdo but affirm that Japan would be relinquishing its past as an imperial power by relinquishing territorial sovereignty over foreign territories it had illegally occupied before 1945. Since the objective of Article 2 and the SFPT as a whole is to recover Japan's status as a "normal state" and help Japan completely sever ties with its imperial past, neither Article 2 nor the entire SFPT can be subject to international law which Korea, China, or Russia must abide by, but instead, both Article 2 and the entire SFPT describe the obligations which Japan must fulfill if it wishes to eternally part with its imperial past. Furthermore, because the SFPT's general objective of transforming Japan into an American ally was already achieved in the course of the Cold War, the specific requirement stemming from Article 2 is not subject to international law but is merely a remaining obligation which Japan still has yet to fulfill as a condition to become an American ally and a "normal state" because it continues to believe that an illegal occupation of a foreign territory is still valid after its past as an imperial nation has become history.

V. The SFPT as a Cornerstone for the U.S.–Japan Alliance and America's Information on Dokdo

With the shadow of the Cold War imminent in global affairs during the years following World War II, the most pressing issue for the U.S. was securing as many reliable anti-communist partners as possible in the Pacific to maintain the ocean as an "American lake."³⁶ The absence of territorial sovereignty was a natural outcome, for the United States clearly understood that the SFPT was specifically targeted towards devising an international alliance against the spread of communism. The SFPT's implicit but most important objective was to secure an anti-communist security alliance between the U.S. and Japan for the sake of containing China and the Soviet Union. Auxiliary and inessential matters, including the settlement of Japan's territorial jurisdiction, were consequences of Japan's surrender to the Allies rather than issues which America genuinely cared about for their historical significance or context. Issues such as territorial sovereignty were relatively insignificant compared

with the formation of a security alliance, and it was only due to Japan's status as a former imperialist power that Article 2 particularly mattered.

America gained most from the SFPT, for the treaty's intention was to nurture Japan into a staunch pro-U.S. ally by clearing Japan of its imperialist past as much as possible and render Japan into a major anti-communist bulwark in the Pacific. Although making Japan become the core of an anti-communist crescent during the early 1950s was, as Roger Buckley argues, the beginning of a "rope in the sand," the inclusion of Japan within this "Pan-Pacific" consortium of anti-communist alliance was nevertheless a necessary step for the U.S. to counter potential Chinese and Soviet aggression in East Asia.³⁷ John Foster Dulles, the chief architect of the SFPT, had stated unequivocally during the early stages of the Korean War that seeking Japan's assistance, albeit with some territorial restrictions for Japan, was necessary because a "Communist offensive was probably aimed at getting control over Japan," for if Korea had fallen quickly into communist control Japan would have fallen without a struggle.³⁸ In addition, Dulles stressed that the SFPT had "two great purposes." The treaty sought first to "close an old war on terms which will not provoke another war" and second to "break the vicious cycle of war, victory, peace, and war"; this would enable nations in the Pacific to "resist aggression from without and to resist attack by Japan if she should again become aggressive."³⁹

In other words, the SFPT was, in the larger scheme of preventing East Asia from falling to communism, an essential step to ensure that Japan would be rapidly transformed from a vulnerable victim to communism to a most formidable fortress against communism as soon as possible. Furthermore, the SFPT sought to make World War II the war which the First World War had aspired but failed to be, namely, a war to end all wars. Hence, the installation of American security in Japan, and to thereby ensure that Japan would never dream of becoming or actually become a major belligerent which would cause a war that would produce death at a global scale, was an utmost priority for the U.S. over any other issue discussed in the SFPT.

Therefore, Article 2 of the SFPT must be understood as a measure to quickly and definitively conclude the redistribution of Japan's former imperial possessions so Japan could focus on becoming an ideal model-nation to stabilize East Asia against potential communist encroachment. Due to the importance of this seemingly generic aim, Japan's belief in the sacrosanct nature of Article 2 as an "official" American endorsement of Japan's sovereignty over Dokdo cannot be verified, because the aim was and still is—albeit to a lesser degree than during the Cold War—more important than affirming the official boundaries of Japan's national territory. Put differently, because the United States was more concerned with making Japan become an anti-communist hub, it not only did not have time to carefully examine South Korea's official documents and arguments about Dokdo but also, on August 26, 1954, conceded that the main reason behind the omission of Dokdo in the SFPT's final version was due to "our [the United States'] information that Dokdo was never treated as part of Korea, and left the door open for Korea" to show that Dokdo was a part of Korea prior to 1905.⁴⁰

