
Legal Status of Dokdo Islands in the SCAP Directives and the San Francisco Peace Treaty: A Bibliographical Analysis

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This research analyzes how a series of Allied occupation directives (SCAPINs 677, 841, and 677/1) interacted with the drafting and implementation of the 1951 San Francisco Peace Treaty to shape the legal status of Dokdo Islands (Takeshima). The author argues that, first, SCAPIN 677 excluded Dokdo from Japan's governmental and administrative control by defining "Japan" for occupation purposes and listing excluded areas. Second, Paragraph 6 clarified that this definition did not predetermine ultimate sovereignty. Third, SCAPIN 841 partially amended SCAPIN 677 by returning the Izu and Nanpo Islands north of and including Sofu Gan to Japanese administration. Fourth, SCAPIN 677 remained operative for other excluded areas, including Dokdo. This essay contends that Dokdo's omission does not imply a Japanese title because its exclusion had already been implemented under SCAPIN practice and reflected in the UK draft. While SCAPINs did not themselves determine ultimate sovereignty, their unrevoked administrative separations were "inherited" by the San Francisco framework.

Keywords

Dokdo, SCAPIN 677, SCAPIN 841, SCAPIN 677/1, San Francisco Peace Treaty, British Draft

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1. Introduction

The Supreme Commander of the Allied Powers (SCAP) issued SCAP Index Number (SCAPIN) 677 to the Japanese government on January 29, 1946, following Japan's surrender in World War II. In SCAPIN 677, Dokdo (Takeshima in Japan) Islands were designated as part of a South Korean-administered area, thereby excluding it from Japan's political and administrative jurisdiction. In response, the Japanese government insisted that Dokdo not become a Korean territory under SCAPIN 677. Japan's claim is based on SCAPIN 677, Paragraph 6, which states: "Nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration." Article 8 states that the ultimate determination of Japan's small islands would be made by the Allied powers, which included the US, the UK, and the then Republic of China (ROC), all of whom signed the Potsdam Declaration. As the ROC retreated to Taiwan after Japan's defeat and the Communist Party occupied mainland China, however, the ROC was virtually eliminated from the "we." Consequently, the US and the UK decided to take responsibility over Japan's small islands.

In this regard, the Far Eastern Commission reviewed and approved the decisions of the US and the UK. Accordingly, the Japanese territory following its defeat was decided in the drafting of the San Francisco Peace Treaty. The South Korean government's basic position was not much different. However, South Korea viewed that Dokdo's status was eventually reflected as Korean territory in the San Francisco Peace Treaty, as shown by SCAPIN 677, although SCAPIN 677, Paragraph 6 did not represent the Allied powers' final decision regarding Japan's islets.¹

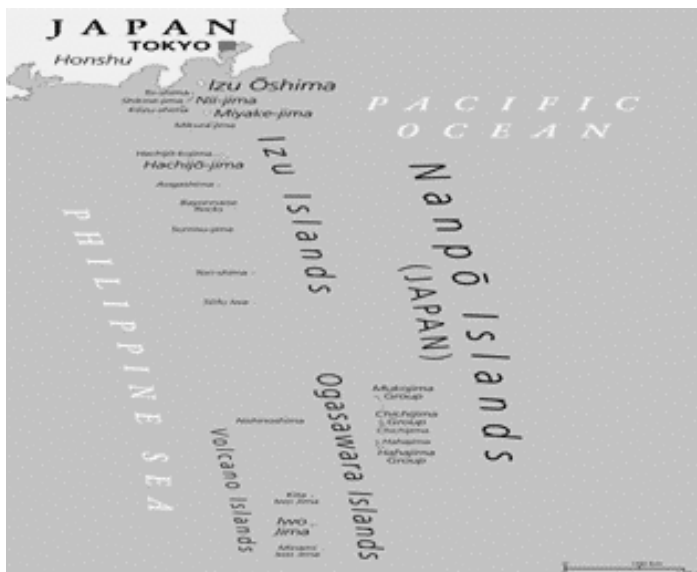
This research aims to investigate how SCAPIN directives were handled and when the San Francisco Peace Treaty actually entered into force through a bibliographic analysis. This paper discusses: Timeline of the SCAPIN directives; Effects of SCAPIN 677; SCAPIN Directive in the Draft San Francisco Peace Treaty; Dokdo in the San Francisco Peace Treaty; Effect of SCAPIN 677/1; and Japan's territorial jurisdiction under the San Francisco Peace Treaty.

