

# The Diplomatic Strategies for Normalizing Relations between Japan and Korea and between Japan and China: Shelving, Layering, Demarcation, and Iridescence

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**Abstract** | This study is an attempt to comparatively analyze the processes behind the normalizing of relations between Japan and the Republic of Korea (ROK) in 1965 and between Japan and the People's Republic of China (PRC) in 1972. Through this analysis, similarities and differences in the origins of and the methods for dealing with unresolved historical issues are identified. Considering that the special circumstances of these normalization processes involved countries which were divided during the Cold War, we can see that Japan recognized the ROK and PRC as the sole legal governments of their respective countries. Meanwhile, the PRC forwent demands for war reparations and the ROK focused on economic cooperation. This study also examines how the negotiation processes involved shelving, layering, demarcation, and iridescence to handle disputes. It is hoped that this study, by jointly analyzing the normalization process of Japan-ROK and Japan-PRC relations, can help to reflect on the establishment of the postwar order in East Asia, solve the historical problems which remain at issue to this day, and help to imagine and construct a new order in East Asia.

**Keywords** | ROK-PRC-Japan relations, ROK-Japan normalization, PRC-Japan normalization, diplomatic strategy, postwar order

## Introduction

Why have the Republic of Korea (ROK), the People's Republic of China (PRC), and Japan been unable to reconcile their historical issues? The 1965 Treaty on Basic Relations between the ROK and Japan and the 1972 Joint Communiqué of the Government of Japan and the Government of the PRC constructed the basic

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framework for postwar bilateral relations between Japan and its neighbors and formed the basis of the so-called “1965 system” and “1972 system.”<sup>1</sup> The Japanese government’s process of “normalizing” relations with East Asia after World War II is rooted in the Treaty of San Francisco between Japan and the Allied powers, the 1965 Basic Treaty, and the 1972 Joint Communiqué. However, it would seem apparent today that prewar historical issues have not been solved through the San Francisco Treaty system, the 1965 system, or the 1972 system.

To identify the origins and means of solving the unresolved historical issues in East Asia, this study comparatively analyzes the normalization of ROK-Japan relations and PRC-Japan relations. This research begins by looking at the Treaty of Peace with Japan (also known as the San Francisco Peace Treaty) and also covers the 1952 Treaty of Peace between the Republic of China (ROC) and Japan,<sup>2</sup> the 1965 Treaty on Basic Relations between the ROK and Japan,<sup>3</sup> and the 1972 Joint Communiqué between the PRC and Japan,<sup>4</sup> and seeks to categorize the comparative characteristics that emerge. By examining the processes of concluding the 1965 Normalization Treaty and the 1972 Joint Communiqué, we can identify the diplomatic strategies used by policymakers in the ROK, PRC, and Japan as they worked towards normalizing relations. These diplomatic strategies were effective in the formation of an agreement on the pressing issue of normalization, but they proved to be a factor in the delaying of the resolution of historical issues. As such, they have left in place factors which contribute to the ongoing diplomatic conflict between the countries today.

There is a wealth of research on the 1965 Normalization Treaty and its subsidiary agreements including analyses based on various related materials, declassified documents, and different agendas (Lee Won-Deog 1996, 2005; Ota 2008; Park Jinhee 2008; Lee Dong Jun and Chang Bakjin 2013; Nam Kijeong 2015; Yoshizawa 2005). There is also a significant amount of research on the normalization of Japan-PRC relations including studies on the 1952 Japan-ROC Peace Treaty, the 1972 Joint Communiqué, and the 1978 Treaty of Peace and Friendship between Japan and the PRC (Soeya 1995; Ishii 2003; Mori 2006;

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1. The “system” refers to a legal and institutional framework that is founded on the diplomatic normalization agreements with Japan.

2. In Japan, the treaty is officially known as the Treaty of Peace between Japan and the Republic of China. In this article for the sake of space, I will mainly refer to it as the Japan-ROC Peace Treaty.

3. The official name for the treaty in Japan is the Treaty on Basic Relations between Japan and the Republic of Korea. It will be referred to as the 1965 Normalization Treaty.

4. In Japan, this treaty is officially known as the Joint Communiqué of the Government of Japan and the Government of the People’s Republic of China. It will mainly be referred to as the 1972 Joint Communiqué.

Inoue 2010; Fukuda 2014; Son Kisup 2004; Suh Seung-won 2011; Choi Eunbong and Oh Seunghee 2019). The existing literature has focused on the various agendas and issues discussed during the processes of normalizing relations between Japan and the ROK and Japan and the PRC, as well as on the various domestic and international variables that factored into the normalization processes. This accumulated research provides a solid foundation for conducting a comparative study of the normalization of relations between Japan and the ROK and Japan and the PRC. This study is thus an attempt to compare the normalization of relations between Japan and these two other East Asian states while focusing on structural characteristics and the diplomatic strategies used when facing various issues amid a reorganization of the order of East Asia in the postwar era.

The normalization of relations between the ROK and Japan in 1965 brought up several issues including the Normalization Treaty itself, claim rights, fishery agreements, the legal status of Koreans in Japan, and the return of cultural artifacts. The preamble of the 1965 Normalization Treaty confirms that the normalization of relations would be based on the historical background of the relationship between the people of both countries and their desire for good neighborly relations, mutual respect, and sovereignty, as based on the San Francisco Peace Treaty, and resolutions adopted by the United Nations General Assembly. The treaty then goes on to address the establishment of diplomatic and consular relations in Article 1; states that agreements between Japan and Korea concluded before 1910 were “already null and void” in Article 2; confirms that the Government of the Republic of Korea is the only lawful government in Korea in Article 3; agrees that relations will be based on the principles of the Charter of the United Nations in Article 4; states that agreements to govern trade, maritime, and commercial relations will be established in Article 5; calls for agreements to be reached to allow for civil air transport in Article 6; and addresses ratification in Article 7.

The preamble of the 1972 Joint Communique between Japan and the PRC mentions the desire of both sides to terminate the state of war between the two countries and includes a statement in which Japan recognizes its responsibility for the damage done to bilateral relations and an expression of remorse. The first clause states that the “abnormal state of affairs” between the two countries would be terminated upon issuance of the Communique; the second and third clauses address the one China principle and that Beijing is the sole legal government of China; the fourth clause states that the two countries will establish diplomatic relations and exchange ambassadors; the fifth clause announces China’s decision to renounce demands for war reparations from

Japan; the sixth clause states that relations will be based on the principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, and non-interference in each other's affairs; the seventh clause agrees that neither country will seek hegemony in the Asia-Pacific region; the eighth clause affirms their desire to conclude a treaty of peace and friendship; and the ninth clause states that they will enter into negotiations on agreements to govern trade, shipping, aviation, and fishing territories.

Among these various issues listed above, this study seeks to focus on the fact that the ROK and the PRC in their negotiations with Japan had to establish themselves as sole legal governments. From the perspective of the Japanese government, there were two governments in both Korea and China, and Japan had to consider with which government it would establish diplomatic relations and how this would impact its relations with the other government. For Seoul and Beijing, being recognized as the sole legal government through normalization of relations with Japan could improve their position within the international community. As divided countries, both the ROK and PRC took the issue of being recognized as the sole legal government very seriously, and this resulted in both the ROK and PRC facing the same structural position during their negotiations with Japan over the normalization of relations.

