

Why Haven't the Northern Territories Reverted to Japan?

By Sato Kikuo

Japan and Russia have yet to conclude a peace treaty despite 50 years passing since the end of World War II. Regardless, normal relations were established with the restoration of diplomatic ties at the signing of the Japan-Soviet Joint Declaration in 1956. A peace treaty has not been signed because the Northern Territories issue has not been resolved.

Russia still occupies and has not returned the "Northern Territories" island group, comprising Etorofu, Kunashiri, Habomai Islands and Shikotan, which Japan claims as its national territory.

Why haven't the Northern Territories been returned?

The following three reasons are cited:

1. Russia still clings to and wants to legitimize the ill-conceived notion that has existed throughout human history—that victors in war are entitled to the territory they claim.

2. The U.S. took the lead in drafting a peace treaty with Japan because it had played the primary role in the war against Japan, but distanced itself from Japan-Soviet territorial issues, not living up to expectations of its responsibilities.

3. Japan has encouraged public outcry for the return of the Northern Territories since the 1970s. This nationwide movement developed into a powerful anti-Soviet campaign, sowing the seeds for the Soviet Union's rigid resolve to not let go of the Northern Territories under any circumstances.

It goes without saying that the first of these three reasons carries the most weight. Even though the world will soon be entering the 21st century and all nations recognize that this is an era in which fairness, magnanimity, dialogue and coexistence should be stressed, Russia displays elements of a fixation with the old notion that "might makes right." These circumstances

leave little hope for the return of the disputed territory to Japan.

This discussion would not be complete without an analysis of Russia's attitude and policies.

Throughout the course of U.S.-Soviet negotiations and subsequent agreements on the future of Japan following World War II, the Northern Territories issue was thrown up into the air in terms of international law. This reflects the U.S. adoption of policies—pacts formed at the Yalta Conference, General Headquarters' (GHQ) enforced jurisdiction over Japan early in the Occupation and the draft peace treaty created by former Advisor to the Secretary of State John Foster Dulles (later Secretary of State), to overcome Soviet opposition—that seriously undermined Japan's stake in the issue. This short sightedness exhibited by the U.S. in the adoption of these policies was undeniably a factor engendering the roots of trouble.

Origins of the dispute

The problem originated in the February 1945 Yalta Conference. During the Yalta discussions the three then world leaders, Franklin D. Roosevelt, Winston Churchill and Joseph Stalin, secretly agreed to general principles for dealing with Japan and Germany after World War II and to the extent of their spheres of influence. Roosevelt and Stalin held direct negotiations to determine measures for handling various Japan-Soviet issues. This resulted in a Soviet promise to join the war against Japan two to three months after the conclusion of the war with Germany and was based on the following conditions, with which Roosevelt agreed:

1. Southern Sakhalin would be returned to the Soviet Union.

2. The Kuril Islands would be handed over to the Soviet Union.

3. The Soviets would acquire the right to use the South Manchuria Railroad.

The second point is where the problem lies. Historically, the first agree-

ment between Japan and Russia on territorial rights in the northern region was outlined when the two nations established diplomatic relations through the February 7, 1855 Russo-Japanese Peace and Friendship Treaty. The treaty specified that control of the Kurils would be divided between the two countries. A border was established between Etorofu and Urup, with the agreement that Etorofu and the islands to the south (Kunashiri, the Habomais, and Shikotan) would be Japanese territory, while Urup and the islands to the north would belong to Russia. No borders were established on Sakhalin, which was to be settled by both parties. Twenty years later, on May 7, 1875, the two countries signed a treaty that returned all Sakhalin to Russia and gave Japan all the Kurils. The Kurils became Japanese territory through peaceful discussion. And, recalling the items on territorial concerns in the Russo-Japanese Peace and Friendship Treaty, it was logical for Japan to claim the four islands from Etorofu south as its territory.

In subsequent territorial changes, Japan acquired the area of Sakhalin south of the 50th parallel through the 1905 Treaty of Portsmouth as a settlement for victory in the Russo-Japanese War.