1 The South Korean government's views on the San Francisco Treaty and SCAPIN 677 (from the Korean government's official Dokdo website, Q12): Article 2(a) of the Treaty of Peace with Japan of 1951 provides "Japan recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet." Of Korea's some 3,000 islands, the said article lists only Jeju (Quelpart), Geomundo (Port Hamilton), and Ulleungdo (Dagelet) as examples. See Ministry of Foreign Affairs of Korea, Q&A on Dokdo, <https://dokdo.mofa.go.kr/eng/dokdo/faq.jsp>.

2. Timeline of the SCAPIN directives

The SCAP issued SCAPIN 841 on March 26, 1946² to partially revise SCAPIN 677. SCAPIN 841 was adopted to return the Izu Islands, which are located south of Tokyo, and the northern part of the Nanpo Islands, including Sofu Gan, to Japanese territory (Figure 1).

Figure 1: Izu Islands located south of Tokyo, the northern part of the Nanpo Islands, including Sofu Gan(Iwa).³



These islands had been separated from Japan by SCAPIN 677. However, Paragraph 4 of SCAPIN 841 includes the same content as Paragraph 6 of SCAPIN

2 SCAPIN 841: Governmental and Administrative Separation of Certain Outlying Areas from Japan, <https://jahis.law.nagoya-u.ac.jp/scapindb/docs/scapin-841>. It reads: “1. Reference is made to the following: a. Memorandum to the Japanese Government AG 091 (January 29, 1946) GS (SCAPIN 677), subject: “Governmental and Administrative Separation of Certain Outlying Areas from Japan.” b. Memorandum from the Japanese Government C. L. O. No. 918 (1.1) of February 26, 1946, subject, “Request for Information Regarding Status of Izu Islands.” 2. Paragraph 3 of reference “a” is hereby amended so that the Izu Islands and the Nanpo Islands north of and including Lot’s Wife (Sofu Gan) are included within the area defined as Japan for the purpose of that directive.”

3 VistaCreate, The Izu and Nanpo Islands, <https://create.vista.com/unlimited/stock-vectors/679561020/stock-vector-nanpo-islands-island-groups-japan-political-map-volcanic-islands-located>.

677, which states as follows:

Nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration.

Meanwhile, Paragraph 3 of SCAPIN 841 reads as follows:

The Japanese Government is hereby directed to resume governmental and administrative jurisdiction over these islands, which are subject to the authority of the Supreme Commander of the Allied Powers.

The directive for the Japanese government to resume control of the Izu and Nanpo Islands from Sofu Gan was later reflected in the San Francisco Peace Treaty. The Japanese government already regained control of these islands under SCAPIN 841. Moreover, no other SCAPIN directives were issued to repeal or amend the decision; therefore, the Japanese side adhered to SCAPIN 841 in the San Francisco Peace Treaty.

Around 2,200 SCAPIN directives were issued from September 3, 1945 (SCAPIN 1) to April 26, 1952 (SCAPIN 2204). According to the SCAPIN log in the Library of the National Diet of Japan, each SCAPIN contains a title and an alternative title. The revised and abolished document names can be found in the alternative title section as follows.⁴

[Title] SCAPIN-4: INTENDED MINESWEEPING OPERATIONS BY AMERICAN NAVAL FORCES IN JAPANESE WATERS (1945/09/03, GC.)