In the process of resolving historical issues and normalizing relations, Japan found itself with the authority to grant recognition to its counterparts, and this left the ROK and PRC at a disadvantage when addressing historical issues and responsibility. Moreover, the ROK and PRC sought to persuade Japan to only recognize themselves as the sole legal governments of their respective territories and not recognize the other two governments (the Democratic People's Republic of Korea [DPRK] and ROC) as well as seek to limit the possible interpretations of the relevant clauses in the agreements. This study, by citing diplomatic documents and previous research, argues that the issue of recognition existed in the negotiation processes of the normalization of relations between both Japan and the ROK and Japan and the PRC, and that all three countries used a variety of diplomatic strategies to maximize their interests. Through this analysis, I am able to detail how historical issues were left unresolved during the process of normalization because of these factors. It is my hope that through this research we can better understand why historical issues among Japan, the ROK, and the PRC persevere to this day and that we are able to find a way to resolve these issues, rather than allow them to remain a problem for future generations.

## **The Issue of Recognition as the Sole Legal Government and Diplomatic Strategies**

The normalization of relations between Japan and the ROK and Japan and the PRC were not separate affairs, but were issues that mutually affected one another as the Japanese government sought to conclude its postwar affairs and address historical issues. More than anything else, amid the international situation in the latter half of the 1960s, Japan's move to strengthen relations with the ROK was a signal that made strengthening relations with the PRC more difficult. From the beginning of his administration, Japanese Prime Minister Satō had sought to strengthen ties with the PRC while maintaining relations with the ROC. There were movements to improve relations with both Chinese governments centered on pro-Taiwan and pro-PRC groups, and expectations that relations with the PRC would be normalized were increasing. As a result, as talks between the ROK and Japan progressed, some in Japan expressed disappointment with the failure to make progress in normalizing relations with the PRC ("Dai 50-kai Kokkai" 1965).

Organizations focused on Japan-PRC relations, including the China-Japan Friendship Association, were opposed to the Japan-ROK talks. The DPRK issued a statement on June 23, 1965 that strongly criticized the Japan-ROK Normalization Treaty stating that it was a "criminal act committed by the American imperialists, Japan, and the reactionary Park Chung Hee." The PRC in its statement of June 26, 1965 stressed that the "treaty and agreements signed by the Park Chung Hee clique and Japan at the Japan-ROK summit are completely invalid," and made it clear that "the government of the DPRK and all the Korean people along with all people in Asia and the world who love peace will rise up against the aggressive militaristic groups and firmly oppose and fight against the plot of the American and Japanese imperialists to start a new war of aggression in Asia. The government and people of China in all respects support the strict position of the DPRK" (Nit-Chū Bōeki Sokushin Giin Renmei 1967).

Moreover, the PRC expressed its opposition to the 1965 Normalization Treaty through a statement entitled the "Chinese Government's Statement on the Conclusion of a Japan-ROK Treaty" which argued that "American imperialism is continuously and over a long period promoting militaristic groups in Japan, and is conspiring to link reactionary forces in Japan and South Korea. The US is seeking to facilitate a Northeast Asia Treaty Organization centered on Japan which is connected with the puppet regime in South Korea and the remnants of the Chiang Kai-shek forces, and then connect this alliance with the Southeast Asia Treaty Organization." The statement continued on to argue that

“this would force the Asian people within this united aggressive military system to fight with other Asian peoples in socialist countries and other peace-loving nations” (Nit-Chū Bōeki Sokushin Giin Renmei 1967).

In this way, the 1965 Normalization Treaty was interpreted as strengthening solidarity within the free world camp and prompted PRC and DPRK defiance through the use of phrases such as “American imperialism,” “South Korean puppets,” and “Park Chung Hee reactionary forces.” The pro-ROC forces in Japan were able to strengthen their connections with Taiwan. And in June 1966 at the initiative of President Park Chung Hee, the first meeting of the Asia and Pacific Council (ASPAC) was convened in Seoul with Japanese officials in attendance (Inoue 2010; Jo Yanghyeon 2008). The 1965 Normalization Treaty took place amid increased US-ROK cooperation in the 1960s, and Beijing viewed this as a strengthening of the anti-communist nature of US-ROK ties. Moreover, the tensions surrounding and the movements in both Japan and the ROK against ratification of the Normalization Treaty resulted in concern in Japan and the PRC about opposition from their constituents to the normalization of Japan-PRC relations. This led the two countries to adopt an incremental process of normalization in which they first agreed upon a joint communique which did not require ratification before moving on to concluding a formal treaty.

The Japanese government actively used the international environment and the domestic Japanese political context. The Japan-ROC Peace Treaty and the Japan-ROK Normalization Treaty were clearly symbolic products of strengthening cooperation within the US-led first-world camp. The Satō administration from the beginning established the normalization of relations with the ROK and PRC as policy goals, but the first priority was addressing the return of Okinawa in Japan’s postwar dealings with the US. Prime Minister Satō succeeded in strengthening cooperation within the free world through addressing postwar issues with the US and normalizing relations with the ROK. However, this made it difficult to achieve the objective of normalizing relations with the PRC during Satō’s time in office (Hattori 2011). The PRC rejected calls for a summit meeting with Satō pushing the issue forward to the next administration, and the PRC publicly supported the election of Tanaka Kakuei during the ensuing Liberal Democratic Party’s leadership election given his promise to pursue the normalization of Japan-PRC relations. Then, roughly three months after Tanaka became the prime minister, the 1972 Japan-PRC Joint Communique was announced. Following this, Japan officially recognized the PRC and severed diplomatic relations with the ROC, but was able to maintain economic relations with Taipei. In this way, comparative research into ROK-PRC-Japan relations set

in the context of international relations offers a more complex picture of the various factors at play in Japan's postwar diplomacy.

The normalization of relations between the ROK and Japan and PRC and Japan took place within the Cold War geo-political framework and the division of both the Korean Peninsula and China. Thus it is necessary to connect the analysis of Japan's normalization of relations with these two countries with this structural circumstance. Based on such a perspective, this study connects the flow of the normalization of relations between Japan and the ROK and Japan and the PRC through comparative analyses of both the structure and content of the processes.

Here I introduce a research framework through which the shared characteristics of Japan-ROK normalization and Japan-PRC normalization can be analyzed. Firstly, in relation to the structural dimension, negotiations between Japan and the international community, Japan and the PRC, and Japan and the ROK, and the San Francisco Peace Treaty, the normalization of relations between Japan and China (including both the ROC and PRC), and the normalization of relations between Japan and the ROK are addressed. Here, Japan emphasized the role of the United Nations as a principle guarantor of international community, and stated that it would follow the rules of the United Nations regarding all core issues. Also, at the center of negotiations was the issue of Japan recognizing the ROK and PRC as the sole legal governments of the territories to which they laid claim.

If you look over the official documents released by the ROK, PRC, and Japan during their negotiations, similar types of negotiation tactics emerge, and this study classifies the diplomatic strategies used during the normalization processes into the four categories of "shelving," "layering," "demarcation," and "iridescence." Any one characteristic can be classified by asking if moral expressions are emphasized, are national interests stressed, are related issues interpreted in a limited or passive manner, and are interpretations comprehensive or active?