But the Yalta Conference thoroughly upended the Japan-Soviet territorial relationship. This was neither a treaty nor a pact between nations but a secret, personal agreement made between the leaders of the U.S. and the former Soviet Union. Even if the transfer of Sakhalin to the Soviets was acceptable, the acquisition of the Kurils was illegal and nothing less than Soviet plunder of Japanese territory legitimated through their proclaimed victory over Japan in World War II.

Shigemitsu Akira, who participated in the Japan-Soviet peace treaty negotiations as an aide is a nephew of then foreign minister Shigemitsu Mamoru and he later served as ambassador to the

Soviet Union, concludes in his work, *The Northern Territories and Soviet Diplomacy* (Jiji Press Ltd.), "Unlike the post-war territorial issues that the Soviet Union dealt with in Europe, the problem with the Northern Territories is that from the outset the Soviet Union participated in the war and employed military force to acquire territory."

There were additional Soviet violations. Confronted by the atomic bombings (on August 6 and 9, 1945) and the Soviet Union's entry into the war on August 8, the emperor announced Japan's unconditional surrender on August 15. After entering the war, the Soviet army crossed the Soviet-Manchurian border and advanced south. The Kurils operation commenced on August 18, after the war ended, and was implemented until September 4, when all the Japanese forces on Kunashiri, the Habomais, and Shikotan had been completely disarmed. The Soviets occupied the Kurils by force of arms not in the

final phase of the war, but after the war was over. In line with Ambassador Shigemitsu's analysis, the case could be made that the entire Kurils chain was snatched through an even more perniciously illegal extortion plot. Moreover, since it was April when the Soviets announced that they would not renew the Japan-Soviet Union neutrality treaty, the agreement remained valid only until April of the following year.

Unfortunately, GHQ omitted the Northern Territories, including the Habomai Islands and Shikotan, in its directives regarding the jurisdiction of the Allied Occupation Forces. These measures had no impact on territorial rights, of course, but it could conceivably be inferred that, since Stalin was demanding Soviet occupation of the northern half of Hokkaido from a line linking Rumoi and Kushiro northward—a demand rejected by late U.S. President Harry Truman—GHQ's establishment of a jurisdiction beneficial to

the Soviets was the product of a U.S.-Soviet compromise.

Cold War chills

The onset of the Cold War following the aftermath of World War II was another misfortune for Japan. Due to the repercussions of the Cold War, the Soviet Union did not enter into the San Francisco Peace Treaty with Japan that took effect in April 1952, incorporating Japan into the group of independent nations led by the U.S., the mechanism for the simultaneous promulgation of a Japan-U.S. security pact, under which U.S. forces would continue to be stationed in Japan.

Nevertheless, this treaty included inappropriate clauses regarding Japan-Soviet territoriality. The treaty specified that Japan would renounce any and all right, title and claim to southern Sakhalin and the Kurils, but did not specify to whom they would revert.

While the U.S. demonstrated a breach



Russian residents on a street on Etorofu Island.

Photo: Kyodo News Service

of faith toward the former Soviet Union by repudiating Soviet territorial gains promised at Yalta on the one hand, it handled the problem irresponsibly by leaving territorial rights up in the air. As a result, the resolution of the Northern Territories issue was left up to two violently adversarial countries.

The peace treaty with Japan thus engendered trouble over the inability to resolve the Northern Territories problem. Of course, because that period was the height of the Cold War, one can sympathize that it was impossible to hope for a better counterproposal from Dulles. Still, the U.S. bears partial responsibility, if only for exacerbating the issue. Japan decided to limit attempts to resolve the issue to the framework of Japan-Soviet negotiations and did not request U.S. participation. Doubts remain as to whether this was entirely appropriate.

Toward formation of a peace treaty

Negotiations over a peace treaty with the Soviet Union began in London three years after the San Francisco Peace Treaty took effect. Meanwhile, the Soviet Union was conducting parallel peace negotiations with Germany in the west.