[Alternative Title] Amended by SCAPIN 9. Rescinded by SCAPIN 2175.⁵

SCAP ended its activities on April 28, 1952. Nevertheless, some SCAPIN directives were not declared abolished or discarded. The contents of these directives informed the San Francisco Peace Treaty, which might have removed the need to specify and indicate their abolition.

4 NDL Search, Supreme Commander for the Allied Powers Directives to the Japanese Government, https://ndlsearch.ndl.go.jp/mavi/occupation/SCA_1.

5 *Id.* The contents of SCAPIN No. 4 were issued on September 3, 1945, amended by SCAPIN 9, and abolished by SCAPIN 2175. SCAPIN 9 was issued on September 6, 1945, and SCAPIN 2175 was issued on October 8, 1951.

3. Effects of SCAPIN 677

The contents of SCAPIN 677 were neither abolished nor discarded. Indeed, the following shows the title and alternate title attached to SCAPIN 677.

[Title] SCAPIN-677: GOVERNMENTAL AND ADMINISTRATIVE SEPARATION OF CERTAIN OUTLYING AREAS FROM JAPAN(1946/01/29, GS.)

[Alternative Title] Directs the Japanese Government to cease exercising governmental or administrative authority over any area outside of Japan, or any persons in such area. For purposes of this directive, Japan is defined, and excluded areas are also indicated. Amended by S.⁶

The “S” in the last part of the [Alternative Title] is presumed to be the first letter of another SCAPIN directive. The Alternative title of SCAPIN 677/1, [Amends SCAPIN 677], indicates that SCAPIN 677/1 amended SCAPIN 677, and the amended content formed the San Francisco Peace Treaty. The SCAPIN log contains SCAPIN 677/1 after SCAPIN 677 with the following title details.

[Title] SCAPIN-677/1: GOVERNMENTAL AND ADMINISTRATIVE SEPARATION OF CERTAIN OUTLYING AREAS FROM JAPAN (1951/12/05, GS.)

[Alternative Title] Amends SCAPIN 677.⁷

SCAPIN 677/1 finally separated Dokdo from Japan’s political and administrative areas and incorporated the islands into Korean territory. SCAPIN 677/1 was implicitly adopted in the San Francisco Peace Treaty. Meanwhile, SCAPIN 677 was partially amended by SCAPIN 841, which was also not repealed and later integrated in the San Francisco Peace Treaty.

[Title] SCAPIN-841: GOVERNMENTAL AND ADMINISTRATIVE SEPARATION OF CERTAIN OUTLYING AREAS FROM JAPAN (1946/03/22, GS.)

6 SCAPIN 677: Governmental and Administrative Separation of Certain Outlying Areas from Japan 1946.01.29, <https://dl.ndl.go.jp/pid/9885747/1/1>.

7 SCAPIN 677/1: Governmental and Administrative Separation of Certain Outlying Areas from Japan 1951.12.05, <https://dl.ndl.go.jp/pid/9885748/1/1>.

[Alternative Title] Amends SCAPIN 677. Informs the Japanese Government that the Izu Islands and certain Nanpo Islands are to be included within the area defined as Japan for purposes of SCAPIN 677.⁸

4. SCAPIN Directive in the Draft San Francisco Peace Treaty

The British draft of the San Francisco Peace Treaty was written on April 7, 1951. It was presented to the Japanese side, reflecting the provisions of SCAPIN 677 and SCAPIN 841. Dokdo was separated from Japanese territory in this British draft, as suggested by SCAPIN 677, whereas the Izu Islands and the Nanpo Islands south of Tokyo were included in Japanese territory, as suggested by SCAPIN 841.

Initially, the Japanese side did not complain about the status of Dokdo being separated from Japan.⁹ When the US presented the British draft to its Japanese counterparts,¹⁰ Japan asked the US to remove the line surrounding Japan in the British draft, because it was “a psychological burden.”¹¹ The US and the UK accepted Japan’s request.