Shelving entails declining to address a specific issue while concluding an agreement. In Japanese this may be translated as *tana age*, which literally means to put something on a shelf, and thus connotes leaving something unresolved and left aside (Choi Heesik 2008; Choi Eunbong and Oh Seunghee 2012). In more detail, shelving occurs when, during the course of negotiating an agreement, a specific issue is expected to make it difficult to conclude any agreement and thus that issue is excluded from the negotiations. Similar expressions used to describe such negotiating tactics may be "refusal to mention an issue," "delaying discussion of an issue," and "leaving the issue to the next generation"

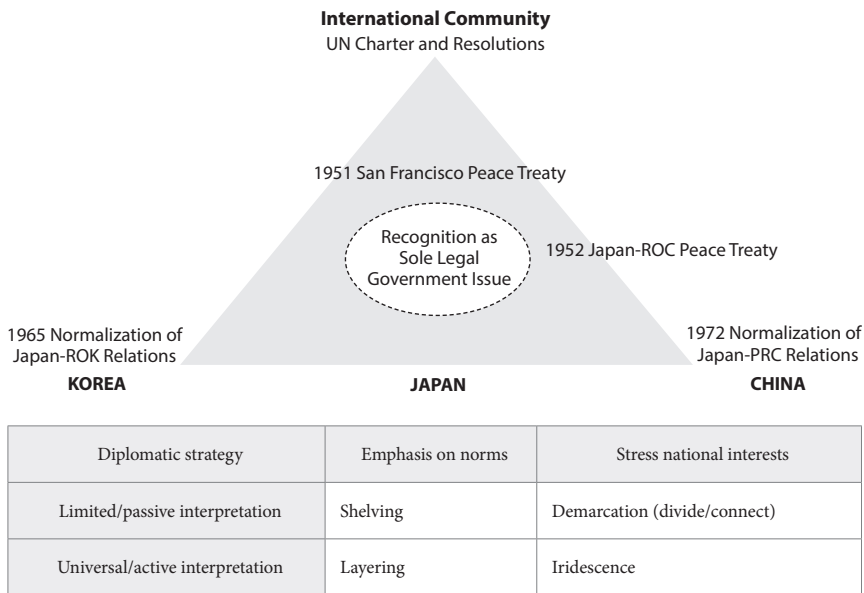


Figure 1. Research framework

(Son Kisup 2011). Shelving thus entails a passive interpretation resultant from the absence of any discussion on an issue. Shelving emphasizes norms in the spirit of cooperation and highlights the logic of appropriateness that puts off issues which cause conflict. However, as shelving leaves open space for various interpretations, it can become a source of friction over the long term.

Layering is a diplomatic strategy that reflects process-oriented thinking that overlaps relations in layers and progresses step-by-step. The Japanese phrase to describe this is *tsumiage* which means to lay in piles, and in Chinese it is referred to as *jiànjìn* (Choi Eunbong and Oh Seunghee 2012). Instead of looking at a problem in a singular and disconnected fashion, layering stresses coexistence based on the perception that compatibility is possible. It reflects the characteristics of active interpretation and emphasis on norms to develop a compatible relationship by removing the significance of issues from the negotiation process.

Demarcation involves intentionally decoupling or coupling different issues. More specifically, it entails decoupling two issues that cannot be separated or, oppositely, coupling together two issues that are unrelated. In Japanese, the former approach would be termed *kirihanashi* which means to detach or



separate, and the latter would be *musubitsuke* which means to connect or tie together. Demarcation provides a passive interpretation in that only a single interpretation suitable for Japan's interests is possible following a calculation of Japan's political concerns. Demarcation could thus be realized, for example, by separating historical problems from other issues as part of a two-track diplomacy approach, or by connecting historical issues with economic issues based on the principle of the necessity of considering politics and economics together.

Finally, iridescence makes it possible for several different interpretations to be made, and, based on the situation, an interpretation which corresponds with Japanese interests can be drawn. The idiomatic Japanese expression *tamamushi iro* captures this well; just as a soap bubble or a stag beetle appears to change colors based on the angle at which you look at it, an ambiguous expression could be interpreted in a variety of ways that are beneficial to both sides. Above all, such iridescent approaches are used to secure logic-centered benefits for Japan based on its political interests. Also, the scope of interpretation is broad and allows for active construal.

This study will analyze diplomatic strategies on the structural and substantive levels based on the above-stated research question and framework. The ROK, PRC, and Japan all used these diplomatic strategies based on their own needs, but the Japanese government especially utilized these strategies given their position of bestowing recognition upon the ROK and PRC. It is my hope that through this analysis we can better understand why historical issues have not yet been resolved and also begin to devise solutions for the historical issues left unresolved by the 1965 Normalization Treaty and the 1972 Joint Communiqué.

## **Normalizing Relations with Divided Countries during the Cold War**

The ROK and PRC were not able to participate in the signing of the San Francisco Peace Treaty. While the Japanese government placed great importance on the San Francisco Peace Treaty as it facilitated their return to international society after World War II, the ROK and PRC were excluded from the treaty. This created a situation in which the ROK, PRC, and Japan were placed in different positions from the beginning regarding the resolution of the historical issues like the retrocession of territory and reparations that resulted from colonization. The San Francisco Peace Treaty became a treaty between Japan,

the defeated nation, and the victorious Allied powers such as the US, and although both the ROK and PRC demanded they be allowed to participate, they were both excluded for different reasons.

However, the results of the debates in San Francisco included content on both Korea and China and both countries were placed in the position of having to accept the application of these agreements.

**Article 21 of the San Francisco Peace Treaty**

Notwithstanding the provisions of Article 25 of the present Treaty, China shall be entitled to the benefits of Articles 10 and 14 (a) 2; and Korea to the benefits of Articles 2, 4, 9 and 12 of the present Treaty.

The process of dealing with postwar affairs was led by the US and Great Britain. For Japan, from the perspective of the vanquished, this treaty was limited in its opportunities for (or restricted from) holding discussions on various issues with the ROK and PRC as they were non-participants. Moreover, given the international Cold War environment and the fact that communist and “democratic” governments had been established in both China and the Korean Peninsula, Japan had to deal with the issue of governmental recognition and jurisdiction.

In this section, I examine the structural dimension of the issue of recognizing the sole legitimate governments in Korea and China brought on by the division of these nations, and how these two countries were excluded from the process of concluding the San Francisco Peace Treaty. Also, I identify the similarities and differences between China, as a country recognized as an Allied power, and Korea, which was not recognized as an Allied power.

### 1. China: The Excluded Allied Power

The Allied powers did not agree over issue of the PRC’s participation in the conference of 1951 in San Francisco to draft the treaty to end World War II. The US and Great Britain in particular were at odds over the issue. The US wanted the ROC to participate while Great Britain called for the PRC’s participation. Great Britain supported the PRC’s inclusion due to calculations about its own national interests, including maintaining rights to Hong Kong and markets in Southeast Asia. The British thought that if Japan concluded a peace treaty with the PRC, then Japan, which was a latent competitor for Great Britain in Southeast Asia, would focus on the mainland Chinese market (Hosoya 1984). Conversely, the US favored the ROC, on the one hand because of the strong anti-communist perspective of lead negotiator John Foster Dulles, but also

because the US Senate had not ratified the Treaty of Versailles after World War I, and there were continuing fears that the San Francisco Peace Treaty would witness a similar fate (Hosoya 1984). Mediating these differences was not easy, and the result was delaying any decision for Japan to make for itself later.

