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Japan, Russia and the 71-year dispute over the Kuril islands

When Shinzo Abe meets Vladimir Putin this month in Tokyo, one item on the agenda is the Kuril islands and who owns them.

By GREGORY CLARK

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Japan and Russia haven't signed a treaty to formally end World War II because of a territorial dispute over the Kuril islands that stretch from Hokkaido to the Kamchatka Peninsula.

The dispute will be on the agenda when Prime Minister Shinzo Abe meets President Vladimir Putin in Japan on December 15 and yes, it's complicated. Odds are that Mr. Abe will walk away from the meeting very disappointed.

First complication, when is a Kuril Island not a Kuril Island? When the Japanese government so decrees. On this basis Japan insists Moscow must return some of the Kuril islands the Soviet Union seized back in 1945 at the war's end.

It gets more complicated. Article 2(c) of the 1951 San Francisco peace treaty between the Allied powers and Japan states unambiguously that Japan gives up "all right, title and claim to the Kurile Islands."

(Note that the island chain is sometimes spelled with an “e” and is typically defined as the Northern and Southern Kurils.)

In October 1951, the head of the Treaties Bureau in Japan’s Foreign Ministry (MOFA), Kumao Nishimura, was questioned in a Diet committee whether that wording meant Japan had given up its right to Etorofu and Kunashiri, the two main southern Kuril islands which traditionally had been Japanese and which are now in dispute.

He answered that Japan under the treaty had indeed given up its right to both the Northern and Southern Kurils. (Today, MOFA insists this was a mistake.) Japan’s prime minister at the time, Shigeru Yoshida, admits in his 1962 memoirs how reluctant he was at San Francisco to sign away the islands.



Map of Kuril Island chain defining pre- and post-WWII boundaries.

So how can Japan today claim that it never gave up the southern Kuril islands of Etorofu and Kunashiri, not to mention the smaller islands of Shikotan and the Habomais known as the ‘Lesser Kurils’ in Russian?

Easy. It just declares that all those islands were never part of the Kurils; that they are Japan’s ‘Northern Territories’ and that unless Moscow returns them there can be no peace treaty between Japan and Russia.

To back up its claim it points to a very slim reed – the wording in an 1875 treaty with Czarist Russia where all the islands to the north of Etorofu (what would normally be called the Northern Kurils) were described as “the Kurils.”

In fact, Tokyo has much stronger arguments to back up its claim (more on those later). Unfortunately, most have been closed off by Tokyo’s determination to say the Northern Territories it claims are not part of the Kurils.

At the 1956 conference to decide postwar relations between Japan and the USSR, it was agreed that when a peace treaty between the two was signed, Moscow would return Shikotan and the Habomais.

But Tokyo has insisted ever since that there can be no peace treaty unless Etorofu and Kunashiri are also returned. Moscow has said nyet. And so the stalemate has continued.

Prime Minister Abe had hoped that good personal relations with President Putin — plus generous promises of economic aid — would lead Moscow to some kind of concession when the two leaders meet in Japan this month.

But Putin has poured cold water on that idea by declaring only that he welcomes joint Russian-Japanese development for the disputed islands. The implication — that sovereignty of those islands will remain with Russia — was hard to miss.

To date, Japanese moderates have hoped that at the very least Japan could gain the return of Shikotan and the Habomais promised in 1956, plus some form of concession over the two larger islands.

But hardliners both in MOFA and the powerful Japanese right-wing have made it clear that there must be a promise for an eventual return of sovereignty over all four islands, or nothing.

There is even doubt whether Japan will get the smaller islands returned. Moscow's 1956 promise was conditioned on Japan not joining any anti-Moscow alliance. It would be hard to argue that the security alliance with the USA is not just that.

As well, the current disputes with the West over the Crimea and eastern Ukraine seem to have triggered a resurgence of Russian nationalistic reluctance to make any territorial concessions anywhere.

Moscow's move to station defensive rockets in the Kurils has made the message even clearer. Tokyo has to learn that when it comes to questions of sovereignty Moscow, even more than in the past, cannot and will not make any concessions.

The pity of it all is that from the start Tokyo should have made clear its 1951 reluctance to give up the southern Kurils. It only gave up the islands under US pressure (today the US insists it fully supports Tokyo's position and makes no effort to explain its earlier negative view).

Tokyo in the past has talked of 36 documents it had sent Washington to defend its position before San Francisco, but which were ignored. If it revived these points it could claim that unlike other territories gained by Moscow postwar, this gain was through an imposed treaty.

In this manner, return of the Kurils to Japan would not create a precedent for other postwar seized territories. That combined with Tokyo's other arguments — that the Allies before the war's end had promised only to take territories Japan prewar had gained by force; that its 1951

renunciation of the Kurils did not say to whom they should go; and that Moscow did not join the 1951 treaty – would add up to a reasonable negotiating position.

But Tokyo has passed up this opportunity by insisting, mistakenly, that it never agreed to give up what it now calls its Northern Territories.

Ironically it is only the extreme right-wing and the communists who realize the illogic of this position, and say Japan should claim all the Kurils. But given how Abe is unlikely to want to belong to either grouping, the illogic will likely continue.