The US-UK joint draft of the San Francisco Peace Treaty presented only the treaty’s contents in words, reflecting Japan’s request; no pictures, such as the map inserted in the British draft on April 7, 1951, thus be included. This joint draft was ultimately adopted as the text of the San Francisco Peace Treaty with the approval of the Far Eastern Commission. New Zealand, a member of the Far Eastern Commission, objected to the US-UK joint draft, stating: “If the line surrounding Japan is removed, there is a risk of problems on a small island in the future.”¹² As New Zealand ultimately agreed to the US-UK joint draft, however, the draft text was finalized.¹³

8 SCAPIN 841: Governmental and Administrative Separation of Certain Outlying Areas from Japan 1946.03.22, <https://dl.ndl.go.jp/pid/9885921/1/1>.

9 JEONG BYEONG-JUN, DOKDO1947: RELATIONSHIP BETWEEN KOREA, THE U.S., AND JAPAN ON THE DOKDO ISSUE AFTER THE W.W. II [독도1947 : 전후 독도문제와 한·미·일 관계] 653 (2010).

10 *Id.*

11 *Id.* at 650-1.

12 SHIN YONGHA, EXPLORATION OF DOKDO TERRITORY DATA III [獨島領有權 資料의 研究III] 359 (2000).

13 New Zealand did not comment further because the US expressed disagreement with New Zealand. The US had three objections to New Zealand as follows: (1) Marking Japanese territory with connecting lines may negatively affect the Japanese psychologically; (2) The Japanese government has already rejected the British draft; and (3) The US

5. Dokdo in the San Francisco Peace Treaty

The San Francisco Peace Treaty was signed on September 8, 1951. Article 2 (a) of the Treaty stipulates the Korean territory, but Dokdo is not specified in this provision. Japan has argued that this omission indicates that Dokdo remains Japanese territory.¹⁴ However, Dokdo is not referred to in the Korean territory clause of the San Francisco Peace Treaty because Dokdo's status had already been established as Korean territory under SCAPIN 677 and SCAPIN 841, as well as the British draft. The San Francisco Peace Treaty only expanded the scope of Japanese territory from 30°N in the Ryukyu Islands to 29°N when the British draft was incorporated in the US-UK joint draft.¹⁵

Indeed, Dokdo was excluded from Japanese territory in the British draft. Any changes in Dokdo's status then should have been reflected in the provisions of the San Francisco Peace Treaty if the Allied Power agreed to do so. However, no such changes were recognized when the final draft of the San Francisco Peace Treaty was adopted. This means that Dokdo is a separate territory from Japan. As such, Dokdo was confirmed to be a Korean territory under the San Francisco Peace Treaty.

6. The US-UK Agreement in the Process of Writing the Joint Draft

proposed to include Jeju Island, Geomun Island, and Ulleung Island in the draft instead; the UK itself withdrew the draft marking the Japanese territory with lines. See Foreign Relations of the United States, <https://history.state.gov/historicaldocuments/frus1951v06p1/d585>.

14 Ministry of Foreign Affairs of Japan, Takeshima as a Bombing Range for the U.S. Forces, https://www.mofa.go.jp/a_o/na/takeshima/page1we_000063.html.

15 Treaty of Peace With Japan, art. 3, <http://www.chukai.ne.jp/~masago/sanfran.html>. It reads: "Japan will concur with any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29 deg. north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island, and the Volcano Islands), and Parece Vela and Marcus Island; Provisional Draft of Japanese Peace Treaty, (United Kingdom) [...]" Part I, art. 1 reads: "Japanese sovereignty shall continue over all the islands and adjacent islets and rocks lying within an area bounded by a line from latitude 30°N. in a north-westerly direction to approximately latitude 33°N. 128°E then northward between the islands of Quelpart, Fukue-Shima bearing north-easterly between Korea and the island of Tsushima, continuing in this direction with the islands of Oki-Retto to the south-east and Take shima to the north-west curving with the coast of Honshu [...]" https://www.cas.go.jp/jp/ryodo/kenkyu/takeshima/shiryu_vol002-03.html.