The resulting Dulles-Morrison agreement established that neither the PRC nor the ROC would be invited to the San Francisco Peace Treaty Conference and that Japan-China relations would be decided by Japan alone once Japan had had its “sovereignty restored” (Choi Eunbong and Oh Seunghee 2019). Both the US and Great Britain pushed their respective positions based on their own national interests, but later “shelved” the issue by ostensibly leaving it to Japan to decide. Thus the decision to invite neither opposing government of China to sign the treaty was a result of a compromise between the US and Great Britain.

On July 12, 1951, the US government made public a draft of the San Francisco Peace Treaty. On July 20, the US sent formal invitations to the representatives of various countries to attend the conference in San Francisco but excluded both Chinas. On July 24, the Japanese government sent its official acceptance to attend, and in the end neither Chinese government sent a delegation to attend the conference. And on April 28, 1952, the day the San Francisco Peace Treaty went into effect, Japan concluded a separate peace treaty with the ROC.

Japan’s basic principle toward the issue of choosing a Chinese government was shelving. The shelving strategy had a passive nature which sought to avoid choosing one side to the extent possible. It sought to thread the needle between clashing with the US and clashing with the PRC while securing its own national interests.

Additionally, the timing of the Japan-ROC Peace Treaty’s signing and its scope of application allowed for multiple interpretations in relation to the strategy of iridescence. Japan sought to delay to the extent possible, the act of choosing between the two Chinas, and concluded a treaty with the ROC while at the same time trying not to completely sever relations with the PRC. Japan also repeatedly highlighted its position of waiting for the international community to decide the legitimacy of each government, and that Japan would shelve to the extent possible making a decision between either Chinese regime. When the San Francisco Peace Treaty went into effect in 1952 and the Japan-ROC Peace Treaty was signed, Prime Minister Yoshida Shigeru again repeated the Japanese position that it had not made the final decision to recognize the ROC as the sole legal government of China.

Both the ROC and PRC could not attend the San Francisco Peace Treaty Conference. However, given China’s position as an Allied power and the rushed

process to include the ROC in the San Francisco system by concluding the Japan-ROC Peace Treaty through several references to the San Francisco Peace Treaty, China was subject to the San Francisco Peace Treaty and the Japan-ROC Peace Treaty in the following manner.

**Article 2 of the Japan-ROC Peace Treaty**

It is recognized that under Article 2 of the Treaty of Peace with Japan signed at the city of San Francisco in the United States of America on September 8, 1951 (hereinafter referred to as the San Francisco Treaty), Japan has renounced all right, title and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratly Islands and the Paracel Islands.

Twenty years later in 1972, when the Japanese government began discussing the normalization of relations with the PRC, Japan began to seek a way to solve the issue of the mutual consistency between the San Francisco Peace Treaty and the Japan-ROC Peace Treaty. Japan's main argument was that because the Japan-ROC Peace Treaty stated that China would forgo seeking reparations, the PRC also could not demand reparations. Conversely, the PRC's precondition for Japan-PRC normalization was that, more importantly than reparations, Japan had to consent to the "one China" principle and recognize Beijing as the sole legal government of China before negotiations could begin. What made such negotiations possible was that the San Francisco Peace Treaty had been concluded in the early-Cold War period and the fact that the ROC, as part of the First World, had formed the early conditions for the Japan-ROC Peace Treaty. Thus, although the PRC had not participated in either of these treaty drafting processes, the PRC was not in a situation in which it could ignore these conditions either.

## 2. South Korea: The Excluded Independent State

The ROK was also unable to participate in the San Francisco Peace Treaty. The ROK could not participate, negotiate, nor sign the Treaty and was also not considered an Allied power. Japan's argument was that Korea was not a party to World War II. And the ROK's status as neither a party to the War nor an Allied power constitutes the basic difference between the ROK and the PRC. Being considered a party to the War and an Allied power impacted greatly a country's rights and treatment in the post-War process. The Japanese recognized China as a party to the War and negotiated with it on such grounds, but given that Korea was not a party to the War, ROK-Japan relations were based on a special clause.

### **Article 25 of the San Francisco Peace Treaty**

For the purposes of the present Treaty *the Allied Powers shall be the States at war with Japan, or any State which previously formed a part of the territory of a State named in Article 23, provided that in each case the State concerned has signed and ratified the Treaty.* Subject to the provisions of Article 21, the present Treaty shall not confer any rights, titles or benefits on any State which is not an Allied Power as herein defined; nor shall any right, title or interest of Japan be deemed to be diminished or prejudiced by any provision of the Treaty in favor of a State which is not an Allied Power as so defined. (emphasis added)

The ROK's exclusion was not decided from the start of the process. The US government originally in December 1949, as it prepared for the San Francisco Peace Treaty Conference, had established the ROK as a participant and signatory (Jung Byung Joon 2020). In a document entitled "Commentary on Draft Treaty of Peace with Japan" dated December 29, 1949, the US State Department argued that "The Republic of Korea is not a member [of the Far Eastern Commission] and is not recognized by the USSR. Nevertheless, as a liberated territory with a decades old resistance movement, a record of active fighting (with the Chinese Nationalist forces) in the war against Japan, and with an important interest in the treaty, it will doubtless feel entitled to participate" (11-12). Just as the US had supported the ROC, the US government considered that the ROK could participate and strengthen its international political position.

However, Great Britain and Japan were opposed to the ROK's participation and stressed the point that Korea was neither an Allied power nor a country at war with Japan. Japan appealed that, from its perspective, if Korea was recognized as an Allied power then the "communist Koreans in Japan" would benefit economically and this would place the Japanese government in a difficult predicament. Great Britain connected this issue with the China situation and argued that "in a situation where it is difficult for China to participate," there will be opposition from Indonesia, Myanmar (Burma), and other Southeast Asian nations if the ROK is allowed to participate (Jung Byung Joon 2020). Communism was connected to Koreans in Japan, and China's exclusion was connected to the ROK's exclusion. The Cold War division of China and Korea applied to both the PRC and ROK, and this unique circumstance was used by various countries to argue in favor of their national interest. As Jung Byung Joon (2020) points out, the structural legacy of a peace treaty which did not address colonialism and responsibility for war, resolving claims without reparations through special agreements between individual countries, and the meditation of ROK-Japan relations by the US dominated ROK-Japan relations

through the 1965 normalization.

In particular, the issue of territorial control of Tokto (Dokdo)/Takeshima was sparked by Article 2 (a) of the San Francisco Peace Treaty which states “Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.” Another issue to take notice of in this clause is the statement “recognizing the independence of Korea,” which attributes Japan with a position to recognize Korean independence. The 1965 Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Cooperation between Japan and the Republic of Korea concluded alongside the 1965 Normalization Treaty states the following:

**Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Co-operation Article II**

1. The Contracting Parties confirm that [the] problem concerning property, rights and interests of the two Contracting Parties and their nationals (including juridical persons) and concerning claims between the Contracting Parties and their nationals, *including those provided for in Article IV, paragraph (a) of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, is settled completely and finally.* (emphasis added)

The San Francisco system forms the basis of Japan’s approach to dealing with its postwar affairs, but the PRC and ROK had no opportunity to participate, negotiate, or sign the Treaty. The First World camp centered on the Allied powers of the US and Great Britain, under the strategic situation of the Cold War, devised the basic framework for settling postwar affairs through the San Francisco Peace Treaty which was very advantageous for Japan. And Japan initiated its process of negotiation with other Asian states including the ROK and PRC using this treaty as a point of departure.