Matsumoto Shun'ichi (a foreign vice-minister during the final period of World War II and a member of the lower house of the Diet at the time) and the Soviet ambassador to the UK, Yakov Malik, both with full negotiating powers, opened the talks in London. The return of the 600,000 Japanese internees in Siberia, territorial questions and Japan's membership in the United Nations were the main items on the agenda. The issue of the return of prisoners required urgency and proceeded smoothly, but the territorial issue remained central to the talks.

The Soviets naturally demanded the surrender of southern Sakhalin and the Kurils, stressing that "Kurils" meant the entire chain, from the northernmost Shumshu to the Habomai group and Shikotan in the south. As the talks proceeded, the Soviet Union proposed that,

perhaps in consideration of friendly relations between the two countries following normalization of diplomatic ties, it was prepared to return the Habomais and Shikotan, widely recognized to be part of Hokkaido. In response, Japan took the position that the Kurils were not territory that Japan had seized by military force as described in the Potsdam Declaration and demanded the withdrawal of Soviet occupation forces and the return of the islands. Indeed, Tokyo's clearly expressed instructions were to obtain the four islands from Etorofu southward or at least hold out for the Habomais and Shikotan. Matsumoto was confident that a compromise would be reached. However, because the Foreign Ministry ordered in the course of the talks that ownership of all the above-mentioned southern Kurils was not to be yielded under any circumstance, the London talks ended in a stalemate.

The site of the talks was moved to Moscow where Foreign Minister Shigemitsu Mamoru himself entered the negotiations to break the deadlock. At the time the government of Yoshida Shigeru had been replaced by a new cabinet headed by Hatoyama Ichiro, under the sway of the powerful Agriculture Minister, Kono Ichiro, who had strong ties to the northern fishing industry.

In keeping with the Hatoyama-Kono stance, Matsumoto intended to resolve the issue by obtaining the return of the Habomais and Shikotan. But, the powerful pro-America Yoshida held out for the return of the whole group, with the backing of the Foreign Ministry, concluding in a harmful, two-track foreign policy. Surprisingly, Foreign Minister Shigemitsu, an erstwhile hawk, had a change of heart with respect to the



Shikotan-Habomais compromise during the Moscow negotiations.

Talks end in failure—again

The talks again fell apart because Prime Minister Hatoyama, the pragmatic dove, rejected Shigemitsu's change of mind. Ailing and wheelchair-bound, he finally left for Moscow to try to save the negotiations with a compromise in spite of the strong impediment of Moscow's dogged refusal to return the islands.

He temporarily shelved the territorial issue by effecting normalization of relations with the signing of the Japan-Soviet Joint Declaration, a de facto peace treaty. The text of the declaration stated, "In this connexion [sic], the Union of Soviet Socialist Republics, desiring to meet the wishes of Japan and taking into consideration the interests of the Japanese state, agrees to transfer to Japan the Habomai Islands and Shikotan, the actual transfer of these islands to Japan to take place after

the conclusion of a peace treaty between the Union of Soviet Socialist Republics and Japan." In this way, restoration of diplomatic relations and Soviet agreement on the outstanding issues of the return of Japanese prisoners and Japan's membership in the UN were achieved even though Japan's territorial claim had not yet been met. Japan took the tack of tenaciously trying to resolve the territorial issue through ongoing discussions.

Lacking a conclusive peace treaty, fraternal and economic relations between Japan and the Soviet Union have remained little more than fanfare that has resulted in a 40-year cold peace continuing to the present.

Hopes soar as Gorbachev takes office

With Nikita Khrushchev's fall from power in 1964, the Soviet Union entered an era with General Secretary Leonid Brezhnev and Foreign Minister Andrei Gromyko, known as Mr. Nyet, taking over foreign policy. Evinced the conviction that the Japan-Soviet territorial issue had been resolved, he resolutely refused to accept Japan's claims and, until General Secretary Mikhail Gorbachev came to power in the mid-1980s, there was no substantive progress in Japan-Soviet peace negotiations.