The website of the National Museum of Territory and Sovereignty in Tokyo explains how the US–UK joint draft was written as follows:

At the 7th meeting of the US-UK consultations held intensively in Washington, DC, from April 25 to May 4, 1951, both delegations agreed that it would be preferable “to specify only the territory over which Japan was renouncing sovereignty,” and confirmed that “the insertion of the three islands, which included Quelpart, Port Hamilton, and Dagelet,” was required for the provision on the renunciation of Korea in the US draft.¹⁶

Japan contends that Dokdo was not included in the territory over which Japan renounced sovereignty because the US and the UK only specified such islands listed in the Korean territory clause as Jejudo Island, Geomundo Island, and Ulleungdo Island. However, Japan failed to account for several important considerations in this argument. If Dokdo was not included in the territory over which Japan renounced sovereignty, a counter-argument - Dokdo should be a part of Japanese territory - should have been clearly referred to in the US–UK joint draft because this is a serious change to the US–UK agreement, SCAPIN 677, SCAPIN 841, and the British draft of April 7, 1951. No such reference is found in the San Francisco Peace Treaty, however.

At that time, the US and the UK held conflicting views regarding the status of Dokdo. Responding to Australia’s inquiry on October 26, 1950, the US delivered its intention of placing Dokdo within Japanese territory.¹⁷ Conversely, the British draft of April 7, 1951, like SCAPIN 677, separated Dokdo from Japan. As Dokdo was actually and effectively controlled by South Korea in accordance with SCAPIN 677, if Dokdo’s territorial sovereignty was transferred to Japan in such critical situation, an evident provision would have been indispensable. However, nothing was stipulated in this regard. Indeed, Japan did not raise any objections to the British draft that separated Dokdo from its territory. In other words, Japan effectively acknowledged Dokdo’s exclusion from Japanese territory.¹⁸

In a letter sent to the Australian Ministry of Foreign Affairs on April 23, 1951, meanwhile, the British stated: “If it is desirable to prevent future Korean acquisition of the Hornet Islands (Dokdo), which are uninhabited, they might be

16 National Museum of Territory and Sovereignty, https://www.cas.go.jp/jp/ryodo_cg/taiou/takeshima/takeshima02-03.html.

17 SHIN, *supra* note 12, at 329–32.

18 JEONG, *supra* note 9, at 653–5.

retained by Japan.”¹⁹ The Japanese side claims that this letter indicates that Britain also agreed with the US position that Dokdo belonged to Japan.²⁰ However, this letter was based on the assumption (“if it is desirable...”) which means that Dokdo was not decided as a Japanese territory during the US–UK consultation. Furthermore, it is only a British opinion and cannot serve as evidence that Britain agreed to the US position of Dokdo being Japanese territory.

On July 19, 1951, the Korean government requested that Dokdo be specified in the territories that Japan abandoned in this US–UK joint draft.²¹ Nevertheless, the US State Department rejected Korea’s request via the so-called Rusk Letter on August 10, 1951. However, the Rusk Letter was a confidential document only sent to South Korea as a reference for this question, never disclosed to other Allies.²² Even the UK had not agreed to the American position on Dokdo represented in the Rusk letter. The Rusk letter had no legal significance, let alone binding force.²³ If both the US and the UK agreed that Dokdo belonged to Japan, this fundamental change to SCAPIN 677 should have been clearly stated in the San Francisco Peace Treaty.