## **Diplomatic Strategies for Negotiating the Normalization of Relations**

### **1. Defining a State of Abnormality**

The normalization of relations between Japan and the ROK and between Japan and the PRC was different from the outset of the process in each case. If we first look at the 1952 Japan-ROC Peace Treaty and the 1972 Japan-PRC Joint Communiqué, the preamble of the former and Article 1 of the latter proclaim

that the initial state of relations between Japan and the two Chinas was one of “war.” Japan-China relations was one in which the two were at war and the normalization of relations meant ending the state of war between them. Because the state of war with the ROC was ended in 1952, to avoid overlap caused by the existence of two Chinese governments, the 1972 Joint Statement instead states that the “abnormal state of affairs” between Japan and the PRC is “terminated” which in effect was a different phrase to end the state of war. In order for the 1972 Joint Statement to coexist with the 1952 Japan-ROC Peace Treaty, the phrases used in the former were slightly different and Japan and the PRC could differently interpret the validity of the 1952 Treaty.

#### **The 1952 Japan-ROC Peace Treaty**

Considering their mutual desire for good neighbourliness in view of their historical and cultural ties and geographical proximity; Realising the importance of their close cooperation to the promotion of their common welfare and to the maintenance of international peace and security; *Recognising the need for a settlement of problems that have arisen as a result of the existence of a state of war between them*; Have resolved to conclude a Treaty of Peace. ...

Article 1: The *state of war* between the Republic of China and Japan is *terminated* as from the date on which the present Treaty enters into force. (emphasis added)

#### **1972 Joint Statement**

*Japan and China are neighbouring countries, separated only by a strip of water with a long history of traditional friendship.* The peoples of the two countries earnestly desire to put an end to the *abnormal state* of affairs that has hitherto existed between the two countries. The realization of the aspiration of the two peoples for the *termination of the state of war* and the normalization of relations between Japan and China will add a new page to the annals of relations between the two countries.

*The Japanese side is keenly conscious of the responsibility for the serious damage that Japan caused in the past to the Chinese people through war, and deeply reproaches itself.* Further, the Japanese side reaffirms its position that it *intends to realize the normalization of relations between the two countries from the stand of fully understanding “the three principles for the restoration of relations” put forward by the Government of the People’s Republic of China.* The Chinese side expresses its welcome for this.

1. The *abnormal state of affairs* that has hitherto existed between Japan and the People’s Republic of China is *terminated* on the date on which this Joint Communique is issued. (emphasis added)

Meanwhile, if we examine Japan’s relations with the ROK, there is not a clear definition of the past relationship between Japan and Korea. In general, Article I should have defined the abnormal state of relations that had existed up to that

point and announced the end to that abnormal state. However, the preamble of the 1965 Normalization Treaty mentions the San Francisco Peace Treaty and UN General Assembly Resolution 195 (III) and then Article I contains operational details about establishing diplomatic relations and exchanging Ambassadors. That is, it discusses the results brought on by the normalization of relations. Article II states that all treaties and agreements from before 1910 are “null and void.” Based on this clause, the ROK argues that Japanese colonial rule of Korea was illegal and from the start had been void, while Japan argues that Japanese annexation of Korea in 1910 was legal at the time, but given Korea’s independence and the normalization of relations the previous treaties were from that point on void. The main issue is thus the timing of when the phrase “already null and void” stipulates, and the vagueness of this phrase allowed each country to interpret it in their own way and explain it to their people (Ota 2008, 334). Regrettably the preamble and first two Articles of the 1965 Normalization Treaty do not define the previous colonial relationship between Japan and Korea nor do they stipulate the nature of the previous abnormal state of relations, nor its end brought on by the normalization of relations. Instead it simply lists the international treaties and agreements that are to be applied. It does not mention the issues that would become problems and adopted a strategy of shelving these issues by basing the national approach on the decisions to be taken by third parties, in particular the international community.

#### **The 1965 Normalization Treaty**

The Republic of Korea and Japan, considering the historical background of [the] relationship between their peoples and their mutual desire for good neighborliness and for the normalization of their relations on the basis of the principle of mutual respect for sovereignty; recognizing the importance of their close cooperation in conformity with the principles of the *Charter of the United Nations* to the promotion of their mutual welfare and common interests and to the maintenance of international peace and security; and recalling the relevant provisions of the *Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951 and the Resolution 195 (III) adopted by the United Nations General Assembly on December 12, 1948*. ... (emphasis added)

Article I: *Diplomatic and consular relations shall be established between the High Contracting Parties. The High Contracting Parties shall exchange diplomatic envoys with the Ambassadorial rank without delay. The High Contracting Parties will also establish consulates at locations to be agreed upon by the two Governments.* (emphasis added)

Article II: It is confirmed that all treaties or agreements concluded between the Empire of Japan and the Empire of Korea on or before August 22, 1910 are *already null and void*. (emphasis added)



If we compare this with the 1952 Japan-ROC Peace Treaty and the 1972 Joint Communique, we can see that the 1965 Normalization Treaty which was concluded in between the two did not clearly define the state of relations between the ROK and Japan and there was no process of redressing the previous state of their relationship. The treaty proceeds directly to the normalization of relations without any clear mention of the past.

Article I should have been a symbolic statement rather than defining the relationship between the two countries. Comparing the preamble and Article I of the 1965 Normalization Treaty, which does not mention colonial rule or the historical relationship between Japan and Korea, with the preamble of the 1972 Joint Communique, which includes an apology from the Japanese government in the statement that “the Japanese side is keenly conscious of the responsibility for the serious damage that Japan caused in the past to the Chinese people through war, and deeply reproaches itself,” we can see clearly that the 1965 Normalization Treaty does not deal with postwar matters between Japan and Korea and has opted to vaguely skip over the issue.

In 1952 during the first round of negotiations, Japan proposed in a draft of the treaty the following statements: “based on the Treaty of Peace with Japan, Japan recognizes Korea’s independence, and renounces all right, title and claim to the islands of Quelpart, Port Hamilton and Dagelet,” and “Both countries will engage in friendly cooperation to contribute to the maintenance of peace in East Asia and the world.” In the latter statement we can see an attempt at building a more comprehensive relationship. In response, the Korean side suggested the phrase “the Republic of Korea recognizes Japan as an independent sovereign state,” and instead of the “treaty of friendship” title suggested by Japan offered the title of “basic treaty” (Ota 2008, 113-15). It seems that the ROK government could not agree with the Japanese suggestion for Japan to recognize the ROK’s independence nor agree with the statement about the San Francisco Peace Treaty which did not mention Tokto, but it does seem that the ROK in its draft was concerned about recognizing the relationship between the two countries and the symbolism of such through the preamble and first Article. It was difficult to find any recognition by Japan about the illegality of its colonial rule and instead Japan focused on the invalidity of old treaties, the issue of recognition as the sole legal government, and the negotiation of claims. Just before the initial signing of the basic agreement on February 17, 1965, Foreign Minister Shiina stated at Kimpo Airport that “we deeply regret that amid the long history between the two countries there was a period of misfortune” and the ROK government welcomed this statement (329). However, there is no similar statement included in the 1965 Normalization Treaty and Article I only

addresses the operational issue of the normalization of relations and the exchange of Ambassadors.

Differently from the PRC, the ROK was not a combatant in World War II, and as a result the treaty with Japan was negotiated as a “treaty on basic relations” instead of a “peace treaty.” Moreover, the treaty was based on decisions made by the international community rather than by Japan. The treaty did not include any expression of remorse about the unfortunate past between the two countries nor the illegality of colonial rule, and the main contentious issues were dealt with through the strategy of iridescence so that both countries could interpret them in a manner beneficial to themselves.