In addition, the "information" which the United States used to judge Dokdo as Japan's territory in the so-called "Rusk Note" came mostly from Japanese research materials and encyclopedias that the Japanese government used to lobby the United States to create favorable terms for Japan in the SFPT. The United States had belatedly, albeit secretly and unbeknownst to the South Korean government, admitted that its judgment came from a complete

disregard for Korean sources; Dokdo could not be definitively declared as Japanese territory nor Korean territory, which is why Dokdo was not mentioned in the SFPT.⁴¹ Hence, as a document titled “Koreans on Liancourt Rocks” suggests, the Japanese could only assume, not confirm, that Dokdo was Japanese territory, and that Koreans, “for obvious reasons,” have “disputed this assumption.”⁴² Article 2’s omission of Dokdo as a territory which Japan had to forfeit was not because Dokdo was decisively proven through a thorough consideration of both Korean and Japanese evidence to be Japan’s territory, but because the U.S. was just a member of the Allies, not their official spokesperson to hand out an “official” decision, and because America knew that it had insufficient knowledge and information to affirm Dokdo’s national identity with much certainty. Therefore, there is no clear evidence stemming from the “omission” in Article 2 for Japan to believe that Dokdo must be its territory, because the omission is America’s confession that it is not an adequate judge on this matter.

Moreover, because there is no further explicit discussion of territorial issues *besides* Article 2, which can be seen as a testament to the United States’ concession of its imperfect knowledge on specific issues related to Korean and Japanese territories, Japan cannot use the SFPT as a meaningful piece of evidence in its debates with its East Asian neighbors over the disputed territories. The SFPT is especially incapable of confirming or refuting Korea and China’s historical claims to first observing the existence of Dokdo and Diaoyu Islands long before the 20th century. The SFPT’s most critical weakness is that it is in no position to hand down an objective judgment on territorial issues whose historicity must be proven largely through the presentation of pre-19th-century documentation, about which the SFPT is not sufficiently aware or qualified to hand down a final verdict. Hence, while the SFPT’s authority as a post-war document on specifying terms for the Allies’ occupation of Japan might be historically valid, America’s prime interest in transforming Japan into an anti-communist hub and a Cold War ally and the use of incomplete information to judge Dokdo’s national identity markedly compromises the SFPT’s value as a reliable piece of evidence for territorial sovereignty.

VI. Conclusion

The SFPT was the most seminal document to shape the future of the Pacific region in its relations with the United States. For Japan, it meant the rapid transformation of a former Axis power into one of the U.S.’s most trusted allies in East Asia throughout the Cold War, and in general, the SFPT became a model for understanding the United States’ emphasis on formulating a pan-Pacific international alliance against communism. As for the SFPT itself, the formation of a security pact, first between the United States and Japan, and later with other major nations in the Pacific, was the sole goal which describes the SFPT’s chief purpose. In other words, this paper’s main argument is that because the SFPT was very conscious of the imminent Cold War for which it wished to be an effective panacea, the function of the treaty was exclusively devoted to rendering Japan into a trustworthy and dependable anti-communist ally for the United States. The continuing significance and relevance of the treaty to understanding U.S.–East Asia and U.S.–Pacific relations lies not so much in what the treaty actually mentions, but more in what it clearly does not mention: territorial sovereignty. From its initiation, the SFPT was faithfully wedded to its ultimate objective

of securing alliances between the United States and the Pacific and was careful to minimize or be disinterested in expressing American participation or involvement in sensitive issues such as territorial sovereignty. The U.S.'s decision to unilaterally pursue anti-communist security alliances was a matter of *realpolitik* in the face of a deeply encroaching Cold War with China and the Soviet Union, and this crisis informed the U.S.'s urgency to transform Japan into an anti-communist ally.

Therefore, the SFPT was a document of its own time whose purpose was to specifically address the most pressing issue of international security at the time of its composition. The document's historicity is also a testament to its apparent limitation of being a treaty and nothing further. Although Japan regularly cites the SFPT's Article 2 to assert its sovereignty over Dokdo, the SFPT bears no responsibility or connection to problems of territorial sovereignty in East Asia as a whole, because the business of proving the historicity of territorial sovereignty is a far more complex problem which cannot be solved by merely presenting a document which has hardly any relation to "proving" the possession of a particular territory. Rather, if any articles examined here have any meaning with regard to territorial sovereignty, they all clearly state or imply islands and territories which Japan must forfeit. Yet, as shown especially through the discussion of Dokdo, Japan's refusal to abide by Article 2's demands or at least cooperate in clarifying the article's true intentions renders territorial disputes into a serious cause of diplomatic tensions between Japan and its East Asian neighbors.

If the SFPT is still a reminder of the Cold War and history for Japan, it is because the document preserves the origins of the U.S.'s will to ally with an anti-communist Japan and is a reminder of the unfulfilled obligations Japan had to undertake prior to assuming that new political identity, among which the return of Dokdo and the Diaoyu Islands to Korea and China was implicitly included. Regardless of whether this means that Japan cannot use Article 2 as historical evidence to prove territorial sovereignty or that Article 2 truly wished to leave Dokdo and the Diaoyu Islands without specified owners, the SFPT is not a sufficient arbiter of historical claims to territorial sovereignty because it was fundamentally aimed at disarming Japan and molding it into a faithful American ally to usher the making of an anti-communist Pacific regional order. As an alliance treaty designed to prepare Japan for the Cold War, the SFPT was originally in no position to judge the possession of territorial sovereignty over territories whose histories are much older than what the SFPT alone could fathom.

Notes

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