Many Japanese expected that Gorbachev's adopted slogan of *perestroika* would also be reflected in foreign policy and peace negotiations began again in this atmosphere. During the upheavals accompanying the collapse of the Berlin Wall and the breakdown of the Soviet system, support for the return of the Northern Territories increased within Russia, signs that the situation would improve.

Then, during President Gorbachev's 1991 Japan visit, Prime Minister Kaifu Toshiki sought to adopt a statement linked to the return of the Northern Territories, but the focus was reduced to a reaffirmation that steps would be taken to return the Habomais and Shikotan, the minimum promised in the Japan-Soviet Joint Declaration of 1956.

Through eight rounds of talks Kaifu exerted his utmost to obtain reconfirmation from Gorbachev, but ended up disappointed. At a midnight press conference after the talks had wrapped up, Gorbachev, in reply to a question referring to the promised return of the territory, said; "We were unable to revive an agreement. Nothing materialized and the chance is now lost. All has been swept away by history." Put differently, if nothing had borne fruit in the 30 years since the promised return, the statute of limitations had already expired. The Japanese were incensed.

Gorbachev's successor, President Boris Yeltsin, President of the Supreme Soviet in 1991, proposed a five-point plan for the release of the islands that he had devised: (1) both Japan and Russia would admit the existence of a territorial problem; (2) the Northern Territories would be designated as a special development zone and incentives would be adopted to attract companies from around the globe; (3) Russian forces stationed there would be withdrawn; (4) a peace treaty would be concluded between Japan and Russia; and (5) the final resolution of the territorial issue would be entrusted to a future generation.

Islanders' demise

With the collapse of the Soviet Union, the Russian residents of the four northern islands, who appeared to have been cast off by the central government, were distressed by the deterioration of facilities and production activities that had mostly come to a halt. I imagine that if the residents' salaries remained unpaid and the supply of funds and raw materials from the central government stopped, the Northern Territories would likely end up as an uninhabitable paradise. Yeltsin's special economic zone was an empty theory, completely at variance with reality.

The over 40-year-old MIGs of the occupation forces' were quickly returned to the mainland, but lacking a place to which they could return, or living quarters for that matter, most of the land forces remain. During the Cold War era, the channel to the north of Urup served as the Soviet Pacific

Fleet's corridor to the Pacific and the forces stationed on Etorofu and the other islands were valued as the front line guarding this route. The only conceivable reason for them to remain now is to demonstrate that the territory is Russian. As far as item four of Yeltsin's proposal is concerned, a peace treaty will not be concluded without prospects for resolution of the territorial issue. Item five is an idea that mocks the Japanese people, who want to quickly resolve the problem, but is considered the most likely solution from a practical standpoint.

Although it sparks tremendous disappointment, the frank display of the feelings of the Russian leadership and most Russian people toward Japan make these circumstances noteworthy.

The justice in "law and justice"

Before his October 1993 trip to Japan, President Yeltsin visited a former Japanese internment camp in Siberia to offer apologies and condolences to those who were interned there. He also offered a statement of apology in Tokyo.

In response to Prime Minister Hosokawa Morihiro's vigorous demands for the return of Japan's territory and reconfirmation of the validity of the 1956 joint communique, Yeltsin stated, "The resolution of the territorial issue is linked to foreign policies based on law and justice," with the brush-off that it would be difficult to resolve the territorial issue quickly.

Regarding "law and justice," which turned into Yeltsin's slogan for his Japan policies, Japanese and Russian modes of thinking toward "law," formerly based on the treaties and pacts that bound Japan and the former Soviet Union, do not differ greatly. The specific differences in the meaning of "justice," however, are completely unclear. When asked what the Russian premier meant by "justice," ITAR-Tass Tokyo bureau chief Vassili Golovnin and Komsomolskaya Pravda Tokyo bureau chief Nikolai Tsvetkov both replied that perhaps it meant the justice served by

Soviet participation in World War II against Japan, foiling Japan's aggression against the people of Asia.