## 2. Government Recognition and the Scope of Treaty Application

On the day that the San Francisco Peace Treaty went into effect in 1952, Japan recognized the ROC government through the Japan-ROC Peace Treaty, and the Japanese government announced its position on the scope of this treaty’s applicability. This is important as the Japan-ROC Peace Treaty was the first time the Japanese government had to consider the issue of government recognition.

According to Japan, which still hoped that negotiations with the PRC would be possible, the treaty was to be interpreted as being limitedly applied to Taiwan. Article 10 of the Japan-ROC Peace Treaty included an expression on the jurisdiction of the ROC as “laws and regulations which have been or may hereafter be enforced by the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores),” but “hereafter” is not defined and could mean that it includes or does not include continental China and thus allowed for different interpretations by the ROC and Japan (Yin 1996; Yin 2007; Choi Eunbong and Oh Seunghee 2019).

During the conference in San Francisco, the Japanese government shelved the issue by making a decision about which Chinese representative to recognize, and when concluding the Japan-ROC Peace Treaty it did recognize the ROC but also added the iridescent clause about the scope of the legal jurisdiction of the ROC. Here the ROC interpreted this clause as implying that it controlled all of China, while Japan saw the clause as limiting the jurisdiction of the ROC and leaving open the possibility, based on developments in China, and not completely excluding the PRC. Later in 1972, Japan normalized relations with the PRC, over which the ROC did not have any jurisdiction, and the Japanese and PRC governments were able to interpret the 1952 Japan-ROC Peace Treaty differently with Japan seeing the treaty as void beginning in 1972, and the PRC interpreting the 1952 Treaty as having never been valid.

Ultimately, although Japan seemed to recognize the ROC as the governmental representative of all of China, Japan retained the ability to interpret this recognition as being premised on the ROC controlling all of China and left open room for relations with the PRC. Meanwhile, Japan was also able to use the precedent of the treaty with the ROC as a foundation for negotiations with the PRC and use this openness to its advantage. In this respect, the second and third clauses of the 1972 Joint Communiqué stated that Japan recognized the PRC as the sole legal government of China and that Taiwan is an inalienable part of the territory of the PRC. Japan stated in the Joint Communiqué, in a prominent fashion directly after the first clause which announced the end of the abnormal state of relations between the PRC and Japan, that it understood the PRC's three principles for the restoration of relations, these three principles all relating to the PRC's one China policy.

From the beginning of the negotiations over the 1972 Joint Communiqué, there was a problem regarding the conflict between and coexistence of the Joint Communiqué and the 1952 Japan-ROC Peace Treaty. The process of recognizing the PRC and severing relations with the ROC can be seen as an example of "break-up diplomacy" (Kawashima et al. 2009; Fukuda 2014). Just as relations with the PRC prior to 1972, relations between Japan and the ROC after 1972 involved layering in the area of economics and trade. In order to maintain relations with both countries and not cut off relations completely with the ROC, Japan sought to curate a sense of compatibility. To do so, Japan stressed the principle of decoupling politics and economics, while the PRC argued that any relations between Japan and the ROC are illegal by insisting that such a demarcation is impossible and argue for the coupling of politics with economics in accordance with its own interests.

Japan also actively cited the decisions of the international community as it established relations with the two governments. The 1952 Japan-ROC Peace Treaty was borne out of the context of the San Francisco Peace Treaty, and the 1972 Joint Communiqué was reached amid the process of the PRC's entrance to the United Nations in 1971 and the Shanghai Communiqué announced by the PRC and US. Here Japan emphasized the principles pronounced in the Potsdam Declaration and the United Nations Charter while stating that such related issues were not to be decided by Japan alone but by the wider international community.

With regards to the problems of government recognition and the scope of the treaties, strong use of iridescence was made. The ROC wanted Japan to recognize it as the sole legal government of all of China while Japan, wary of the PRC, sought to limit the scope of the treaty to Taiwan. Regarding the PRC's

three principles for the restoration of relations, the Japanese government provided an indirect expression of agreement—"The Government of Japan fully understands and respects this stand of the Government of the People's Republic of China"—rather than providing direct agreement and acceptance. Japan thus layered its relations with the two Chinas by choosing one government and using the principle of demarcation to maintain relations with the other. The PRC, which stressed the three principles for the restoration of relations, argued in response for the coupling of politics and economics. In this way we can see a combination of shelving, layering, demarcation, and iridescence in the treaties' negotiations.

Japan's citing of the decisions made by the international community is also evident in the 1965 Normalization Treaty between Japan and the ROK. The core issue in the 1965 Normalization Treaty was indeed the recognition of the ROK government. While negotiating the Normalization Treaty, the clause about the ROK being the "sole legal government of Korea" and the "confirmation of the invalidity of previous treaties" were the most controversial issues (Ota 2008, 330). To satisfy the ROK which was strongly pushing for Japan to recognize it as the sole legal government of Korea, Japan expressed that it "confirmed ... Resolution 195 (III) of the United Nations General Assembly." If North Korea were to refute this position, Japan would be able to interpret this clause as it not being a decision made by the Japanese government but by the international community and as such this decision could be changed based on the will of the international community. Moreover, Article 4 of the 1965 Normalization Treaty states that Japan-ROK relations would be based on the Charter of the United Nations.

### **1965 Normalization Treaty**

#### **Article 3**

It is confirmed that the Government of the Republic of Korea is the only lawful Government in Korea as specified in the Resolution 195 (III) of the United Nations General Assembly.

#### **Article 4**

- (a) The High Contracting Parties will be guided by the principles of the Charter of the United Nations in their mutual relations.
- (b) The High Contracting Parties will cooperate in conformity with the principles of the Charter of the United Nations in promoting their mutual welfare and common interests.

In a document entitled "the Japan-ROK Treaty and an Explanation of

Domestic Law,” the Japanese government stated that Article 3 did not define the scope of the treaty’s applicability. In general, it is an international custom during the establishment of relations that the two states do not confirm or make reservations about the other’s territory, and, therefore, the Japanese government stated that it was not confirming the content of the ROK constitution which claimed it was the sole legitimate government of the Korean Peninsula. The Japanese government stressed that it was only acknowledging the intent of the United Nation General Assembly Resolution 195 (III). Japan was not confirming that the 1965 Normalization Treaty covered the entirety of the Korean Peninsula, and that the portion about North Korea was in a “blank state” (Lee Won-Deog 2010, 212). Based on the Japanese position, the normalization of Japan-DPRK relations is an issue separate from the 1965 Normalization Treaty, and Japan maintained the position that it could have normal relations with both the ROK and the DPRK at the same time. This was indeed a deliberate move to allow for an interpretation of the treaty different from that of the ROK.

The discussion about the normalization of relations with divided countries during the Cold War began in earnest with the problem of invitations to the San Francisco Treaty conference. The Japanese government paved the way for how it could diplomatically deal with the government recognition issue as it signed the Japan-ROC Peace Treaty in 1952 (Inoue 2010; Hirakawa 2012), and this process was also used in the normalization of relations between Japan and the ROK in 1965 and in the 1972 Joint Communiqué with PRC. This Japanese approach can be considered a diplomatic strategy which left room for setting and discussing agendas by forming different contexts beneficial only for Japan in discussions with the PRC prior to 1972, with the ROC after 1972, and still to this day with the DPRK.