Moreover, the US representative to the San Francisco Peace Treaty, John Foster Dulles, mentioned that “the U.S. view re Takeshima [=Dokdo] is simply that of one of many signatories to the treaty.”²⁴ It means that Dokdo could not become a part of Japanese territory with only US support. SCAPIN 677 remained unchanged in the San Francisco Peace Treaty.²⁵

19 Foreign Office of the United Kingdom, Commissioned Research Report on the Takeshima-related Documents (FY2019), at 72, https://www.cas.go.jp/jp/ryodo_eg/kenkyu/assets/pdf/takeshima/report/takeshima-report-no39.pdf. It reads: “Chapter III. Territory. Article 3 (Articles 2, 4, 6, and 7 of the United Kingdom Draft and Paragraphs 5 and 6 of the United States Government’s Aide-Memoire) 1. 1st Sentence of Art. 3. Korea. Korea is not defined to include Quelpart Island, nor as including Utsuryo Shima or the Hornet Islands (Liancourt Rocks). This may lead to difficulty since these islands’ ownership may be disputed. If the United Kingdom Draft Paragraph 1 is accepted, Japanese sovereignty will be extinguished. Quelpart and Utsuryo were always regarded by the Japanese as part of Korea. If it is desirable to prevent future Korean acquisition of the Hornet Islands, which are uninhabited, they might be retained by Japan. 2. Formosa and the Pescadores. His Majesty’s Government prefers the wording of Article 4 of the United Kingdom Draft.”

20 Takeshima Research & Commentary Site, Peace Treaty and Takeshima: Focusing on the Response of Commonwealth Countries [平和条約と竹島 - 英連邦諸国の対応を中心に], https://www.cas.go.jp/jp/ryodo_eg/kenkyu/takeshima/chapter02_column_01-01.html.

21 JEONG, *supra* note 9, at 748–50.

22 YUJI HOSAKA, DOKDO: THE BRILLIANT HISTORY OF ITS 1500 YEARS 157 (2021).

23 *Id.* at 159.

24 Telegram of the Foreign Service of the US by John Foster Dulles on December 9, 1953, <https://www.dokdo-takeshima.com/wordpress/wp-content/images/dulles-doc1.jpg>.

25 Hosaka, *supra* note 22, at 68.

7. Japan's Territorial Jurisdiction under SCAPIN 677/1 and the San Francisco Peace Treaty

SCAPIN 677/1 was issued after the signing of the San Francisco Peace Treaty.²⁶ It was neither amended nor abolished but rather succeeded the San Francisco Peace Treaty. The text of SCAPIN 677/1 is as follows:

1. Reference:

- a. Memorandum for the Japanese Government, AG 091 (29 Jan 46) GS (SCAPIN 677), 29 January 1946, subject, "Governmental and Administrative Separation of Certain Outlying Areas from Japan."
- b. Memorandum for the Japanese Government, AG 091 (22 Mar 46) GS (SCAPIN 841), 22 March 1946, subject, "Governmental and Administrative Separation of Certain Outlying Areas from Japan."

2. Paragraph 3 of reference a, as amended by reference b, is further amended so that the Ryukyu (Nansei) Islands north of 29° north latitude are included within the area defined as Japan for the purpose of that directive. [Emphasis added]

3. The Japanese Government is directed to resume governmental and administrative jurisdiction over these islands, subject to the authority of the Supreme Commander for the Allied Powers.²⁷

Paragraph 2 of SCAPIN 677/1 states: "The Ryukyu (Nansei) Islands north of 29° north latitude are included within the area defined as Japan." Paragraph 2 was a revision to the British draft of April 7, 1951. The British draft originally stipulated that the scope of Japanese territory was "the Ryukyu (Nansei) Islands north of 30° north latitude."²⁸ This amendment was reflected in Paragraph 3 of the San Francisco Peace Treaty²⁹ and then SCAPIN 677/1, which explained the amendment about three months later.

After SCAPIN 677/1 was delivered, the Japanese government began controlling the islands from 30° north latitude to 29° north latitude, through the

²⁶ SCAPIN 677/1, *supra* note 7.