This was a distressing explanation. Most Japanese believe that the Soviet Union's entry into the war—in violation of the Japan-Soviet neutrality treaty—the illegal occupation of the Kurils, and the inhumane treatment of Japanese POWs in Siberia were injustices. Yeltsin's definition of justice is a manifestation of the injustices mentioned here.

Perhaps secretly it was an expression of hope that the Northern Territories would be returned. On the contrary, the perception that the Soviet victory was just, which in no way meshes with the Japanese view, leads to the bleak realization that hope for the reversion of the Northern Territories to Japan is nothing more than wishful thinking.

When all else fails . . .

During the latter days of the Soviet state I spoke to a foreign policy research organization in a certain outlying city and was asked by the audience whether the Northern Territories would be returned. The auditorium fell into a hush when I replied that they would be returned if one condition were met. When I added that it meant that Japan would have to go to war with the Soviet Union again and defeat it, the auditorium erupted in a lengthy laughter. I sarcastically posited that only when an utterly improbable condition was fulfilled would the Northern Territories be returned, a notion that had everyone rolling on the floor.

Joking aside, there remains one other option—remittance on the order of \$10 billion as an economic cooperation and support fund in exchange for the territo-

ry. There are many in Japan who seriously question whether Japan's sacred soil should be bought, making agreement difficult to obtain. There is also opposition from Russian nationalists.

Nonetheless, it appears that this transaction was actually tried. There is a plausible rumor that, in the Kremlin several months prior to President Gorbachev's visit to Japan, then Liberal Democratic Party Secretary-General Ozawa Ichiro proposed that the islands be exchanged for a grant of \$26 billion. The president turned down the deal. It appears that the rejection was inevitable because the president lacked the authority to put the deal together. If he had possessed then as much power as Stalin or General Secretary Brezhnev had at their height, he might have followed through with the proposal.

Considering the current political disarray in Russia, particularly with the rise of a nationalist extreme, it would seem that the inevitable conclusion we must draw is that the possibility of a resolution of the Northern Territories issue has all but evaporated.

Russian parliamentary election

In the winter of 1995, with all hope for the resolution of the Northern Territories issue gone, Russia held parliamentary elections. The Communists captured a third of the seats, ascending to dominance in the State Duma. A variety of conservative, nationalist parties came second and Our Home Is Russia movement, the party of Prime Minister Viktor Chernomyrdin and supported by President Boris Yeltsin, was contented with third.

Russian voters are disgruntled with Yeltsin's reform and liberalization policies and a broad segment of the population, particularly impoverished pensioners, likely voted for the new Communists believing that times had been better during the old Communist regime. Then, pensions were paid regularly and food supplies were guaranteed.

For whatever reason, many pundits in Russia and elsewhere held to the opinion that a Communist Party revival was



Photo: Kyodo News Service

Russian President Boris Yeltsin prays in silence for the victims of prison camp incarceration during his speech at a welcome party sponsored by economic groups. Tokyo Kaikan, Marunouchi, Tokyo, October 12, 1993, 2:00 p.m.

unlikely and, while granting that the recent lower house election result was a sharp rebuke to the Yeltsin government, those with serious misgivings about Russia's course remained in the minority. But now that the Communists and Vladimir Zhirinovskiy's far-right Liberal Democratic Party have made inroads into the Duma it should be apparent that Russia is in danger of reversing course.

Why else would Yeltsin dismiss five unpopular conservative cabinet members, including Deputy Minister Sergei Filatov, Foreign Minister Andrei Kozyrev, who favored harmonious ties with the West, was forced out of the cabinet due to growing criticism from conservatives over complete U.S. and NATO control over Bosnian initiatives and Russia's subsequent relegation to a secondary role.

These were clearly adverse developments for Japan with regard to the Northern Territory issue. The conservative trend in Russia must inevitably be considered a factor that will lead to a retrenchment and cooling off between Japan and Russia rather than the expanded bilateral equilibrium that the Foreign Ministry has espoused for the development of a relationship based on cordial cooperation.