### 3. Reparations, Claims, and Economic Cooperation

The most shocking aspect of the first meeting was that the Chinese side, through Zhou Enlai who stated it was Mao Zedong’s decision, simply and without any resistance gave up any claim to reparations. I assumed that we would have to provide around fifty billion dollars and I was shaking when I heard this completely unexpected reply (Mori 2006, 88).

The above statement was made by Takeiri Yoshikatsu, the Chairman of the Kōmeitō Party, who was dispatched to China to begin negotiating the normalization of Japan-PRC relations. Although the PRC had mentioned reparation claims before the negotiations began, in the end they focused on five preconditions of relations between Japan and China—acceptance of the one

China principle; the issue of Taiwan was a domestic issue; recognition of the Japan-ROC Peace Treaty as illegal and having it invalidated; having the US removed from the Taiwan Strait; and the admittance of the PRC to the United Nations and having the Chiang Kai-shek group expelled—while accepting other Japanese suggestions for the Joint Communique and mentioning that it would renounce reparations. We can see that the PRC considered the binding force of the decision to renounce reparations claims based on the San Francisco Peace Treaty in the Japan-ROC Peace Treaty and, owing to the changes in the international situation in the early 1970s, chose instead to seek recognition as the sole legal government of China among the international community including at the United Nations.

The 1952 Japan-ROC Peace Treaty was a legal treaty from the Japanese position. Following the conclusion of the 1972 Joint Statement, the 1952 Treaty became invalid, but it was an important negotiation card with the PRC in 1972 given that the ROC had “voluntarily waived” reparations in 1952. Given that the ROC had already decided not to demand reparations, the Japanese would have been in an awkward position if the PRC demanded money. With the PRC insisting that the 1952 Japan-ROC Peace Treaty was not valid the problem of reparations claims was still open, but the 1972 Joint Communique stated that China, “in the interest of the friendship between the Chinese and Japanese peoples,” would renounce reparations.

#### **Protocol of the 1952 Japan-ROC Peace Treaty**

**Article 1 (b):** As a sign of magnanimity and good will towards the Japanese people, the Republic of China voluntarily waives the benefit of the services to be made available by Japan pursuant to Article 14 (a) 1 of the San Francisco Peace Treaty.

#### **1972 Joint Communique**

**Article 5:** The Government of the People’s Republic of China declares that in the interest of the friendship between the Chinese and Japanese peoples, it renounces its demand for war reparations from Japan.

Japan and the PRC approached the coupling and decoupling of the 1952 Treaty and 1972 Joint Communique differently. In reality, the reparations issue and the one China principle were clearly linked. And in order for both sides to make different interpretations, iridescence was used by way of the Japan-ROC Peace Treaty mentioning the waiving of “services” and the Joint Communique stating that the PRC “renounces its demand for war reparations.”

Meanwhile in the process of normalizing Japan-ROK relations, the issue of “reparations” could not be discussed given the different pretext. The terms

“peace treaty” or “reparations” could not be used because the ROK was not recognized as a party to World War II, and instead the terms “basic treaty” was used and negotiations proceeded on claim rights and economic cooperation. During Japan-ROK discussions, the Japanese representative Kubota Kan'ichirō made the argument that “Japan had the right to make claims against the ROK” (or the so-called reverse claim) and it called into question the possibility of off-setting claims. This is a representative example of demarcation and coupling. In the negotiation process, the Japanese government did not link the discussions on a Japanese apology and acceptance of responsibility for colonial rule with the claims issue, but rather it coupled Korean claims with those by private Japanese citizens who wanted compensation for private property that remained in Korea after the war. This reverse claim argument was used as a card in negotiations so when it was later withdrawn and negotiations resumed in the previous manner before the reverse claim argument had been connected to Korean claims, it created a situation in which it seemed as if Japan had made concessions to the ROK without Japan ever having actually made any.

In the end, Article 2 of the Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Cooperation between Japan and the Republic of Korea confirmed that the issue of claims between the ROK and Japan was “settled completely and finally.” As an agreement that coupled together claim rights and economic cooperation, it also connected together the past and future, producing a vague nature. And by announcing a “complete and final” solution, historical issues were severed from the agreement.

#### 4. Territory Issues

Article 2 of the San Francisco Peace Treaty which addresses territory issues did not clearly address the Senkaku/Diaoyu Islands or Tokto, leaving Japan, China, and the ROK to argue about possession of these islands. Article 2 (a) of the San Francisco Peace Treaty, which is essentially the root of the Tokto issue, reads “Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.”

Given that Article 2 of the San Francisco Peace Treaty fails to mention Tokto, Japan has insisted that it does not need to return control of Tokto to the ROK and that Tokto is an inherent territory of Japan both historically and under international law (Ministry of Foreign Affairs of Japan 2021). The ROK, on the other hand, has pointed to SCAPIN 677 (a document produced by the US occupation forces in Japan) to argue that Tokto was not ever considered part of Japan. Based on this, the ROK has argued that given it currently exercises

control of Tokto and the lack of any mention of Tokto in the San Francisco Peace Treaty, this should be interpreted as recognition of the status quo (Choi Jang-Keun 2016, 7).

In retort, Japan argues that since Article 2 enumerates “Quelpart, Port Hamilton and Dagelet” as Korean territories, Tokto’s exclusion was intentional. The ROK, however, sees this list as merely examples or a non-exhaustive list. Iridescence comes about in some cases through intentionally including unclear statements and by blurring the issue by overemphasizing certain parts. In this case, the Japanese government argues that there was a clear exclusion of Tokto because the US government mentioned Tokto at first but later did not include it in the treaty. But an important point is that in the aim of the relevant clauses was to end the state of war between Japan and the Allied powers with the latter recognizing the former’s sovereignty in Article 1 and Japan renouncing all right, title, and claim to territories it took control over during the war in Article 2. The issue becomes clouded by overemphasizing whether or not Tokto is specifically listed among the various clauses listed above which include Japan’s recognition of Korea as a sovereign state, Japan’s renunciation of all rights, titles, and claims to Korean territory, and the end of colonial rule and the return of Korea to the international community.

The problem of demarcating borders centered on control of Tokto was a constant issue during Japan-ROK talks. With the ratification of the San Francisco Treaty, the MacArthur Line was abolished, and the ROK declared the “Peace Line” (or the so-called Syngman Rhee Line). Tokto was clearly within the Peace Line, signaling the ROK’s declaration of control over Tokto. However, Japan continued to make claims on Tokto and the Peace Line declaration caused delays in Japan-ROK talks. The Korean side hoped that given its actual control of Tokto that the issue would be excluded from the talks. Discussions about Tokto clearly took place, but a solution to the issue evaded the two sides.

Eventually the ROK withdrew the Peace Line declaration and concluded the Agreement on Fisheries with Japan. The ROK’s exclusive fishery zone was recognized as extending 12 nautical miles from Tokto and the waters within the fishery demarcation line were made into jointly controlled waters where Korean fisherman were relatively restricted and Japanese fisherman were allowed to enter. Protests in Korea against the agreement were held and the failure to resolve the issue of Japan’s control over Tokto became a cause for some in the Japanese Diet to argue against ratification of the agreement.

Later on after the United Nations Convention on the Law of the Sea (UNCLOS) was established, the international standard became 12 nautical miles of territorial waters, a 24 nautical mile contiguous zone, and a 200 nautical mile



exclusive economic zone. Since it was difficult to apply this rule uniformly in the waters near Tokto, the 1965 Agreement on Fisheries was ended and a New Fisheries Agreement between the ROK and Japan was concluded in 1998 in which Tokto was designated as the center of the boundary waters in a tentative agreement (Choi Jang-Keun 2020, 308).