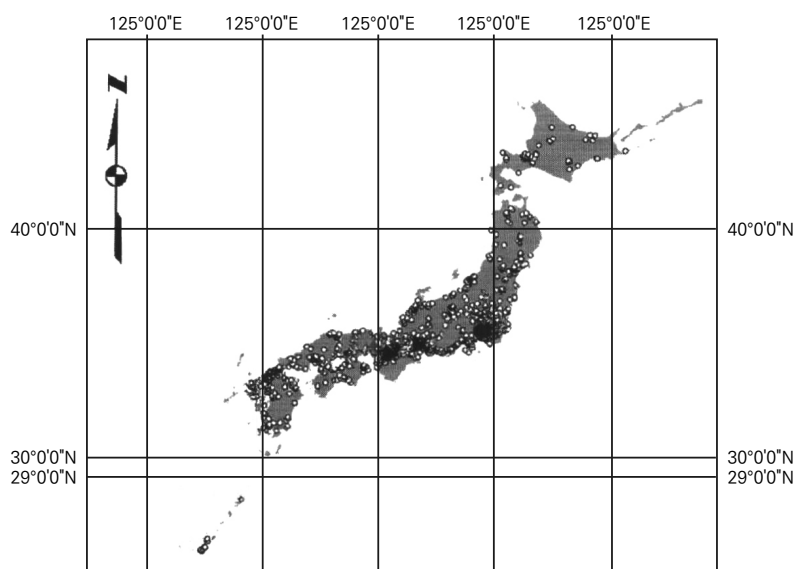
²⁷ *Id.*

²⁸ JEONG, *supra* note 9, at 574.

²⁹ Treaty of Peace with Japan (with two declarations). Signed at San Francisco, on 8 September 1951, https://treaties.un.org/doc/publication/unts/volume%20136/volume-136-i-1832-english.pdf?utm_source=chatgpt.com.

Foreign Exchange Rate and Foreign Trade Management Act enacted on February 11, 1952.³⁰ In other words, the Japanese government had already restored its administrative authority over the areas returned to Japan under the SCAPINs (especially 677/1) prior to the entry into force of the San Francisco Peace Treaty. Meanwhile, the Korean government was already exercising its sovereign right over Dokdo, which had been separated from Japan under SCAPIN 677. As SCAPIN 677/1 has not been abolished, Korea's control of Dokdo and Japan's control of the 30°N to 29°N islands have been legally maintained (Figure 2). Both jurisdictions have continued to the present day under the San Francisco Peace Treaty.

Figure 2: The Maritime Area under Japan's Control down to 29°N³¹



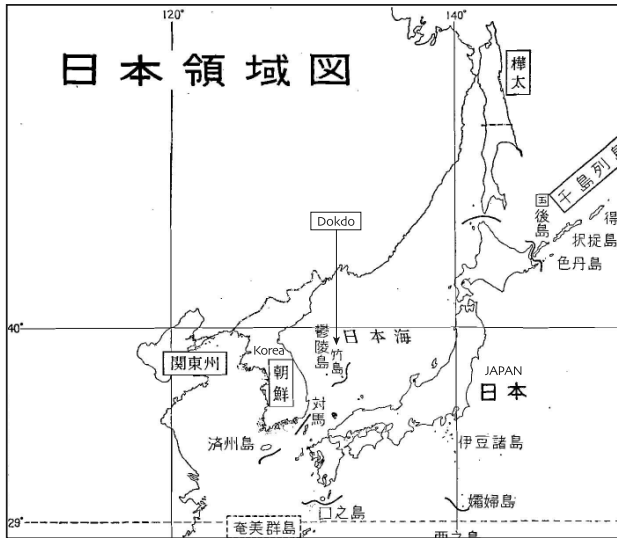
The Japanese maritime area established by SCAPIN 677/1 was finally reflected

30 SCAPIN 677/1 dated December 5, 1951, the administrative power of the Nansai islands (collectively known as Shimoshichi Islands) from 30 degrees north latitude to 29 degrees north latitude was handed over to the Japanese government. Consequently, the application of the Foreign Exchange and Foreign Trade Management Act came into force in this area on February 11, 1952. See Japan Center for Asian Historical Records, 1. Regarding the enactment of an order to revise part of the order on annexed islands under the Foreign Exchange and Foreign Trade Control Act), Japan Center for Asian Historical Records [1、外国為替及び外国貿易管理法に於ける附属の島に関する命令の一部を改正する命令の制定について], <https://www.jacar.archives.go.jp>.