As if in affirmation of this somber outlook, the conservative former head of the intelligence service (former deputy chairman of the KGB), Yevgeny M. Primakov, was appointed Kozyrev's successor as foreign minister. Among his remarks on foreign policy directions at a press conference immediately after assuming his new post, Primakov stressed that "the resolution of the Northern Territories issue should be left to a future generation." His comment was identical to item five in Yeltsin's five-point proposal for resolution of the issue.

With increased nationalistic tendencies in Russia and the arrival of Primakov, a hardliner toward the West, resolution of the issue appears to be more remote than ever. As far as Japan is concerned, Primakov's assumption of the foreign ministership is the resurrection of Foreign Minister Andrei Gromyko. In future negotiations with Japan over the issue there may be a

reversion to the posture that the territorial issue has been resolved.

A trilateral approach?

Prior to these unpleasant developments there was a noteworthy statement that, in this writer's eyes, carried important undertones. During a visit to Sakhalin in December last year U.S. ambassador to Russia Thomas Pickering said, "the Northern Territories should be returned to Japan." Japan was heartened by this unexpected statement of support.

The Russian government sharply rejected this. High ranking foreign officials declared that it was "an intolerable and exceedingly untimely statement," adding the censure that it "also violated the norms of diplomatic conduct and that such a diplomat could conceivably be recalled at once." Though it is unlikely that this was a sincere reprimand urging the ambassador's recall, probably just a foreign policy feint, it merited attention because the source of the dispute between Japan and Russia had unexpectedly surfaced in the form of a diplomatic tit for tat between Russia and the U.S.

The flutter of hope was then reduced to disappointment when then Foreign Minister Kono Yohei failed to ponder U.S. support seriously, instead brushing off Ambassador Pickering's statement as a simple reiteration of the usual U.S. view. It is probably a bit hasty to read a deeper implication into Pickering's statement. But, as I explained in detail earlier on in this article, in light of the fact that the U.S. neglected to deal with the issue of returning the Northern Territories to Japan in the past, this writer proposes that it would be exercising good sense to take advantage of the important opportunity afforded by Pickering's statement and reconsider the approach to negotiations over the Northern Territories.

To have the U.S. play a more prominent role would involve tenaciously pressing Russia to accept U.S. participation in the talks, switching the framework for negotiations from a bilateral format between Japan and Russia to a trilateral arrangement that would

include the U.S. Undoubtedly, Russia would vehemently reject the participation of the tough Americans. But from the standpoint that this is an international diplomatic issue borne of World War II that has yet to be addressed, it is hardly unusual that Japan stresses the appropriateness of U.S. participation, adopting a stance urging the U.S. to fulfill its responsibility. This writer firmly believes that this could be the way to break the deadlock in the negotiations between Japan and Russia.

Soviet leaders, typified by late Foreign Minister Gromyko, scornfully considered Japan a U.S. vassal. Puny Japan could never equal the Soviet Union politically or militarily. Japanese efforts to have the Soviet Union, a nuclear superpower, recognize the injustice of its occupation of the Kurils and attempts to have the Northern Territories returned have been the equivalent of doggedly repeating the folly of a person banging his head against a brick wall. The efforts of the past several decades' have clearly been for naught.

If, as always, the Foreign Ministry adopts the pretense that "Japan and Russia are on the threshold of a new era,"¹ and continues to negotiate in the usual manner—in an air of superficial cordiality—the Japanese, who are weak in diplomatic matters, will undoubtedly erupt in anger and urge the Foreign Ministry to get serious. But it is not too late. I would like to see the new administration of Hashimoto Ryutaro push to have the U.S. included in the negotiations to fulfill its international diplomatic obligations regarding the Northern Territories issue as vindication of the Japan-U.S. alliance and see an indication that it has a strong intention to help Japan out of its dilemma. Pickering's statement provides a most fitting opportunity. ■

¹This is taken from the title of a book by Togo Kazuhiko, who served as a director in the Foreign Ministry's Soviet Union division and engaged in negotiations between Japan and Russia during the Kaifu Toshiki administration. His current post is Minister to Russia.

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