
Is the so-called ‘Rusk Letter’ be a Critical Evidence of Japan’s Territorial Claim to Dokdo Island?

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This paper provides detailed analysis of the so-called ‘Rusk Letter’ which has been generally referred to as an evidence of Japan’s territorial claim to Dokdo island. The Rusk Letter is a diplomatic epistle which was drafted by Dean Rusk, the US Assistant Secretary of State and sent to the Korean Embassy in the US on August 10, 1951. This letter considers Dokdo as Japan’s territory. However, the Rusk Letter has been legally and historically criticized from mainly two aspects. First, the Rusk Letter referred to the ownership of Dokdo only considering the Japanese position which was not true. Second, this letter was a confidential and unofficial document which was sent only to Korea; Japan and even the US Embassy to Korea did not know the Rusk Letter. It did not influence on the decision of Peace Treaty. Therefore, the Rusk Letter cannot be a critical evidence of Japan’s territorial claim over Dokdo.

Keywords

Rusk Letter, Dokdo, Takeshima, Territorial Claim, Evidence, San Francisco Peace Treaty, Cairo Declaration, Potsdam Declaration, US draft, US-British Draft

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1. Introduction

Today, there are three major maritime territorial issues in Northeast Asia: (1) Kurill Islands; (2) Senkaku Islands (Dioyudao); and (3) Dokdo Island (Takeshima), to which Japan is a party. This article will cast light upon the Dokdo problem. In particular, the author will provide a detailed analysis of the so-called ‘Rusk Letter’ which has generally been referred to as an evidence of Japan’s territorial claim to Dokdo Island.

The Rusk Letter is a diplomatic epistle which was drafted by Dean Rusk, the United States Assistant Secretary of State and sent to the Korean Embassy in the United States on August 10, 1951. Japan argues that this letter is crucial evidence that Dokdo belongs to Japan, because it states Dokdo is part of Japanese territory. Further, Japan widely publicized its territorial claim over Dokdo by both uploading this letter to “The Issue of Takeshima” website¹ of the Ministry of Foreign Affairs, and inserting it into media steams such as the pamphlet “10 Issue of Takeshima,”² the leaflet “Japan’s Position on Takeshima” and the video “Takeshima-Seeking a Solution based on Law and Dialogue.”³ However, these arguments have been legally and historically criticized from two pertinent aspects.

The primary purpose of this research is to examine whether the Rusk Letter is a decisive evidence of Japan’s territorial claim over Dokdo. The author will refute Japan’s claim by enumerating objective facts and empirical analysis. This article consists of five parts including short Introduction and Conclusion. Part two will display historical backgrounds that lead to the composition of the Rusk Letter. This part will particularly show how the Allied Powers acquired the ownership over Dokdo from the Cairo Declaration to the adoption of the San Francisco Peace Treaty [hereinafter Peace Treaty]. Part three will trace the drafting and forwarding processes of the Rusk Letter. Finally, Part four will look through the contents of the Rusk Letter closely and examine the admissibility of evidence.

¹ Ministry of Foreign Affairs of Japan, Takeshima in the San Francisco Peace Treaty (サンフランシスコ平和条約における竹島の扱い), available at http://www.mofa.go.jp/mofaj/area/takeshima/g_sfjoyaku.html (last visited on Jan. 1, 2014).

² Ministry of Foreign Affairs of Japan, 10 Issues of Takeshima, available at http://www.mofa.go.jp/region/asia-paci/takeshima/pamphlet_e.pdf (last visited on Jan. 7, 2014).

³ Ministry of Foreign Affairs of Japan, Takeshima: What do you know about Takeshima?, available at <http://www.mofa.go.jp/mofaj/area/takeshima> (last visited on Jan. 1, 2014).