Meanwhile with regards to territorial issues between the PRC and Japan, Article 2 of the 1952 Japan-ROC Peace Treaty states that Japan renounces all right, title, and claim to Taiwan and the Penghu islands as well as the Spratly and Paracel Islands. However, the Senkaku Islands are not mentioned. Twenty years later in 1972, Prime Minister Tanaka and Zhou Enlai had the following conversation:

Tanaka: I would like to use this opportunity to ask what you think of the Senkaku Islands. ... If I don't bring up this matter, I may face some trouble at home.  
Zhou Enlai: I would rather not talk about this [Senkaku/Diaoyu] issue at this time. There is no benefit to talking about it now. ... Because oil is found under the water, Taiwan makes a big deal out of it; now America will also turn it into a big issue. (Yang 2017; Ishii 2003)

Given that territorial problems are issues of sovereignty they are already difficult to address, and with the confirmation of oil existing in the East China Sea the issue intensified in terms of national interests. Moreover with the issue of the US' return of Okinawa also being discussed, the Senakaku/Diaoyu Islands were interlocked within competing multi-layered national interests in 1972, making resolution of the issue difficult. In the end, the Senkaku/Diaoyu Islands issue was shelved, and as time passed the people who witnessed this scene and read these records began to interpret the situation differently.

First, China saw the shelving of the issue as suspending it and it was addressed as the "suspension of the Senkaku/Diaoyu Island issue." Nonaka Hiromu, who formerly served as the Chief Cabinet Secretary, has stated that there was an agreement between Prime Minister Tanaka and Zhou Enlai to suspend discussions on the Senkaku Island issue during the negotiations to normalize relations ("Nonaka Hiromu-shi" 2013). Zhang Xiangshan, an official in the PRC Ministry of Foreign Affairs, has also stated there was a definite agreement to discuss the Diaoyu Island issue at a later date (Zhang 1998).

However, the Japanese government took the position that, given it was currently exercising control of the Senkaku/Diaoyu Islands and the PRC had decided not to raise the issue, the PRC was condoning Japanese possession of the islands. That is, Japan was not accepting the "suspension of the Senkaku Island issue." Hattori Ryuji, a professor at Chuo University, has argued the

interpretation that Premier Zhou Enlai took the lead in abandoning the sovereignty issue is correct (Hattori 2011), while Li Enmin (2005) suggests that Japan believed at the time that it had to resolve the Senkaku Island issue, sought to address it during negotiations, and then decided that the issue had been properly settled.

Taguchi Mitsunaga, a former manager of the TBS Beijing office, has argued that delaying a decision on the Senkaku/Diaoyu Island problem was jointly shared by Japan and the PRC, and that Japan's argument that China had given up its claim (to the Senkaku Islands) is not correct ("Taüm e yaegi" 2012). As we can see, there are very different interpretations of the same scene and conversation.

China has sought to acknowledge differences while pursuing the same point and called for "letting the next generation solve the problem." But the problem has become more complicated and reconciliation is being delayed despite hopes that the future generation would be wiser. With issues of sovereignty causing a situation where each state cannot yield, it was, and continues to be, difficult for Japan and the PRC to compromise and reach a decision in the process of normalizing relations. As time passes, we will have to see whether an attempt to find a solution through negotiations is made as the international regime continues to change.<sup>5</sup> If a bilateral agreement is difficult, a modified form of shelving in which a solution based on the international regime will be sought will ensue, signaling that it will become more important to form, organize, and change international laws and norms surrounding national boundaries in the future.

## Conclusion

Korea and China are still divided to this day. Japan has firmly pushed to normalize diplomatic relations with other countries to solve the problems of its past and secure its position in the international community beyond its status as a defeated country. From the vantage point of the ROK and PRC, the normalization of relations with Japan was necessary to secure recognition as the sole legal government over the territories they claim and strengthen the legitimacy of their governments. The Japanese government thus found itself in a position to recognize the ROK and PRC as sole legal governments and,

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5. International regime is a set of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge (Krasner 1983).

consequently, was in an advantageous structural position in negotiations. The Japanese government engaged in negotiations with one government in a divided country while recognizing that this may cause problems in improving relations with the other. As a result, Japan sought to use and enter strategic expressions in treaties during negotiations. The policymakers of the ROK, PRC, and Japan interpreted various clauses in treaties in accordance with their own national interests and tried to strengthen their interpretations' legitimacy by appealing to international norms. In this paper, I have classified these various diplomatic strategies as shelving, layering, demarcation, and iridescence.

In the international setting of the Cold War, the San Francisco Peace Treaty was a "generous peace treaty" for Japan, but the two countries on which Japanese imperialism inflicted the most harm, Korea and China, were not allowed to participate in the conference to draft the treaty. During the process of normalizing relations in which a clear perception of its wrongdoings and acceptance of responsibility was necessary, the abnormal state of relations and perceptions of wrongdoings were not clearly addressed, and as a result the issue of assuming responsibility by Japan was evaded, reduced, divided, and severed.

During the process of normalizing relations in which the issue of being recognized as the sole legal government of a divided country during the Cold War was discussed together with historical issues, the PRC forewent reparations and the ROK government chose to receive economic assistance. This has resulted in Japan continuing to be engaged in conflict over historical issues with these two countries and produced a situation in which reconciliation has not been achieved. Today, seventy-seven years since the end of World War II, the Japanese government has sought to cast off the postwar regime (*sengo rejimu*), but the main undiscussed problems of historical issues, reparations, and territorial disputes remain. This insufficient dealing with the war may have been a strategic decision in the short term, but considering the remaining burdens on China, Korea, and Japan, this was an ineffective strategy in the long term.

The process of negotiations described here through the concepts of shelving, layering, demarcation, and iridescence shows that the ROK, PRC, and Japan all sought to maximize their national interests while strengthening their arguments by basing them in international norms. The diplomatic process of intentionally making vague statements while shelving issues then later seeking to have the other side adopt your arguments involved complex interactions among the various strategies. During this process, international norms and laws were important standards and, in the future as the international order changes, the power to form, organize, and affect change will become even more important.

In the process of resolving the remaining issues among the ROK, PRC, and

Japan, the interests of the three countries will be adjusted based on the international regime, and the strategies of shelving, layering, demarcation, and iridescence will be used in complex and multiple ways. It is hoped that this study as a comparative analysis of the normalization of PRC-Japan and ROK-Japan relations will help us reflect on the process of the formation of the post-War regime in East Asia during the early Cold War, help resolve the issues that have been pushed into the present, and also help plan and build a future regime in East Asia.

• Translated by Ben ENGLE

*Acknowledgements* | This article is a revised and translated version of the author's Korean article "Han-Il kukkyo chōngsanghwa wa Chung-Il kukkyo chōngsanghwa ūi oegyo chōllyak: mirwō tugi, ssaa kagi, kyōnggye chitki, tajung haesōk," published in *Ilbon yōng'u nonchōng* [Korea journal of Japanese studies] 53 (2021) with the permission of Hyōndae Ilbon Hakhoe [The Korean Association of Contemporary Japanese Studies]. The translation and English editing of this article were supported by the (Chae) Hakbong Changhakhoe [Hakbong Scholarship Foundation].

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