31 Compiled by the author from the Map of Japan with Longitude and Latitude. Okinawa was excluded from Japanese territory under the San Francisco Peace Treaty. Japanese territory was recognized as including the area up to 29° N. This recognition meant recognizing the small islands near the identified latitude (29° N) as Japanese territory.

in the San Francisco Peace Treaty. Shortly after it entered into force on April 28, 1952, the MAINICHI SHIMBUN Daily published “The Map of Japan’s Territory” in a booklet titled, “The Treaty of Peace with Japan” (Figure 3), in which Dokdo is under the Korean jurisdiction.³²

Figure 3: The Map of Japan’s Territory³³



8. Validity of SCAPIN Directives in the San Francisco Peace Treaty

Article 19(d) of the San Francisco Peace Treaty stipulates the validity of the SCAPIN directives as follows:

(d) Japan recognizes the validity of all acts and omissions done during the period of occupation under or in consequence of directives of the occupation authorities or authorized by Japanese law at that time and will take no action

32 Jang Gye-hwang, Japan itself provides a map of Dokdo as a Korean land [일본 스스로 독도 한국 땅 지도 내놔], KOREA HIST. TIMES (Feb. 14, 2019), <https://www.koreahiti.com/news/articleView.html?idxno=3464>.

33 Map of Japan’s Territory [日本領域図], <http://www.kr-jp.net/map/mainichi-1952.pdf>

subjecting Allied nationals to civil or criminal liability arising out of such acts or omissions.³⁴

As per Article 19(d), the Japanese government validated all acts under the occupation authority's orders (e.g., SCAPINs) during the occupation period. Moreover, the San Francisco Peace Treaty contains no provision on the effect of SCAPIN directives being suspended with the end of the occupation period. According to Article 19(d), the San Francisco Peace Treaty approved the effects of SCAPIN 677 or SCAPIN 677/1, especially regarding the legal status of Dokdo as a part of Korean territory.

9. Conclusion

The SCAP issued about 2,200 SCAPIN directives in total. Although most of these indexes were subsequently abolished by April 26, 1952, or equivalent measures to prevent any legal misunderstanding by the Japanese government after the San Francisco Peace Treaty came into force, the SCAP itself never specified their validity period. Some SCAPINs were not ordered to be discarded or even transferred to the responsibility of the Japanese government. For example, SCAPIN 677/1 clarifies the carrying over of SCAPIN 677 and SCAPIN 841 to the San Francisco Peace Treaty. Therefore, these SCAPIN directives were not invalidated but integrated in the San Francisco Peace Treaty.

With SCAPIN 841 and SCAPIN 677/1, Japan regained the control of the Izu and Nanpo Islands, located south of Tokyo and further initiated the administrative jurisdiction over the islands of 30°N to 29°N under SCAPINs 841 and 677/1. According to Article 19(d) of the San Francisco Peace Treaty, the Japanese government recognized the validity of all acts resulting from the occupation authority's orders (e.g., SCAPINs) during the Allied Powers' occupation period. One of these was SCAPIN 677, which approved Dokdo as a part of Korean territory under the San Francisco Peace Treaty. As indicated in Paragraph 6 of SCAPIN 677, although SCAPIN 677 did not constitute the final decision on Japan's minor islands, the legal status of Dokdo has been eventually reflected in the San Francisco Peace Treaty as a Korean territory.

34 Treaty of San Francisco, art. 19(d).

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